

The logo for the New York City Bar, featuring the text "NEW YORK CITY BAR" in a bold, serif font, centered between two horizontal blue bars.

**NEW YORK
CITY BAR**

**The Chief Judge's Hearing on Civil Legal Services
September 28, 2010
Appellate Division, First Department
27 Madison Avenue, New York City**

**Testimony of the New York City Bar Association
By: Samuel W. Seymour, President**

Chief Judge Lippman and distinguished panelists:

Thank you for the opportunity to testify on the important topic of civil legal services in New York. My name is Sam Seymour and I am the President of the New York City Bar Association. At the outset, I want to thank you, Chief Judge Lippman, for bringing such a sharp focus to the vital need to provide adequate funding of civil legal services. I thank you, Steve Younger, and Helaine Barnett and all involved with the Task Force for the work you are doing and will do to accomplish this goal.

The City Bar is an organization of over 23,000 lawyers and judges dedicated to improving the administration of justice. In addition to having members who are active in legal services, and a committee devoted to studying ways to improve the delivery of pro bono and legal services in New York City, the Association has a public service affiliate - the City Bar Justice Center - whose mission is to leverage the resources of the City's legal community to increase access to justice for low-income individuals. The Justice Center does this by using a small staff to carefully match pro bono lawyers with clients, train them and supervise their work. We estimate that for every \$1 it spends, the Justice Center is able to deliver up to \$9 in value of legal services.

The Justice Center assists more than 20,000 clients a year. We assist immigrants who have been victims of violence or a crime, and also conduct outreach to immigrant communities regarding their rights and options. We assist homeless individuals and families seeking benefits, cancer survivors who have insurance and employment issues, elderly New Yorkers who seek wills and living wills, microentrepreneurs seeking all types of basic legal help, and veterans seeking disability benefits. We also provide assistance to persons filing for bankruptcy and those

seeking to defend against or prevent foreclosure. In addition, we operate a legal hotline that assists thousands of low-income callers on a wide range of issues every year.

Despite all of this, the need for civil legal services among those who cannot afford counsel far exceeds our ability to serve them.

The recession has had a major impact on our work, particularly for clients dealing with debt. Our bankruptcy program is busier than ever, the number of consumer debt calls to our hotline have increased 40% in the past few years, and our new foreclosure project has all the work it can handle. We, like other legal services providers, struggle with the same or reduced resources to serve a population which is particularly vulnerable to downturns in the economy.

I want to focus on one major part of the City's population who have particular difficulty receiving the legal services they desperately need – the City's immigrant population. Approximately 3,000,000 New York City residents are foreign born. Most of these immigrants are involved in the City's economy, but often in jobs that do not meet even basic income needs. Some are dependent on the City's heavily-tested safety net of benefits and services. These individuals have the same legal needs as the rest of the population in areas such as housing, family law, consumer problems, education and government assistance. And like other low-income New Yorkers, there are simply not enough lawyers to provide those services.

However, immigrants face further hurdles in accessing legal services. Our laws and rules are unfamiliar to them, and they lack basic understanding of how to proceed within our legal system. Many come from cultures where seeking legal help is discouraged, or where the delay in seeking such help leads to a compounding of their problems. Many immigrants lack the language skills to understand what their legal situation is or explain what they need. All this makes them particularly vulnerable to notarios and others fraudulently claiming to provide legal services, and recently we were called upon by both the New York County District Attorney and the New York State Attorney General to assist immigrant victims of such scams.

Compounding all of this, a substantial number of the City's immigrants have immigration-related problems which they must address while raising their families, making a living and dealing with all their other concerns. The City Bar Justice Center sees women and children who are victims of domestic violence and trafficking. We see people who have escaped their home countries and are seeking asylum. And we see people who, after starting a new life and becoming part of the fabric of our communities, are detained because of a long-ago criminal conviction which could subject them to deportation, sending them far from their communities and their families. We are grateful to the volunteers who have stepped forward to help these

immigrants pursue their claim, and we see what a difference it makes in the outcome of these matters to be represented. For example, among asylum seekers who were not detained at the time of their hearing, those represented by counsel received asylum 39% of the time, but only 14% of those who were unrepresented were successful. For those asylum seekers who were detained, the comparable numbers were 18% and 3%.

We are therefore particularly sensitive to the importance of providing representation to all immigrants who cannot afford lawyers to assert their basic claims and defenses. New York State should not subject these people to navigating the legal system on their own. Yet, only a tiny percentage of immigrant tenants, consumer debtors and parties in family proceedings have a lawyer to represent them. Working together, we must all find a way for all vulnerable New Yorkers to receive the legal assistance they need. The City Bar and the City Bar Justice Center look forward to working with the Task Force and helping in that effort.

Thank you.