

NEW YORK CITY'S HOUSING COURT AT 40:

*Controversies, Challenges, and
Prospects for the Future*

March 11, 2013

Order of Events

Contents

8:30–9:00AM Coffee and Registration

Conference Planning Committee

9:00–9:30AM Welcome

Speakers:

Carey R. Dunne, Esq.
President, NYC Bar Association

Hon. Jonathan Lippman
Chief Judge, NYS Court of Appeals

Hon. Michelle Schreiber
Judge, Housing Court

9:30–11:10AM Plenary I - [2 CLE CREDITS]

The History of and Challenges for Housing Court

Moderator:

Martha Jones
Professor, Univ. of Michigan Law School
Assoc. Chair, Dept. of Afro-American & African Studies

Panelists:

Richard Chused
Professor, New York Law School

Hon. Fern Fisher
Deputy Chief Administrative Judge, NYC Courts
Director of New York State Courts Access to Justice Program

Hon. Judah Gribetz
Counsel, Bingham McCutchen
Fmr. Commissioner, NYC Department of Buildings

Hon. Jerald Klein
Judge, Housing Court

Hon. Israel Rubin
Counsel, Greenberg Traurig
Fmr. Justice, NYS Supreme Court, App. Division, 1st Department

Recorder:

Hon. Michelle Schreiber
Judge, Housing Court

11:15AM–12:45PM Plenary II -

The Economics of Rental Housing & Quality of Life in NYC

Moderator:

Professor Vicki Been
Boxer Family Law Prof. NYU School of Law
Director, NYU Furman Center

Panelists:

Matthew Desmond
Prof. Sociology & Social Studies, Harvard, Dept. of Sociology

Ingrid Gould Ellen
Prof. Urban Planning & Policy, NYU Wagner
Co-Director, NYU Furman Center

Jack Freund
Executive Vice-president, Rent Stabilization Assoc.

Peter Marcuse
Prof. Urban Planning, Columbia Univ. Grad. School of
Architecture, Preservation & Planning

Thomas J. Waters
Housing Policy Analyst, Community Service Society

Recorder:

1:00–2:00PM Lunch & Keynote Address

Hon. Gail Prudenti
Chief Administrative, NYS Courts

Break



2:00-3:15PM Afternoon Workshops I

The Housing Court Initiative and the Administration of Justice

Moderator:

Hon. Marcy Friedman
Justice, Supreme Court

Panelists:

Hon. Ann Pfau
Judge, Kings County Housing Court

Hon. Jean Schneider
Judge, Kings County Housing Court

Hon. Ruben Martino
Harlem Community Justice Center

Steve Myers, Esq.
Legal Aid Society

Neil Sonnenfeldt, Esq.
Gutman, Mintz, Baker, & Sonnenfeldt, P.C.

Recorder:

Hon. Anne Katz
Judge, Housing Court

The Politics of the Housing Court

Moderator:

Roger Juan Maldonado
Balber Pickard Maldonado & Van Der Tuin, P.C.

Panelists:

Hon. Judith J. Gische
Justice, NYS Supreme Court, Appellate Division, 1st Department

Gary R. Connor
General Counsel, NYS Homes & Community Renewal
Chair, Housing Court Advisory Council

Mitch Posilkin
General Counsel, Rent Stabilization Association

Elizabeth Donoghue
Partner, Himmelstein, McConnell Gribben Donoghue & Joseph
Chair, City Bar Judiciary Committee

Recorder:

Jay Safer, Esq.
Locke Lord

The Housing Court and the Use of Technology

Moderator:

Mary Zulack
Clinical Professor of Law, Columbia Law School

Panelists:

Sateesh Nori, Esq.
Legal Services NYC
Chair, Housing Court Committee ABCNY

Jamie Fishman, Esq.
Fishman & Neil, LLP

Jeff Hogue
Legal Assistance of Western New York, Inc.

Rochelle Klempner
Office of Court Administration

Eddy Valdez
Office of Court Administration

Carlos Perez-Hall, Esq.
Borah, Goldstein, Altschuler, Nahins & Goidel, P.C.

Recorder:

Hon. Andrew Lehrer
Judge, Housing Court

3:30-4:45PM Afternoon Workshops II

HCA Section 110(C): The Scope and Limits of a Housing Court Judge's Authority

Moderator:

Hon. Jaya Madhavan
Supervising Judge, Bronx Housing Court

Panelists:

Hon. Sabrina Kraus
Judge, Housing Court

Judith Goldiner
Attorney-in-Charge, Civil Law Reform Unit, Legal Aid Society



Warren A. Estis
Deputy General Counsel, Litigation, Rosenberg & Estis, P.C.

Deborah Rand
NYC Department of Housing Preservation and Development

Miriam M. Breier
Breier Deutschmeister Urban Popper Law Group, PLLC

Sheryl Karp
Legal Aid Society Harlem Community Law Office

Recorders:
Leslie Stroth

The Housing Court and Access to Justice

Moderator:
Andrew Scherer
Author, Residential Landlord-Tenant Law in New York
Senior Fellow, Furman Center of Real Estate and Urban Policy

Panelists:
Paris Baldacci
Professor of Law, Cardozo Law School

Eliot Cherson
Rappoport, Hertz, Cherson & Rosenthal, P.C.

Hon. Mark Finkelstein
Judge, Housing Court

Hon. Fern Fisher
Deputy Chief Administrative Judge, NYC Courts
Director of New York State Courts Access to Justice Program

Louise Seeley
Executive Director, Housing Court Answers

Recorder:
Hon. Jean Schneider
Supervising Judge, Kings County Housing Court

Housing Courts in Other Jurisdictions

Moderator:
Margaret Cammer
Judicial Hearing Officer

Panelists:
Dina Fein
First Justice, Western Division Housing Court, Springfield, MA

Hon. Magistrate Reitzloff
Judge, Cleveland Housing Court

Hon. Magistrate Heather A. Veljkovic
Judge, Cleveland Housing Court

Recorder:
Hon. Maria Milin
Judge, Housing Court

4:45–5:35PM Plenary III – [1 CLE CREDIT]

Housing Court: Past, Present & Future

Hon. Fern Fisher
Deputy Chief Administrative Judge, NYC Courts
Director of New York State Courts Access to Justice Program

5:30–7:00PM Reception



The “New York City’s Housing Court at 40” conference was organized March 11, 2013 in the building of the New York City Bar Association by the Association of Housing Court Judges, NYU’s Furman Center for Real Estate and Urban Policy, and the New York City Bar Association.

The following synopsis is based on an analysis of recordings¹ prepared by the Unified Court System, as compiled and written by the Housing Court Committee of the New York City Bar Association (City Bar) and Anna Florek-Scarfutti, Chair, with special thanks to Mark Hass, Justin La Mort, and Billy Gartner. It summarizes discussions held at the conference and does not necessarily reflect formal positions of the City Bar.

¹ The recording of Hon. Gail Prudenti’s Keynote Address and the breakout session entitled “Housing Courts in Other Jurisdictions” were not available and as such could not be included in the report.



Welcome and Introduction

Speakers:

Sateesh Nori, Hon. Jonathan Lippman, Hon. Michelle Schreiber

Speaker: **Sateesh Nori**

The NYC Bar Association, the Furman Center for Real Estate and Urban Policy, and the Association of Housing Court Judges worked for over a year to assemble an introspective conference concerning the Housing Court that will cover the history, politics and the effect of the court on litigants, while delving into several special topics we hope will be of interest to you. Thank you all for attending.

Speaker: **Hon. Jonathan Lippman**

This conference is well-named. The Housing Court opened in 1972 as a necessary means to preserve housing stock and provide a forum to resolve landlord-tenant disputes. At its inception in 1973, it was an absolute necessity for NYC because the government was close to bankruptcy and city was decaying. Opened that year, the court formalized its authority of housing concerns, ensuring that both tenants and landlords comply with the law. It serves to safeguard the quality of residential buildings and respects the fundamental need for a safe and secure place to live. Housing court has critical role in delivering justice.

The first twenty-five years were characterized by massive caseloads, high numbers of unrepresented litigants, and exceedingly limited resources. Nonetheless, the court did meet initial principles and goals, despite the fact that the high number of nonpayment cases made it essentially an eviction court, criticized as chaotic and ineffective.

Nineteen-ninety seven brought positive changes like modern case management, expedited case initiation, the introduction of specialized parts, and a new housing court mediation program. Innovations have made it more efficient and cut down on unnecessary appearances and coerced settlements. Other reforms included expanded hours, simpler forms, better translation services, resource centers, and volunteer lawyer programs for unrepresented litigants. The court system also invested heavily in overhauling services and implementing new technologies.

Once again though, there are challenges that without increased funding, mean having to do more with less. Unrepresented litigants remain a central issue. Yet, the Housing Court prevails over this adversity, performing its vital function gamely, largely due to personnel – its judges, court staff, and lawyers are excellent. The court serves people who may be in extremely trying circumstances and protects their rights. Having seen the changes over the past several decades, we can all be proud of the NYC Housing Court.

Speaker: **Hon. Michelle Schreiber**

First, a warm thanks for the support of court system, the Association of Housing Court Judges, the City Bar, the Furman Center, and especially the program's planners. As the planning committee was guided by the advisory committee, chaired by Judge Rubin and co-vice chaired by Sam Himmelstein and David Skaller with the assistance of Hon. Fern Fisher, we thank them as well.

It's great motivation, to witness the fruits of all the planners' compassion and commitment to the Housing Court. Our purpose today is to celebrate this anniversary with a kind of retrospective examination of the court's history, the political and economic factors that lead to its creation, and the evolution of its original mandate to the purpose it serves today. We will also engage in a study of the early years of landlord tenant law. The guiding principle here is to seek, in the trials and tribulations of the past forty years, lessons that can help us



to plan and strengthen the court over the next forty. Constraints like high volume, insufficient resources, and unrepresented litigants will likely not change. But there are insights to be found here, as this problem is not new or novel. The goal, given these constraints and role of the court in the city today, is how to best deliver justice in the future.



