



**The Chief Judge's Hearing on Access to Civil Legal Services
September 22, 2014
Appellate Division, First Department
27 Madison Avenue, New York City**

**Testimony of the New York City Bar Association
By: Debra L. Raskin, President**

I appreciate the opportunity to testify today on behalf of the New York City Bar Association at this annual hearing to address access to justice for New Yorkers who cannot afford an attorney for their crucial civil legal services needs. Chief Judge Lippman, we applaud your commitment and that of Helaine Barnett and the Task Force. You all have made New York a leader in increasing access to justice. However, as we all know, the justice gap still is far too wide, and calls for more resources, more commitment and more innovative approaches.

The New York City Bar has long been committed to providing access to justice, which we address both through policy initiatives and providing direct legal assistance. We continue to advocate for an adequate funding of the federal Legal Services Corporation and have supported each of the increases in legal services funding presented in recent State Judiciary budgets. In addition to our legal and policy work in this area, our public service affiliate, the City Bar Fund, has two divisions providing direct legal assistance. Our City Bar Justice Center leverages the efforts and resources of the City's legal community to increase access to justice for low-income individuals in New York City. And our Cyrus R. Vance Center for International Justice stimulates and coordinates pro bono efforts in Latin America, Africa and elsewhere in the world.

Through Chief Judge Lippman's and Chief Administrative Judge Prudenti's outstanding leadership, the Judiciary Budget now includes \$55 million for civil legal services, in addition to \$15 million in IOLA replacement funds. We urge that you stay the course toward the original goal of a \$100 million increase in annual civil legal services funding. This is a crucial element of any effort to provide additional legal assistance to those who cannot afford it. The fact that over two million people continue to enter New York courthouses every year to fend for themselves without counsel is testimony to how much more we need to do.

Of course, adding this funding is a necessary but not sufficient condition. As we ask more of the State's taxpayers, so we must ask more of the legal profession, and must consider and implement new ideas to provide assistance.

The City Bar understands it must provide the opportunities, training and guidance to support lawyers who want to do pro bono work. At the City Bar Justice Center, we engage volunteer lawyers in targeting particular needs within our community. We have a broad array of programs through which volunteers can assist those in need, from the homeless to cancer survivors, from immigrant women and children who have been trafficked or abused to persons who risk losing their homes through foreclosure. Our veterans project continues to assist those who served this country in their fight to obtain the benefits they are rightly due. And our Legal Hotline not only is the largest free general civil legal services hotline in New York City, but also now provides brief legal services in addition to responding to callers' questions.

The additional funding provided to the City Bar Justice Center in the last round of funding will enable the Center to increase the Legal Hotline's capacity for brief services, such as

creating court papers for pro se litigants, and will enable us to expand our new LGBT Advocacy project, to provide direct legal services to LGBT New Yorkers who cannot afford an attorney.

We know the rest of the organized bar is committed to undertaking pro bono activities. However, our combined commitment has not generated a sufficient amount of pro bono hours and support to come close to meeting the need. Just to consider one major area of need, homelessness is at record levels, with approximately 56,000 people sleeping each night in the City's shelter system. More than 12,000 families with children are living in homeless shelters and the average stay is over 14 months. The Justice Center's homeless program, and other legal services efforts, meets part of the need but this remains a critically underserved population.

The City Bar has supported efforts, including those recommended by the Task Force, to increase pro bono activity. We supported the rule that established a 50-hour pro bono requirement for admission to the New York Bar. As this rule first affects the law school class of 2014, it has now been built into the educational fabric. Similarly, law schools are adopting the Pro Bono Scholars Program, which gives interested 3L's the opportunity to take the bar exam in February of their senior year so long as they devote their last semester of law school to providing pro bono service for the poor through an approved externship program. This year the City Bar Justice Center looks forward to hosting two Pro Bono Scholars and we believe this program has great promise for providing needed services to low income New Yorkers while giving 3Ls practical experience in a supervised setting.

While these initiatives are designed for incoming lawyers, all of us have the responsibility as officers of the court and as members of a privileged profession to give back.

The City Bar continues to support the requirement that lawyers report their pro bono activities and donations to legal services organization as a means both to encourage more activity and assemble data with which to better analyze pro bono efforts around the State.

We also applaud the Task Force's initiative to find appropriate ways in which nonlawyers can assist individuals who otherwise would not have counsel. In fact, we recommended such an approach in a report we issued nearly 20 years ago, and in a report issued in 2013 by our Committee on Professional Responsibility. We greatly appreciate the productive work of the committee co-chaired by Fern Schair and Roger Maldonado in getting this initiative under way.

We also believe part of the push to both stimulate funding – including private contributions – and encourage pro bono participation is to demonstrate that providing legal services to the poor is cost-effective. The Task Force has conducted studies showing that a dollar spent on providing legal services generates substantially more in benefits. The City Bar's Immigration and Nationality Law Committee recently asked the economic consulting firm NERA to study the costs and benefits of providing free legal counsel to immigrants facing detention and deportation and found that the amount spent would be offset by savings in detention, foster care, case processing and transportation outlays alone, even without quantifying other likely fiscal, social and administrative benefits. We believe more such studies would strengthen the argument that legal services funding is an investment in our society, and one that is quantifiably productive.

One significant hurdle to increasing pro bono participation is the concern of a significant number of lawyers that they lack the training and support to provide these services. In addition,

sometimes a lawyer who has the spirit but lacks the knowledge and support to competently perform pro bono falls short of providing the assistance the client needed. We need to find ways to make pro bono more satisfying to the lawyers and more effective for the client. I have appointed a group within the City Bar to examine this topic and make recommendations, which I expect within the next year.

Let me conclude by again thanking you and the Task Force for your leadership and inspiration, which already has resulted in many thousands more individuals receiving legal assistance. We at the City Bar look forward to continuing to work with you in our joint pursuit of truly increasing access to justice in New York.