Plenary I: The History and Challenges for Housing Court

Moderator:

Martha Jones

Panelists:

Richard Chused, Hon. Fern Fisher, Hon. Judah Gribetz, Hon. Jerald Klein, Hon. Israel Rubin

I. Remarks and Panel Introduction

Moderator Martha Jones opened by questioning how to precisely tell or retell the history of the housing court while drawing attention to the burdens of this history that mixes law, lore, and lament. Generally, the court's story is told as a contest pitting human dignity and fundamental rights against property rights which serve as an engine of economic prosperity and progress. Under this interpretation, the housing court is almost always seen as a vexed venue. The current tensions on housing court are not new. The court has been often viewed as either a model or a cautionary tale, whose chapters begin with the 1867 Tenement Housing Law, followed by the advent of low-income housing, the outlawing of private discrimination, and the creation of subsidized housing. New York's innovations for the court have set the terms for the nation and will continue to do so in areas of housing law and policy, which ultimately reflect larger societal changes.

Today's court mirrors, to a great extent, urban life in a post-9/11 world (globalization, economics, discourses on human rights) with the combined weight of the past, present, and future shaping the court's policies and either distorting or focusing the vision reflected back. Ms. Jones views herself not as a historian of housing law and policy, but rather as a historian of law filtered through her humanity. She attempts to apprehend how ordinary people use law to construct and navigate their own lives through written artifacts or powerful anecdotes, and how these people, often the working poor, black or brown, immigrant or disabled, confront and construct a sense of justice. Housing court is a place where ordinary people build their personal understanding of what fairness, justice, and the state are and what the abstract legal constructions imply in everyday practice.

Ms. Jones concluded by stating that this conference should afford commemoration, but likewise should not sanitize a messy past for public consumption. The co-panelists will confront myths with a history of diverse and competing set of voices. They will discuss how the court emerged out of housing policy and reform, the court in the broader context of mid-20th century events, and how the court has been, in a sense, the legislative site for the contesting of core principles.

II. Hon. Gribetz's Remarks

The Hon. Gribetz was assistant corporation counsel and deputy commissioner in the Department of Buildings from 1959 to 1965 under Mayor Robert Wagner. Leveraging his experience working for the city, he attempts to paint a broader picture of the confluence of people, housing, and governance. In the 1950s and 1960s, the population of the city remained constant, but the racial



composition of the city changed significantly. There was a 48% increase in the African-American population and an even larger uptick of 148% for Puerto Ricans. In the 1960s, there were 2,078,000 rental occupied units and 5,118,000 New Yorkers lived in housing built before the 1930s. Today, 2,753,000 live in Old Law and New Law tenements. The conditions of these buildings were summarized best by Charles Gritzner in July 1959, when he wrote that “slums [are] still growing despite city efforts.” The city’s actions failed to improve overcrowding in slums and far too many old buildings were in decline and not being torn down or rehabilitated. An insufficient quantity of new buildings was being constructed.

Mayor Wagner, in office from 1953 to 1965, worked to modernize city governance. Importantly, he revised or rewrote the building code which had not been touched in over 30 years, after a three-year study by Brooklyn Polytechnic. The 1964 study’s objective was to improve housing maintenance administration and enforcement.

Before 1959, a New York Post columnist described the housing court as a short order court, where cases were settled quickly and violations were treated as small crimes. The Hon. Gribetz had previously prosecuted slum landlords before joining the Department of Buildings in 1962. There, he worked to eliminate criminal sanctions and to remake the court into an economic entity that instilled justice in housing maintenance policy. He detailed his own hopes for the Housing Court in a Columbia Law Review article, Housing and Code Enforcement, Sanctions and Remedies, 66 Columbia Law Review 1254 (1956).

III. Chused’s Remarks

Mr. Chused remarked on the history of leased housing in New York and how it shifted in the 1970s by permitting tenants to raise warranty of habitability defenses in nonpayment actions. Prior to 1965, courts entered judgments against tenants quickly and did not allow for defenses outside of payment of rent. In the 1960s and 1970s, courts and legislatures made substantive changes because of social pressures, which allowed for defenses going to the amount of rent due, including warranty of habitability, and further barred retaliation. These changes were some of the timeliest and most important in poverty related law in U.S. history.

The pressure to change eviction law developed contemporaneously with the urban disturbances linked to the civil rights movement. Government studies found that the operation of landlord-tenant courts and the inadequate enforcement of housing maintenance codes were common grievances, and few tenants were able to obtain an attorney. President Johnson responded to these grievances by opening the Office of Economic Opportunity, which funded legal services offices and targeted the reform of eviction courts as one of its highest priorities. In 1969, the New Jersey Supreme Court decided Reste Realty v. Cooper and other courts developed the use of abatements as defenses in nonpayment actions, as in Javins v. First National Realty. The New York State legislature eventually codified the implied warranty of habitability and the Court of Appeals affirmed the application of the implied warranty in eviction cases. These decisions were remarkable judicial events in that they deconstructed



contemporaneous legal norms, but in Mr. Chused's view the warranty of habitability was utilized as a means of tempering social unrest. Ultimately, permitting warranty of habitability defenses was the least judges could do to temper the harshness of a system of eviction.

IV. Hon. Rubin's Opening Remarks

The early Housing Court, operating as part of the broader Civil Court, was severely underfunded and only received some relief after the City and State were sued by an administrative judge. The Court opened in October 1973, with 5 judges in the Bronx and 5 in New York County. The fledgling court was beset by numerous problems at first, including having to manage a high volume of cases in ill-suited buildings without appropriate staff (court officers undertaking the work of missing clerks, etc.) or modern technology. The Hon. Rubin became administrator in 1982, which led to increased numbers of judges appointed, the hiring of court attorneys to assist judges, and computers. Hon. Rubin wrote an article celebrating the 10th anniversary of Housing Court in 1983 that he feels is still applicable 30-years later, with the court facing analogous problems. Judge Rubin closed by discussing the future of the Court and hopes that the conference is able to find answers.

V. Hon. Klein's Opening Remarks

Hon. Klein stated that his goal was to bridge the gap between the formative years of the Housing Court and the present. He started in 1974 as part of Bronx Legal Services, which attempted to break the Civil Court by flooding it with cases brought by multiple legal services attorneys. Each attorney maintained about thirty cases and demanded trials in each. Even in the early years, there were insufficient tenant attorneys to meet the demand. He contends that HPD's high point in Housing Court occurred sometime in the 1980s when the court was actually well-staffed and full-service. Hon. Klein believes that the HP Part morphed into more administrative programs, which have not been in the best interest of the court.

Becoming a judge in 1982, when there were a mere twenty judges – five in the Bronx, five in Brooklyn, four in Manhattan, and two in Queens - Judge Klein's first courtroom was rather small and fit a maximum of ten people. Court staff consisted of a sole court attorney. Early in his tenure, the Bronx received three additional court attorneys that were shared among parts. Eventually, clerks and court attorneys were on-boarded in larger, but still lean, numbers. He reminisced that the Manhattan building was far more suited to the activities of Housing Court than any other building in the boroughs. In sum, despite some shortcomings, Hon. Klein believes that the HP Part has been successful. There are now fifty judges in the Court, with four judges hearing HPD cases.

Money for tenants has always been a main issue, but it now takes longer for tenants to pay because of higher rents that imply larger sums for arrears. This problem continues to grow in scope. Many things need to be done to improve the housing court, but Hon. Klein suggests that the greatest equalizer is representation. When all parties are represented, there is more balance. All participants have a vested interest in seeing representation for litigants.



VI. Hon. Fisher's Opening Remarks

Hon. Fisher described her early career with Harlem Legal Services from 1979 to 1989. She was appointed to the bench in 1989 on the Civil Court and since 1997 has been in charge of the Housing Court. She noted that progress has been made in many areas of the court, and that some challenges are coming full circle. She hopes that participants can plot another celebration in ten years.

Noting that the tension between owners and tenants is ever present, she posits that everyone involved with the court must try and improve it. Tenants are 98-99% unrepresented while 80% of owners have legal representation. There is a paucity of statistics necessary to fairly evaluate the housing court. The city's population has changed dramatically over the years and now features 120 different languages, each linked to a unique culture. There are more mentally ill tenants and more poor litigants because of the economic downturn which has affected both tenants and landlords. The lack of funding by the Court, City, State, and Federal governments has greatly affected court infrastructure, which, outside of capital improvements also requires more interpreters, court attorneys, clerks, and judges. She estimated that it costs about \$1 million annually to run each housing part.

Judge Fisher closed by highlighting the unique challenges faced by the housing court as compared to, say, family court. There are far fewer attorneys involved and eviction is an intense issue. She asserts that the real question for the future goes to how participants with divergent interests and a lack of resources think out of the box to make a positive difference for all litigants.

VII. Questions and Answers

Question: What are the ideas for litigants to obtain more representation in Housing Court?

Judge Fisher answered that Chief Judge Lippmann has increased funding already for civil legal services, with the aim of reaching \$100 million annually. Other strategies include access to justice programs for both small landlords and tenants with selective use of limited scope representation and increasing the use of legal assistance (as distinguished from legal counsel).

Question: Would Court Administration consider merging the HP Part and the Resolution Part for nonpayment proceedings?

Judge Fisher answered that merging the two parts would increase administrative costs because there aren't enough judges or demand to staff a combined part. Additionally, it would require additional HPD staffing for inspectors and attorneys. Judge Klein does not believe it is feasible administratively to merge the two parts, citing burdens on the Court and HPD, that it would be contrary to the intent of the Civil Court Act, and that code enforcement would suffer because repairs wouldn't be the main purpose of the combined part.

Question: What are the political pressures on Housing Court from the 1960s to today?



Mr. Chused answered that there is a dramatic difference between 1968 and today. The cultural changes of the 1960s, both positive and negative, resulted in extraordinary pressures on urban judges. Today, that same pressure does not exist; there are similar stories, particularly for people living in poverty, but these stories are not ubiquitous in the public conscience.

Ms. Jones requested the Hon. Gribetz respond to question with regard to leadership, and he explained that Mayor Wagner was an effective leader who led a reform movement and knew how to work the legislative body. For example, he successfully saw to fruition a historical preservation law, seeing it through after 5 or 10 years only by understanding those that hold the levers of power and persuading them to understand a point of view. Such leadership and will are rare qualities.

Question: What is the role of mediation in reducing the Court's backlog?

Judge Fisher answered that mediation may help, but the difficulty is in getting the litigants together before litigation. Parties are often unwilling to meet before going to court and there are reduced resources for mediation services, including community outreach, staffing, and interpreters. Judge Fisher believes that mediation is effective where there is a personal relationship between the parties and loses efficacy when one of the parties is a corporate entity. Judge Rubin responded that he used college students as mediators, but that the program failed because of a lack of interest from students. Now, he believes there is potential that the program could be revived because there are more law school and college students on whom to draw.

Question: Would the Court consider an experimental part where code enforcement is the main issue and nonpayment and HP parts would be merged?

Judge Fisher answered that the Section 110(c) panel would best be suited to answer that question. Ultimately, it is a question of resources and ideas should instead focus on how to optimize present resources.

Question: Are there ways to avoid credit reporting or tenant "blacklisting" by increasing the use of rent strikes or group actions?

Judge Klein responded that he doesn't see much in the way of nonpayment rent strikes, only group actions. In the Bronx, he has seen an increase in group actions focusing on code enforcement because there are community groups organizing these actions and that political requests play a part in pressuring resolution. Judge Klein doesn't believe that legal services have, at present, the resources to handle group actions. Judge Fisher answered that credit reporting is not a barrier to group actions, but the problem is rather a lack of information, of organizing ability, and of resources.

Question: What are the consequences of rent strikes/group actions as a means to affect change?

The panel does not believe that rent strikes or group actions are as prevalent as in years past because housing quality has improved over the years. However, some contended that while conditions



have improved, many apartments are still not up to code. Tenants may also be using different tactics to effectuate their agenda, like encouraging changes in ownership.

Question: How do the members of the panel feel about the impact the tenant “blacklist” has on tenants’ rights?

Judge Fisher answered that records are distributed by OCA using only the last names of the respondents and distributed in bulk. Judge Rubin commented that issues of this nature might not be under the purview of the Housing Court and could instead be litigated in the Supreme Court.

Question: How might the court work more efficiently?

Mr. Chused answered that efficiency could be addressed by looking into judicial productivity and downtime, and by providing representation for litigants so that cases are disposed of before 10:30 AM. Judge Fisher lamented that while she urges judges to be on the bench by 9:30 AM, lawyers and litigants are often not ready until 10:00 AM. This may be exacerbated by the increased security concerns in a post 9/11 world, but she admits that there appears to be a culture of attorneys arriving late.

Question: What special obligations does the increase in unrepresented litigants have on both the court and on the attorneys who appear there?

Judge Klein answered that judges are now more than ever, active in balancing the playing field, particularly in reviewing stipulations. Judge Fisher explained that there is a new rule pending on judicial conduct that would give judges further clarity on their role and responsibilities in assisting unrepresented litigants. OCA has also issued several advisory notices for judges, for example, on the allocation of stipulations. There should be a dialogue on how parties are able to improve court behavior, whether from codes of conduct for attorneys or improving programs like the Resolution Assistance Program.

Question: Is there any history of the Housing Court institutionally taking a position on outside influences, such as austerity measures affecting affordable housing, rent regulation, or housing subsidies?

Judge Fisher answered that there are ethical restraints on judges from commenting on legislation, but they are able to communicate concerns with government partners like DHS and APS. In accord, Judge Gribetz suggested that the burden of addressing such concerns should be on elected officials and leaders, not the court. Judge Rubin commented that there was once a movement to convert the housing court into an administrative agency, but that this would be extremely problematic.



Plenary II: Housing Court and the Economics of Rental Housing

Quality of Life in NYC

Moderator:

Vicki Been

Panelists:

Matthew Desmond, Inrig Gould Ellen, Jack Freund, Peter Marcuse, Thomas J. Waters

I. Introduction

Moderator Vicki Been, professor at NYU and co-director of the Furman Center for Real Estate and Urban Policy, opened the plenary with an overview of the New York City housing market and cited many points available from the Furman Center's forthcoming report on the state of New York City's housing and neighborhoods. NYC's housing is heavily regulated: approximately 37% of rental housing units are market-rate, 47% are rent stabilized or rent controlled, 8% are subsidized from HUD, Mitchell-Lama, or low income housing tax credit programs, and 8% are public housing.

Rents are rising across all types of housing. From 2007 to 2011, the median monthly rent citywide increased in real dollars by 8.5% from \$999 to \$1,084 per month; rents are rising faster in NYC than other large cities nation-wide. In contrast, incomes for tenants have been stagnant or declining; as such, the rent burden on tenants is increasing. By 2011, the median gross rent had already increased by 10% since 2005, but the median household income had actually decreased over the same period. Vacancy rates are very low and overcrowding is increasing. An estimated 4% of all rental households in 2011 were severely overcrowded; meaning more than 1.5 people resided in a room.

The quality of housing stock has remained relatively constant: over the past decade, there has been no increase in the number of serious violations and, in general, all violations have held steady. The composition of housing stock is changing though, with a trend toward market rate units, which increased by 26% from 2002 to 2011. During that same time, rent stabilized and rent controlled units dropped 7%, subsidized units increased by 4%, and public housing units decreased slightly. Financing of new subsidized units has dropped significantly since the 2008 recession. A third of all renters live in large buildings, a quarter live in 4-family (or smaller) construction, and 37% live in 5-49-unit buildings. The foreclosure crisis has affected the availability of rental units. For example, in 2009, properties entering foreclosure comprised 15,000 rental units.

The share of rental units affordable to low-income New Yorkers is decreasing. In 2002, 20% of all units were affordable for households earning 50% or less than the adjusted median income. That percentage declined to 18% in 2005 and to 17% in 2008. Landlords' costs are rising as shown by the price index for operating costs of rent stabilized apartments.

Overall, the market is less regulated, less affordable to low-income New Yorkers, faces pressure through foreclosures, low vacancy rate, cost increases.



II. State of Housing Stock

Jack Freund opened by suggesting that these numbers are broad strokes and contain variations between boroughs. In contrast to Vicki Been, he asserts that the condition of the housing stock has improved, citing a housing maintenance survey released by the Census Bureau. This survey showed that the housing stock's condition improved as well as neighborhood conditions.

He believes that statistics such as low vacancies and a lack of affordability generally paint a negative view. Challenges that landlords face that threaten affordability include increasing taxes and sewer charges contrasted with tenants' stable, if not falling, incomes. He speculates that landlords may be forced to cut back on services under the threat of ever-increasing municipal levies if owners cannot collect enough to meet costs.

Peter Marcuse agreed that, generally, the housing stock has improved and that NYC is now in a better position to deal with housing problems. But the persistent low vacancy rate and high rent burden on tenants are stubborn problems. Other panelists like Thomas J. Waters and Ingrid Gould Ellen were more reluctant to agree. Thomas J. Waters hesitated to speculate on short-term changes in vacancy rates or in housing conditions, but noted that since housing is treated as a durable good and buildings are saddled with debt, there can be a corresponding impact. Ingrid Gould Ellen stated that the growing deterioration of the housing stock, in particular with respect to smaller properties, affects the value of surrounding properties and accelerates the potential for decline.

Most panelists agreed that the housing stock was being concentrated in the hands of fewer landlords than in years past. Matthew Desmond pointed out that changes in financing are starting to show that urban markets are hardening, and consolidation is more commonplace. The housing crisis caused landlords with smaller holdings to sell and landlords with larger holdings and greater resources can take advantage of the additional stock on market. This trend suggests that market rents will tighten as rents increase and landlords professionalize, which will likely increase evictions. In opposition, Jack Freund did not believe that the recession is affecting smaller landlords because the market is bifurcated. Rather than as in times' past, structures like real estate investment trusts exist, which can facilitate the solidification of ownership. There is also a smaller stock of housing that larger landlords are not interested in owning. He believes that changes in NYC's population will not affect people wanting to purchase housing.

Jack Freund contends that the trend of more sophisticated ownership may result in parties that are more knowledgeable about processes, whereas landlords with smaller buildings are generally not as knowledgeable about landlord/tenant law and court procedure. This is especially important because the Housing Court is increasingly involved with cases of considerably greater complexity due to tenant subsidies. Thomas J. Waters agreed that housing law complexity and increased regulation are issues with which all parties must contend.



III. Affordability of the Housing Market

All the panelists agreed that NYC has a problem with affordable housing. Thomas J. Waters said that residual income after paying rent, a figure which can be a proxy for standard of living, has been falling, year over year. He pointed out that for rent-stabilized apartments, the rent guidelines board allows for 3% increases; landlords' income tracks with these increases. The turnover of units, particularly in low-income areas, is, among other things, working to drive up rents. Another result is a growing underground housing market. There are an estimated 100,000 such units without a proper certificate of occupancy in NYC. Particularly common examples of this are three-quarter houses, which he believes are supposed treatment facilities. These have replaced what would've previously been single room occupancy housing.

Ingrid Gould Ellen discussed the lack of affordability in terms of construction and fewer housing subsidies and vouchers. She fears that the lack of subsidized units is partly political. Even though NYC has local support for government spending on housing, there is no federal enthusiasm for housing. A possible solution would be to argue that spending on housing would decrease spending in other areas. Currently, this scarcity of housing and increasing inequality of income manifests in high income renters bidding up rents.

Jack Freund stated that as a gateway city, NYC has people in both the highest and lowest income levels and the housing stock should be responsive to that fact. The City has produced hundreds of thousands of affordable housing units since the Koch years despite a lack of federal investment. One problem that should be resolved in subsidizing construction of housing is the targeting of families with incomes up to \$160,000/year, which is too high. Unfortunately, it may not be feasible to resolve all such housing issues.

Thomas J. Waters disagreed that housing subsidies have held steady. He believes that the number of subsidies has increased through the Dinkins administration, but leveled off with the Giuliani and Bloomberg administrations. He did agree with Jack Freund that not enough housing units are targeting appropriate incomes.

IV. Housing Court and Evictions

Matthew Desmond summarized his findings on the effects of eviction on people in multiple areas, like health, poverty, and post-eviction housing, which can be durable and long lasting. The study used findings gleaned from quantitative national and local data sets, and showed that families who are evicted experience more material hardship, like lack of food, clothing, and medical care, than those that don't, even when controlling for other factors. His and other studies have largely shown that eviction is not the result of poverty, but a cause of poverty. Studies have shown that the line between the nearly evicted and the evicted is very thin, and that short-term, limited measures can have a non-trivial impact on net evictions.



These hardships can be persistent, echoing even several years later. Families who are evicted rate their health lower than families who were not evicted. Depression is experienced at a significantly higher rate than non-evicted tenants even several years after eviction and the probability of reporting depression increases by 20% a year later after eviction. Eviction often results in families having to move into neighborhoods with higher rates of poverty and violent crime. These families will also generally have to pay more for their next home. Lastly, eviction is a robust predictor of job loss.

Ingrid Gould Ellen pointed out that families who are evicted often end up in shelters and comprise a quarter to a third of residents in the shelter system. Jack Freund agreed with other panelists in stating how evictions are bad in and of themselves, but it is also necessary to think about how the eviction of one tenant creates externalities affecting other tenants. This is especially a problem in smaller buildings.

V. Changes to the Housing Court

Reflecting on the panel, Peter Marcuse was curious as to why practitioners are interested in the housing economy since the Housing Court's jurisdiction is limited. He urged the Housing Court to adopt wider data gathering practices that can help formally track trends like changes in the level of government subsidies, which are likely not evenly distributed geographically and localized in some areas, to show how the housing crisis is affecting people. This data could also show effects on neighborhoods, too. Both evictions and the deterioration of housing stock have strong externalities, which necessitates obtaining and making that information public.

Another area Peter Marcuse suggested that the Housing Court should examine is the wider application of stays and adopting more flexible rules on stays longer than six months, which he believes are too restricting. He would also like to see city agency employees that can assist with monies be given greater access to tenants within the courthouse.

Jack Freund supports the expansion of services into the Housing Court, but cautions that an increase in the scope of the Housing Court would be tantamount to an unwise expansion of government into the housing market. Already, many landlords criticize judges as taking the place of a social services agency, but he acknowledges that it is hard to disregard sympathetic cases or facts. In any event, he believes that there is already a lot of money spent on social services.

Ingrid Gould Ellen pointed out that the challenge is to target households that need prevention services and optimizing the timing of the application of these services. If a family is in Housing Court, then perhaps that should be one point of intervention. An example of this is the Housing Help Program, which should be expanded.



VI. Questions and Answers

Question: What has been the reaction to Matthew Desmond's op-ed article?

Matthew Desmond answered that his article discussed the percentages of unrepresented tenants and believes that representation is a low-cost alternative to avoiding evictions. Overall, reaction has been positive and enthusiastic, from both sides of the bar.

Question: What is the role of blacklisting in evictions and job loss?

Matthew Desmond answered that in many cities, records can go back many years and this has a negative effect on renters. Certainly, one symptom of eviction is trouble in locating housing in the future.

Question: Is there a correlation between rent-stabilized or rent-controlled housing and evictions?

Ingrid Gould Ellen stated that the Furman Center has undertaken a study on that question.

Question: Is the Housing Help Program in place?

Ingrid Gould Ellen answered that the Housing Help Program is a program begun in the Bronx Housing Court that has funding for case management from both the City and the Robin Hood Fund. It was recently expanded to Brooklyn. The idea behind the program is to provide legal assistance and referrals to get households high on priority lists for other city agencies that could provide assistance.



The Housing Court Initiative and the Administration of Justice

Moderator:

Hon. Marcy Friedman

Panelists:

Hon. Ann Pfau, Hon. Jean Schneider, Hon. Ruben Martino, Steve Meyers, Neil Sonnenfeldt

I. The 1997 Housing Court Initiative

Judge Ann Pfau worked with Chief Judge Kaye to improve courts throughout New York and was tasked with making recommendations to that end, culminating in the 1997 Housing Court Initiative. At the time, the major problems identified were hallway negotiations, a lack of resources for unrepresented litigants, large calendars, and long waits. Changes to the Housing Court involved rethinking the court system from a case management/process point of view. This involved the elimination of Part 18 due to the associated complex transfers between various other parts as well as the introduction of the resolution and trial parts active today. A modern case management system and affiliated technology were introduced which helped to foster a logical assignment system. Additionally, improved facilities, more in-court assistance like resource centers, additional staff, and process automation helped manage the large volume of unrepresented litigants and begat an environment focused both on justice as well as efficiency. The sum of these changes set a firm foundation that preserved the integrity of the court and allowed it to thrive; correspondingly, litigants felt better able to maintain their sense of dignity. Looking back on the success of the initiative, Judge Pfau felt that it was critically important to have the backing of an engaged and motivated Chief Judge.

II. The 1997 Housing Court Initiative – A Judicial Perspective

Judge Jean Schneider has been a part of the Housing Court as both a practitioner and a judge for over 35 years. When the Housing Court Initiative began, she had only been a judge for three months, but her 20 years at the court as an attorney enabled her to offer some perspective on the impact of the initiative's changes. Noting how physical facilities impact people's behavior, the upgrades made an immediate difference. Additional staffing and new resources were also incredibly important and helped day-to-day, and further improved morale by underscoring that the Housing Court was indeed important and not to be tucked away as a mere poor persons' court.

Elimination of the large calendar was a key part of the change. As a practitioner, she did not mind the large calendar part (Part 18). But as a judge, she immediately recognized that a large room with three hundred cases and a formal and esoteric process to progress through cases was less than ideal for unrepresented litigants. Through the din and chaos of the part, many litigants could not hear what was going on at the front of the room and were unfamiliar with the court's processes. In hindsight, breaking down the court into smaller, more manageable parts was very sensible; however, at the time she was skeptical of the distinction being drawn between the new resolution and trial parts.



Ultimately, the additions of a second court attorney, more interpreters, and assistants in the resolution parts, allowing for greater attention on individual cases, justified the decision.

A few changes from the Housing Court Initiative didn't stick. Staggered calendars with adjourned cases to be heard at 2:00 p.m. and new cases at 9:30 a.m. were abandoned because every actor in the system resisted large caseloads in the afternoon. Original Housing Court Initiative documents also suggest the absolute elimination of hallway conferences, but this was never adopted as without the staggered calendar, centralization of all discussion within the courtroom proved impossible. As such, the prevalence of hallway negotiations has not changed and instead there is a more intense post-negotiation review.

III. The 1997 Housing Court Initiative – A Practitioner's Perspective

Steve Myers worked for the Legal Aid Society and MFY since before the Housing Court existed. He contends that practical suggestions from the Initiative have largely worked as implemented, but ideas intended to improve the administrative of justice were either, unfortunately, tabled or failed. The elimination of Parts 49 and 18 were very helpful, even though prior to the changes, judges seemed to prioritize people with children or people with disabilities likely due to the chaotic atmosphere. Indeed, the division of parts plainly speeds up the overall process, especially for trials. There is, however, a lack of investment from resolution part judges to assist in cases, which means that a failure to settle results in an automatic trial, and a lack of motion practice. This could be improved. Other ideas were not fully implemented or realized from the original mission of the initiative, such as instructional videos, reducing the prevalence of hallway conferences, stipulations not being effectively allocuted, strong enforcement of the housing maintenance code, and trials conducted with pro se litigants where judges act passively when they can, in fact, object or enter things into evidence. In short, there are still some avenues for improvement left unexplored. Additionally he finds fault with the HP part, which, while largely a good idea in that it facilitates getting an order to correct, is not fully realized: it is hard to enforce such orders, fines are often negotiated down, and there is no imprisonment for failure to correct.

Neil Sonnenfeldt has been practicing for 31 years, mostly in Manhattan, but has done work in every borough. The Housing Court is, unfortunately, an imperfect system and may remain so because of the sheer volume of cases and the relative scarcity of the resources available. His career even bookends the Initiative, and he feels the Initiative has made a tremendous difference. The elimination of Part 18, which had theretofore operated as a factory with 300 cases assigned to a judge who simultaneously had to direct cases and hear applications, was especially helpful. This reform required assigning cases to individual parts, whereas Part 18 encouraged forum and judge shopping, but now there is no uniformity because each judge has different rules. Overall, the division has created appropriate results. A judge who stays with a case becomes familiar with litigants, and that reduces frivolous motion practices and encourages resolution.

Yet the Court remains problematic because resolution parts are still overcrowded and understaffed, with too few judges, courtrooms with standing room only, and most cases being resolved



in hallway. Separate trial parts have meant that trials can proceed in orderly fashion without frequent interruptions and that trial judges can focus on resolving case before trial. But whilst judges are now able to supervise every case at stipulation and the addition of court attorneys has meant more conferences, there are simply not enough judges in trial parts. Overcrowding in resolution parts also remains a huge issue, again because of volume and lack of resources, but Mr. Sonnenfeldt has liked distinct calendar calls and believes it is a step in the right direction.

IV. Community Courts

Judge Martino discussed how the Initiative sought to establish community courts, like the one he presided over in Harlem. He considered the Harlem Community Justice Center to be a problem-solving court based on a model borrowed from various criminal courts and other alternatives to incarceration. This model stems from the theory that, by either resolving or facilitating the resolution of the veritable underlying social problem behind the case, one can avoid recurrence. Harlem works because of its access to resources: associates who act as troubleshooters in court, two court attorneys, a veritable team of social workers and students, parole re-entry programs, a youth court, a help center, school attendance programs, mediation, anger management programs, community service programs for children, and a youth justice board. Many of these are not necessarily related directly to the Housing Court, but they do have everything under one roof and in one network, and are consequently equipped to handle most anything.

Harlem has a culture accustomed to such problem solving; this culture creates a kind of feedback loop whereby people try harder and think outside the box, which generates further positive outcomes. This, Judge Martino contends, is not normal in Housing Court practice. Key differentiators include a staff mindset to be helpful public servants, a sense of working in a people's court, and a desire to help the community buttressed by co-location within a neighborhood. As a result of these programs and the court staff, the court receives good reviews from litigants and might, over time, suggest further improvements.

V. Questions & Answers

Question: With complaints of overcrowding, degraded facilities, and rude treatment of litigants, how do you assess the environment of Housing Court at present? How might process improvements be made in an era of diminished resources?

Neil Sonnenfeldt answered that he believes facilities or monies won't improve given the financials, but instead that change must come from practitioners and judges. All parties must be kinder and gentler and take more time on each case. The pervasive, charged and aggressive mentality should be softened. Judge Pfau reminded the audience that when she began work on the Initiative, then Chief Judge Kaye wanted her people to look at things from the perspective of a litigant. Lastly, Steven Myers noted that the environment is especially bad in Brooklyn, where people can be trapped in an elevator, where bathrooms are abysmal, and where have been physical fights between attorneys. Additionally, there are no physical borders between the judiciary and attorneys.



Question: Would the environment improve commensurate with a restoration of formality?

Judge Schneider believes that formality is important, but that the culture of each Housing Court is also dependent on facilities and overcrowding, highlighting how Brooklyn has an entirely different culture than Manhattan. But if litigants are watching attorneys enter the well or conferencing rooms at will, it creates a pervasive attitude of disrespect, which is not good for a court trying to elevate itself. Judge Martino countered that people need to be conscious of unrepresented litigants who may be intimidated by the formality. Instead, attorneys should focus on changing their behavior.

Question: What can judges do to look at hallway stipulations, the largest shortcoming of the Initiative, in depth and ensure it is eradicated throughout the system?

Judge Martino stated that he tries to set parameters as to what is acceptable and unacceptable for practitioners. However, until there are lighter caseloads or a right to counsel, elimination of hallway negotiations is not practical. Neil Sonnenfeldt suggested that judges attempt to “make up for it” on the backside, during and after allocution. Judges also let litigants know what should or should not be included in a stipulation and obviously, judges review stipulations. The court also gives broad discretion for enforcement of stipulations. Finally, Judge Fisher contended that attorneys should give a reasonable amount of time on stipulations so that people can obtain public assistance. Systemic failure to do so means that the Housing Court is in the business of handling orders to show cause. Luckily, court directives provide a framework for court attorneys to also review stipulations. She pointed out that facilities breed discontent with everyone, particularly in Brooklyn and the Bronx. The Housing Court and its litigants should embrace programs like the Resolution Assistance Program, and consider other changes like a larger 2:00 p.m. calendar and greater formality by practitioners.



The Politics of the Housing Court

Moderator:

Roger Juan Maldonado

Panelists:

Hon. Judith J. Gische, Gary R. Connor, Mitch Posilkin, Elizabeth Donoghue

I. Stresses on the Housing Court

There are significant economic stresses on the housing court because many of the litigants themselves are working poor or indigent. The court's budget, which is tied in with the NY State Legislature, has an overall lack of resources necessary for operating at its current capacity. Even the court itself can be construed as a stressor because of the perception that the housing court is not on the same level as a family or criminal court and this can color the culture.

The panel then commented on the quality of the individual housing court judges. The process to become appointed to the housing court bench is often seen as very political and the position has a salary that is somewhat restricted.

The number of daily cases is an additional stressor for housing court employees and the sheer volume presents unique challenges, especially to a court with limited resources. The volume of litigants who appear in housing court *pro se* presents significant stresses and time constraints for the court to adequately address all aspects of a proceeding for both parties. The proceedings in housing court often change over time, like the amount of arrears or severity of alleged repairs, and these factors can impact the litigants themselves as well as the court staff.

II. Issues that the Rent Stabilization Association Has Raised with Respect to Housing Court

The housing court employs specialized parts and, in some circumstances, parts that are located outside of the regular housing court (e.g. Harlem Community Court). There are concerns as to why resources are being specifically allocated to a local court at a time of critical need citywide. Another issue is the length of time it takes a petitioner to obtain a warrant of eviction. It can sometimes take two to three months before a warrant is issued.

Since the overall number of nonpayment proceedings filed in 2011 is only slightly higher than it was in 1995 (112,000 in 1995 and 126,000 in 2011), why are circumstances within the housing court so difficult overall? Justice should be meted out the same for landlords as it is for tenants. But the overall number of orders to show cause is staggeringly high. There were over 200,000 orders to show cause filed in the preceding year (2011).



III. What Should the Housing Court be Doing?

There should be an attempt to improve the quality of housing court judges. In general, practitioners agree that many qualities are required for a candidate to be an effective housing court judge. However, many believe that temperament is a critical quality for judicial applicants. Additionally, an applicant has to possess significant patience and a good degree of relevant housing court experience.

The pool of candidates for housing court judges is somewhat limited. Included in that pool is, what some believe, an inordinate amount of applications by court attorneys. The housing court should actively be recruiting from a larger pool of candidates. The administration should consider providing more job security for housing court judges. One suggested method is to change the term for reappointment from five to ten years. This proposal, however, has been a hotly contested issue by both the landlord bar and the tenant bar.

IV. Reflections on the Impact the Five Year Term has on the Applicant Pool for Judges

The Housing Court is perceived by some individuals as a “tenants’ court” and there is a belief that the system as it exists currently, lends itself to delaying the process of obtaining a warrant and possibly an eviction. Although the Housing Court Advisory Council itself is considered by many to be very political, its members are made up of people with a wide array of opinions, drawing on member of the real estate industry, tenants’ organizations, civic groups, bar associations, the Mayor’s Office, the Governor’s Office, and the public at large.

The vast majority of tenants appear in housing court *pro se* and as a result the housing court needs to maintain a strong system of checks and balances on its judges. The court has to have confidence in its judges and the message being sent is that judges are not given the ability to develop over time. In the event a judge is not able to perform duties, there are mechanisms in place to remove that judge.

V. What Should the Housing Court be Focusing On?

There is a need for the housing court to make swift decisions while not becoming bogged down in administrative issues. For example, the 1997 Rent Deposit Law was intended to cut down on orders to show cause, but in spite of this the number of orders to show cause has exploded. The sheer volume of orders to show cause perverts the process.

There should be a greater governmental presence in the courthouses, specifically Section 8 and Adult Protective Services. Having agencies present would cut down on adjournments and serves both the public interest and the process much better.

The housing court is heavily stressed on many levels, and its structure and the use of judges’ time should be looked at in order to see how it can operate more efficiently.



VI. The Optics of the Housing Court

There was some heavy criticism of the specialized parts in housing court, particularly of the Coop-Condominium Part. The housing court should be more sensitive to how the public views it.

VII. Suggestions for Housing Court Changes Which Involve Little or No Expenditure of Funds

The panel suggested: increasing the reappointment term for judges from five to ten years; increasing the overall number of judges; that the “level” of housing court should be elevated so that it is on par with civil court, family court, and criminal court; that there should be a right to counsel in landlord/tenant cases; that the Office of Court Administration should work to keep the housing court open later to accommodate the large numbers of litigants; various administrative changes, for example, there is no reason why the “culture” of orders to show cause can’t be changed, or that warrants cannot be processed in a timely manner.

VIII. Some Final Comments on Reappointment

Many housing court judges who seek reappointment express a genuine love for their work in the housing court. The judges of housing court are considered “great equalizers” to the often-political realm of housing court, attempting to resolve all the issues presented before them under great pressure.

IX. Some Additional Relevant Issues

It was asked whether a directive should be issued for how stipulations should be allocated. There is a general belief that stipulations are the product of knowingness and voluntariness, which is good for all litigants. There is also agreement that stipulations should be allocated on the record, but one has to allow for different styles, which might differ from judge to judge.

Another question posed was how does the public get the housing court to follow the law? A significant problem facing the housing court is economic, which prevents the court from following the law (e.g., mandatory trials within five days, timely processing of warrants). The public should never acquiesce to the courts being underfunded because it allows them to become nonfunctional. There is a dire need for more judges and higher salaries for those judges.

There was a spirited discussion on the right to counsel in civil matters.

Quintessentially, there was agreement that judges of the housing court should attempt to utilize their time more efficiently so that concerns of due process are adequately met. The attorneys who practice in the housing court should spend more time speaking about the law instead of arguing over it. The way attorneys deal with each other should change so that all parties benefit.



The Housing Court and the Use of Technology

Moderator:

Mary Zulack

Panelists:

Jamie Fishman, Rochelle Klempner, Sateesh Nori, Eddy Valdez, Carlos Perez-Hall

I. Current Technology in the Housing Court

Rochelle Klempner started her career in the mid-1980s as a tenant attorney and is now chief counsel to the New York State Access to Justice Program. She described the range of services and technology now used by the Housing Court. The court's website, which is mobile device friendly, is universally trilingual in English, Spanish, and Chinese, and certain sections are available in other languages. The website provides a wealth of legal information, including calendar information through e-Courts, terms sheets with judges, room numbers, and phone numbers, volunteer information, landlord and tenant plain-language guides, and forms. Free access to the website is provided in each courthouse's Help Center. The Housing Court is also active on social media, posting updates on Twitter, Facebook, and YouTube.

The Housing Court also provides DIY programs that are similar to software like Turbo Tax and allow one to produce automated forms that can be filed with the Court. Tenants may complete an application to vacate a default, initiate a roommate holdover, or answer a nonpayment proceeding. Small property owners may also print forms for nonpayment proceedings and notices of terminations.

II. Negative Effects of Technology

Jamie Fishman is a tenant and consumer rights attorney who discussed one of the negative effects of technology, particularly on tenants, in blacklisting, which is the denial of housing because a person was named in a Housing Court proceeding regardless of the outcome or type of case. The two main tools by which blacklisting occurs is through tenant screening, which is a history of housing court litigation, and a traditional credit report, which is provided by the three main credit agencies that contain information from creditors. Credit bureaus pick up all judgments, which can reduce credit scores by as much as 20%, and are often recorded in person.

The Office of Court Administration sells electronic data to companies that produce tenant-screening reports in NYC. This data includes names and addresses, and is now obtained by index number, which adds another layer of data. This information can be purchased by LexisNexis and other companies numbering up to 600 nationally, making it easier to find someone's history. Unfortunately, each report does not state the outcome. Problems arise when a tenant screening report equates a Housing Court case with other tenant selection criteria, like criminal history, sex offender status, etc., without context or specificity on judgments. Blacklisting is governed by the federal Fair Credit Reporting



Act, which requires that as long as information is accurate it can be used and not expunged. In most situations, the information is incomplete and therefore not accurate in the truest sense of the word.

Tenant screening reports include misleading information that can also be inaccurate. The threat of inclusion on one of these reports discourages tenants from starting cases and changes the way that lawyers must advise tenants before cases. Generally, this means that tenant's attorneys will negotiate to have tenants named as Jane or John Doe rather than their true name, or may preemptively sue in Supreme Court requesting an injunction against starting a Housing Court case. Tenant's attorneys will also have to push for language in stipulations for expungement from these reports and for vacatur of judgments. For landlords, they are blacklisting tenants who then cannot move as freely. These tenants then cannot withhold rent and are forced into HP and DHCR complaints. Tenants may be denied housing because of either their Housing Court litigation history or because of a judgment.

III. Questions and Answers (part 1)

Question: Why does the Office of Court Administration still provide information, even though it is aware of such adverse effects on tenants?

Jamie Fischman answered that OCA says that because information is public, the release is required, but he notes that OCA is only legally required to release information to the law journal.

Question: Why isn't information on landlord defaults available?

Jamie Fischman answered that HP case information is not used because the landlord field is filled with Petitioner. National reporting agencies have no reason to adjust to record information from HP cases.

Question: How widespread is the use by landlords of tenant screening?

Jamie Fischman answered that anecdotally more and more landlords are using tenant screen reports because they are easily available and accessible. Reporting agencies also provide some administrative services like evaluating tenants, thus eliminating the need for a rental department. Carlos Perez-Hall said that it isn't inherently wrong to obtain this information and it does affect certain tenant bases by location and market rate apartments. Landlords look at cases differently, especially screening for holdover proceedings when evaluating tenants.

IV. New Case Management System

Eddy Valdez is the clerk for the County of Bronx and has worked to implement the new case management system. The courts are transferring to a new statewide case management program that would allow for universal case inquiries and access. NYC is being integrated into the system later this year. This newer technology will allow the Housing Court to operate more efficiently.



In courtrooms, new case dispositions can be entered simultaneously, saving time. The court can also limit adjournments on certain dates to reduce oversized calendars on heavy days. Other efficiencies include permitting the Clerk to electronically sign documents, limited document scanning, reports for statistical data, user workload reports to evaluate employee productivity and auditing, online tracking through e-courts, and interactive phone response on case information. Overall, the new case management system will make a more streamlined and efficient Housing Court.

V. Future of Technology in the Housing Court

Sateesh Nori discussed the technology affecting the future for access to justice. He identifies two major problems with the Housing Court that technology could help resolve: overcrowding and the reliance on paper filing. Lawyers could easily file motions and papers electronically, and unrepresented litigants could file HP actions or Orders to Show Cause with attachments. People have argued against implementing electronic filing, arguing that it would lead to abuses of the system or would cost too much. Nonetheless, electronic filing is already being implemented in federal court and state courts. Abuse of the system is already occurring irrespective of technology, and many people do not understand procedure regardless. Electronic filing would allow translation into multiple languages and remote question and answering. Costs may be high initially, but electronic filing will likely result in cost savings and efficiencies in the long term. Clerks will be able to do more productive work with fewer interruptions.

Carlos Perez-Hall discussed other applications of technology that could be implemented. Electronic filing could assist tenants who might be able to answer electronically, digital files for cases would expedite access to new filings, and judges would be able to read papers before hearing a case. On the landlord side, the warrant system could be improved by allowing electronic sending of documents between the marshal and clerk. They wouldn't have to go cross-county to file an order to show cause and could inform a marshal instantly, increasing efficiency and preventing evictions. Technology could also save people from animosity inherent in court operations, expedite access to interpreters by using electronic interpretation systems and provide typed stipulations. An electronic tool could allow the court to manage daily tasks by organizing cases that needed allocation, argument, and conferencing.

VI. Questions and Answers (part 2)

Question: What is the capacity to use cell phones to help in Housing Court?

Jamie Fischman noted that cell phones could be used to find an adversary or for video conferencing where a court appearance would require difficult or extensive travel. OCA should incorporate the case management system by building address, too.



HCA Section 110(c)

The Scope and Limits of a Housing Court Judge's Authority

Moderator:

Hon. Jaya Madhavan

Panelists:

Miriam M. Breier, Warren E. Estis, Judith Goldiner, Sheryl Karp, Hon. Sabrina Kraus

I. Section 110(c): Formulated in 1973, Still Relevant in Today's Housing Court?

To see if Section 110(c) is equipped to handle the challenges of the housing court, we must look to the court's beginnings. Originally, cases involving housing issues were handled in various other courts, essentially resulting in a "dispersion of jurisdiction". The implementation of Section 110(c) changed that. The legislative purpose of the statute went to "the effective enforcement of State and local laws for the establishment and maintenance of proper housing standards."

The primary aim of Section 110 is the enforcement of housing standards, which is mainly done through HP actions. The housing court is given extraordinary power by Section 110, power that the Civil Court does not have. The housing court can issue injunctions or orders to repair, enforce HPD orders, ensure tenants can resume possession of their apartments, and hold owners liable for a failure to comply with HPD orders. In an HP proceeding, the housing court has exceptionally broad power to deal with code enforcement. Prometheus Realty Corp. v. City of New York (80 A.D.3d 206, 911 N.Y.S.2d 299, [2010]), deals with the breadth of Section 110.

A serious limitation on Section 110(c), though, is that the New York City Housing Authority ("NYCHA"), the city's largest landlord, is exempt from HPD violations. There is a difference of opinion in terms of whether NYCHA can be held accountable in an HP proceeding—some HP judges enforce repairs against NYCHA, while others do not.

II. What are the Limitations on a Housing Court Judge in an HP Proceeding?

Judges can and will enforce or compel landlords to repair the violations reported, not additional conditions that may be present but that weren't the subject matter of a violation. Attorneys will often stipulate to fix rather than an order to correct, primarily because this limits civil penalties. Whether the housing court has jurisdiction when there is no actual violation reported on an HPD inspection report is undecided. The question is whether the condition constitutes a violation of the law.

III. Issues of Consolidating an HP Proceeding with a Nonpayment Proceeding

There does not appear to be a proscription against consolidation. Similar to any request for consolidation, the court has to look at common issues of fact that have to be determined, the identity of the parties, where the cases are in terms of lifecycle (existing stipulations of settlement, etc.). The



housing court has specialized parts and, as a result, if consolidation took place, it would not likely be in the HP Part and is more likely to occur in the Resolution or Trial Part.

HPD does not generally support consolidation of HP proceedings and nonpayment proceedings. From the agency's perspective, it doesn't make sense with respect to code enforcement. Although HPD is a natural party in every HP proceeding, HPD has no standing in dealing with a case's money issues. Some people suggest that having all controversies in front of one judge would benefit all parties through synergy. However, others believe that consolidation may have the effect of diluting an HP proceeding. Furthermore, there is a difference in remedies between HP proceedings and nonpayment proceedings. The HP proceedings may result in the assessment of civil penalties against an owner, whereas nonpayment proceedings can sometimes result in a tenant receiving an abatement of rent.

Initially, there was consolidation of HP proceedings and nonpayment proceedings. However, it is the opinion of at least one seasoned HP judge that the consolidation itself paralyzed the HP Part and the modern avoidance of consolidation is not a policy decision but rather acquiescence to practical impossibility.

Section 110(d) states that the court or any city department, on its own motion, may join any other person or city department as a party, in order to effectuate proper housing maintenance standards and promote the public interest. In theory, this may be used by the court to compel Section 8 to pay a subsidy. One reason some nonpayment proceedings are filed against tenants is that the Section 8 subsidy is not being paid. Normally, this would require bringing an Article 78 proceeding. These are issues more properly brought in Supreme Court, but the landlord saves money by filing in housing court, and so such cases are often encountered.

IV. Should DHCR be Joined as a Party to Obtain a Quick Result in a Nonpayment to Promote the Public Interest?

The question really becomes what relief the court can obtain by joining a particular party. HPD can be joined to get the premises inspected and other parties may be joined to get information, but it is difficult to get the parties to do much else. Prometheus says Section 110 should be read broadly and that it grants the Civil Court broad powers in landlord/tenant proceedings, citing Missionary Sisters, and talks about the great breadth of Section 110 and what it is supposed to accomplish.

Some believe the court in Prometheus did not expand jurisdiction as harassment was already covered under part of the Housing Maintenance Code. Indeed part of the code since the 1980s; the issue in Prometheus was whether the city could add harassment formally as a housing condition, and it did. This was a proper exercise of power by the city.



V. What Equitable and Declaratory Relief are Available in Housing Court?

The housing court can issue stays, specifically with orders to show cause, despite the NY State Legislature attempting to limit the authority of the court in 1997. The court's authority in exercising a stay is extremely broad and clearly within the court's authority. The housing court can issue a stay pending an inquiry by the NYC Human Rights Commission into alleged discrimination regarding the termination of a super, for instance.

In the case of a so-called "buyout stipulation," where a tenant agrees to vacate upon payment of a certain sum of money and where the owner reneges on payment, there is a difference of opinion in respective Appellate Division Departments. The First Department in 952 Associates, LLC v. Palmer (52 A.D. 3d 236, 859 NYS 2d 138 [2008]) held that the housing court had the authority to order disbursement of funds, but the Second Department reached a contrary conclusion in Topaz Realty v. Morales (9 Misc. 3d 27, 801 NYS 2d 479 [2005]).

Judges also have authority to permit a stay to cure a breach of lease.

VI. Some Final Thoughts on Section 110(c)

Section 110, which was enacted forty years ago, arose out of a circumstance where owners were fleeing their buildings, leaving behind serious Housing Maintenance Code enforcement issues, and is still relevant in 2013. There is still a huge need for the HP Part and for summary proceedings in general.

As to whether Section 110(c) should be changed or augmented, the panel commented on how the housing court has evolved as the proceedings brought before it evolved. Over time, the court has become more sophisticated than it once was, though many of the same criticisms exist now as did twenty years ago. The housing court can be a stressful and difficult place to bring a proceeding, and many individuals think of the court as the most emotional court next to the Matrimonial Part.



The Housing Court and Access to Justice

Moderator:

Andrew Scherer

Panelists:

Paris Baldacci, Eliot Cherson, Hon. Mark Finkelstein, Hon. Fern Fisher, Louise Seeley

I. Introduction

Andrew Scherer opened the discussion by pointing out that Housing Court is asked to do something impossible by addressing issues outside of the Court's control, like poverty, the housing market, and government benefits. Yet the court must deal with these issues, handling an astounding volume of cases with far too few judges. For example, in federal district courts there are around 360,000 cases filed per year, 1,205 judges, and a \$2.6 billion annual budget. This reduces to approximately \$7,000 per case and 300 cases per year per judge. The Housing Court handles 350,000 per year with a budget of \$32 million. This corresponds to a paltry \$91 per case and a surreal 7,000 cases per year per judge.

II. Successes and Failures of the 1997 Housing Court Initiative

Judge Fisher corrected Andrew Scherer by stating that the 350,000 cases per year is misleading because not all of those cases see a judge and that approximately 180,000 cases is a more accurate figure. Judge Fisher then summarized the Access to Justice efforts in New York State, which began in the Housing Court. The goals were to ensure equal access to justice for unrepresented litigants through counsel, legal assistance, help centers, and DIY programs; address the changing needs of the population that comes into the courts with emphasis on poverty, communication and cultural diversity; better manage special needs (e.g., people with mental illness, senior citizens) by integrating more guardians ad litem; and facilitate justice within the courtroom through administrative directives and other changes.

Judge Fisher believes that the 1997 Housing Court Initiative's goal to end hallway negotiations was too ambitious. As a result, she would like to see a greater commitment to programs like the Resolution Assistance Program (RAP) where RAP participants are assigned to an individual litigant that are trained in "red flag moments" where a litigant should speak to the judge (e.g., sexual harassment, overreaching on stipulations, glaring math errors). The RAP participants are not allowed to intervene in negotiations, but can escort litigants to resources and tell unrepresented litigants that they should go see a judge. Another failure of the Initiative was the lost in-house mediation coordinator and social worker. The social worker was trained and certified to bring additional help in the form of social work students into the courtroom. There has also been a struggle to ensure that each courtroom follows the Housing Court's Directives and Advisory Notices. There is not enough funding for more *pro se* attorneys. She believes that changes like the *pro se* answer in triplicate have helped and also encouraged clerks to better record a litigant's defenses and for court attorneys and judges to look at the answer on each



case. In 2014, informational videos will be put into courtrooms, which will be helpful as they will provide information that demystifies the Housing Court process.

Louise Seeley agreed that she would also like to see the end of hallway conferences. More easily adopted changes would be providing informational videos in the courtrooms, plain language forms for answers and orders to show cause – which currently limits tenants to what they can put onto one page — and correcting faults in the otherwise helpful RAP program. One success has been the implementation of DIY programs, which are helpful for non-lawyer advocates working at nonprofits who can do the work in the office and then bring it to court. The DIY programs also assist *pro se* landlords needing help filling out forms. A great benefit to the Housing Court would be more assigned counsel in general.

Eliot Cherson reviewed the benefits of the Initiative, especially the splitting of the resolution and trial parts. That change helped tremendously because court staff could spend more time with litigants on each case. He does not believe hallway negotiations are as big of an issue for several reasons: Landlords' attorneys have a sense of what each judge wants so attorneys will adjust settlements accordingly. He believes that volunteer lawyer programs can actually exacerbate existing problems because even if they are trained, the volunteer may still give improper advice. Overall, hallway negotiations have lessened in number and many attorneys are willing to conference a case right away if a litigant is resistant to hallway negotiation. The current process also still has several layers of oversight – whether before court attorney(s) and judge in the resolution part, or with court attorney(s) and judge in the various trial parts.

III. Programs to Benefit Pro Se Litigants

The panel discussed several viable options to benefit *pro se* litigants, including current programs, expanding the number of double *pro se* parts, better identification of the parties like court staff and attorneys, more detailed morning introductions by judges, and improvement of the guardian ad litem program. Louise Seeley was particularly emphatic that a right to counsel would bring about the greatest change for *pro se* litigants in Housing Court. Although it is unlikely now, it could be possible incrementally with increased funding for services and a new generation to pick up the charge.

Judge Fisher reviewed the current programs available, which include the Assigned Counsel Project that provides lawyers through legal service organizations with social worker support, and the volunteer lawyer programs where volunteers represent litigants for a day under the supervision of two attorneys (stipulations must be reviewed). Additionally, a variety of informational videos are available on YouTube, in Help Centers, in city libraries, and on a mobile device compatible website.

Judge Finkelstein discussed his experiences in the double *pro se* part, where both landlords and tenants are unrepresented, and believes there is need for a second part. This part is open four days a week, Monday through Thursday, plus Thursday night, and exists only in Brooklyn. Because of the unique challenges of double *pro se* cases, he said that working in this part requires patience from the judge and court attorneys. Poor landlords have similar issues to poor tenants with respect to



unfamiliarity with the processes: landlords may have waited longer to bring a case for nonpayment or holdover than they should have, and there are common issues around foreclosures and scams. A benefit to the part is that landlords begin to learn how to proceed in Housing Court after a couple of court appearances. Generally, court attorneys conference a case with the parties and help to draft stipulations, but the court takes more time to explain the process.

Paris Baldacci disagreed that double *pro se* parts are a good idea because he feels it segregates the litigants and that the litigants might be able to learn more in traditional resolution parts. Judge Fisher pointed out that a double *pro se* part could be opened in Queens, but that night courts are generally not well received, especially after they were opened in Queens and Staten Island.

Judge Finkelstein discussed the positive contributions that guardians ad litem (GALs) can have on cases where Adult Protective Services (APS) is involved, which are inherently time-consuming cases. He believes a more positive culture, closer monitoring of GALs and APS cases, and better training will lead to better positive outcomes for vulnerable *pro se* litigants. The judge should take a more active role in following up with these cases from the outset. Judge Fisher also pointed out that bad GALs have been and will be removed, and that the Housing Court is now conducting background checks of GALs. On the subject of such cases, Paris Baldacci brought up that there are confusing requirements for Adult Protective Services and many have been told that the standard for APS taking a case is whether the person would survive in a shelter, not with regard to the effect of eviction. Judge Fisher confirmed that there is some confusion on this topic and APS is working to clarify their standards.

Elliot Cherson worries about the procedure for Article 81 guardianship because no parties typically involved in the case can move until a Marshal's notice is served. He thought it was good practice by the court to combine Article 81 with the Housing Court case. Although Judge Finkelstein agreed, he noted that the vast majority of cases do not require Article 81 guardianship.

IV. Allocutions

Paris Baldacci reviewed his findings in a study of allocutions (explaining the terms of a settlement to the litigants) done by Housing Court judges with *pro se* litigants. Using students to assist in conducting the study, his housing rights clinic documented 481 allocutions over three years, mostly in Manhattan, but with significant amounts of data from every other borough save Staten Island. The students evaluated the allocutions using a checklist informed by Judge Fisher's Directives and protocols from a NYCLA conference. The students only observed the judge's behavior. The study identified, among other things, whether court staff spent time with the litigant before allocation in reviewing the terms, if the litigant was asked about HPD violations, the judge's usage of yes or no questions, whether the judge told the litigant that they did not have to settle, and if alternatives to settlement were explored, among other criteria.

He found that judges are largely doing a good job of allocuting stipulations, but found a lack of specific questions. Nor did he find that the effectiveness or quality of an allocation was correlated with additional time spent speaking with litigants. Judges asked open ended questions about peoples'



understanding of the settlement just 20% of the time, about their ability to comply only 23% of the time, articulating defenses or claims 12% of the time, their awareness of alternatives only 5.8% of the time, and if the landlord's attorney gave advice only 3.3% of the time. This data implies that judges are doing more talking and reading through stipulations, but checking the explanations is judge-specific. The allocutions averaged 3.8 minutes per case, but can also vary by judge. He does not feel that constitutional requirements or court advisory notice recommendations are met.

Judge Fisher confirmed that allocution style varies by judge and that she is disappointed by the statistics. If judges are failing to effectively allocute, then this should be brought up on a judge's reappointment. Even when potential judges are being considered, they will do simulations of allocutions to get an idea on how a candidate will handle it. Louise Seeley agreed that allocutions vary by judge and believes that it would be helpful if conferences were also recorded. Here, Judge Fisher posited that recording conferences is unworkable because staff unions are resistant to this and further, that recordings might stymie the conference. Her bigger problem is that there is not enough time for court staff and judges to properly review terms with the litigants. Paris Baldacci found the middle ground arguing that because the Housing Court is a court of record and a court of law, if something is not on the record then it is not part of the case. Therefore, there must be some reflection of the conference on the record.

Eliot Cherson reflected on allocutions by reviewing his own general strategy in dealing with *pro se* litigants. He will inquire about what the situation is, see what the parties can agree to do, include repairs, go over the stipulation with the litigant, and explain that they will see the court attorney. He will often provide information so that the litigant has an opportunity to consider other options. He frequently finds that judges are good about informing litigants regarding the procedure to raise an order to show cause. Over the years the behavior of judges has changed since the Initiative, especially after having an uptick in resources, but that there is still a tremendous pressure on judges. In the Harlem Community Justice Center, he estimates that there are a hundred cases each day. In many of the courts there are a high number of *pro se* litigants and large numbers of holdovers and post-evictions.

V. Questions and Answers

Question: Should the Housing Court consider creating an APS part that could address health issues early on and include a social services component?

Judge Fisher cautioned against this idea because it would perpetuate stigma. Louise Seeley worried that if people self-select into this hybrid part, it would include people who need it the least.



Closing Plenary: Housing Court – Past, Present & Future

Speaker:

Hon. Fern Fisher

In the third and final plenary, Hon. Fisher recapped the topical findings and recommendations from the workshop sessions, with the goal of generating consensus and prioritizing the action items. Broadly focusing on areas where there is consensus that some action is needed, she briefly discussed each point and then offered time for comments and questions. Judge Fisher concluded by assessing support for each initiative and, in noting the mission statement of the court, suggested a course of action for policy moving forward.

From the panel on economics, Hon. Fisher restated the concerns driving the increased utilization of the housing court. Decreasing incomes in NYC, increased rents and foreclosures, and a broad drop-off in federal subsidies mean that the court is likely to remain overcrowded for some time. Certainly, additional judges and attorneys are needed to mitigate the increased load, though due to the funding situation, this respite is unlikely. Indeed, though the situation is dire now, Judge Fisher suggested that the court has an opportunity to re-engineer itself to better face 21st Century demand, and with some luck and a great deal of execution, the court will have a healthier outlook for the 50th anniversary.

With respect to the housing court and its role at large, “The Politics in the Housing Court” panel brought up a number of issues. In general, there was broad accord that judicial pay should be adjusted to parity with other courts. Likewise, an analysis on term limits was suggested, given successes in other housing court jurisdictions, such as Boston, with longer judicial terms, with the thought that longer term limits facilitate a greater focus on problem solving in the court.

Additionally, the panel also posited that the court should become at least somewhat more formal to avoid the appearance of impropriety. While the housing court, owing to the familiarity of attorneys and staff, is by nature collegial, many felt this reflected negatively on the projection of justice in the court. Along a similar line, the thought that judgeships appear to be the province of court attorneys alone warrants some analysis on how to diversify the court. Popular opinion also suggested that the long vetting process and the perceived status of housing court could also drive down the number of outside applicants, and that these concerns could potentially be addressed.

In terms of standard operations, the workshops brought up a number of detailed concerns and focused not only on mechanisms to improve the court, but also upon some recent changes. For instance, there was some disagreement on whether the co-op/condo part should be eliminated due to inefficiency. However, supporters argued that the specialized nature of these cases warranted a more targeted part, and ultimately swayed opinion to better define the part rather than eliminate it. Further, there was no overwhelming support for either double *pro se* or GAL parts, but other initiatives like Section 110(c) and the elimination of Parts 18 and 49 were positive changes.



This is not to say that there was not broad agreement elsewhere. Here, the panels agreed that access to justice was the most pressing issue facing the court and that the right to counsel, even in the face of dwindling resources, was paramount. To this end, non-attorney advocates were considered as a compromise. These advocates have been successful in the foreclosure and consumer debt cases. For housing, however, a specialized skill set is required, so the panel was concerned with how to assess applicants or “volunteer lawyers for the day.”

Additionally disconcerting is the sheer volume of OSCs—for which there are a number of contributing factors, but no agreement as to the cause. However, there was broad agreement that clarity on enforcement terms and a more standardized allocation process could help mitigate the number of OSCs. Naturally, suggestions need to be RPAPL 746 compliant, but the committee felt that there may be some answers hidden in the data.

The overarching consensus is to modernize the court wherever possible. A new Universal Case Management System (UCMS) will be launched shortly; and a mobile friendly website with easy access to instructional videos and/or local kiosks in the court equipped with computers would help with access to documents and case files. There was broad support for automation and digitization of forms and notifications, including electronic filing of petitions, answers and OSCs that would facilitate efficient access to files and allow for automated notifications to be sent out, and digital service of OSCs and stipulations to judges and warrants to Marshals. Naturally, there is concern for unrepresented litigants, which must be monitored, but the world is decidedly more wired. So much so that even beyond a new website, the court may consider sharing informational materials via social media.

Also, many suggested that “big data” may help the court better identify trends or allocate resources, so it would be paramount to utilize increased flagging functionality in the UCMS so that cases are more easily sorted and categorized. These can then be better leveraged for statistical study as needed. However, this was tempered with concern that increased data collection could exacerbate issues with the selling of data by the OCA, especially with respect to the blacklist.

In conclusion, though some action may need to go through the legislature, there is decidedly ability to act locally within the housing court to effect positive change. And, in areas where there is broad support, the court should act decisively to better ensure equal access to justice. For many other issues, where there is often widespread agreement on the source but discord as to the best prescriptive solution, an in-depth study may be the best strategy. Ultimately, action must be taken if the housing court is to continue to evolve and meet its charge in an ever changing world.



Distinguished Speakers

Biographies

Paris R. Baldacci is a Clinical Professor of Law at the Benjamin N. Cardozo School of Law, where he is the Director of the Law School's Housing Rights Clinic. Prof. Baldacci specializes in landlord-tenant and housing representation and scholarship, and teaches a seminar on Housing Rights Law and New York Residential Landlord-Tenant Law. Prior to joining the faculty at Cardozo in 1991, he was an attorney with The Legal Aid Society from 1987-1991, where he also specialized in landlord-tenant and housing law. Prof. Baldacci received his J.D. from CUNY Law School in 1987 and his Ph.D. in Religious Studies from Marquette University in 1974. He was the Chair of the Committee on Housing Court of the Association of the Bar of the City of New York from 1996-1999 and a member of the Association's Committee on the Judiciary from 1996-2002; he is currently a public member of the Housing Court Advisory Council. His recent scholarship has focused on the ethical and practical implications of meeting the challenge of the unrepresented litigant, both for judges and adversaries, including "The Role of the Judge in Assisting Pro Se Litigants in Litigating Their Cases in New York City's Housing Court," 3 Cardozo Public Law, Policy & Ethics Journal 301 (2006).

Vicki Been is the Boxer Family Professor of Law at New York University School of Law, Professor of Public Policy at New York University Wagner Graduate School of Public Service, and is the Faculty Director of the Furman Center for Real Estate and Urban Policy. Prof. Been teaches courses in Land Use Regulation, Property, and State and Local Government, and co-teaches an interdisciplinary Colloquium on the Law, Economics and Politics of Urban Affairs. Prof. Been received a B.S. with high honors from Colorado State University in 1978 and a J.D. from New York University School of Law in 1983, where she was a Root-Tilden Scholar. After graduation she served as a law clerk to Judge Edward Weinfeld, United States District Court for the Southern District of New York from August 1983 to July 1984 and as a law clerk to Justice Harry Blackmun, United States Supreme Court from August 1984 to August 1985. She was an Associate at Debevoise & Plimpton in New York City for one year, and then served as an Associate Counsel at the Office of Independent Counsel: Iran/Contra in Washington, DC. Prior to joining the faculty at NYU Prof. Been served as an Associate Professor at Rutgers University School of Law. She has written extensively on Housing Affordability and other housing topics.

Miriam M. Breier is the senior and founding member of the New York City law firm of Breier Deutschmeister Urban Popper Law Group, PLLC, a small firm specializing in Landlord-Tenant litigation, administrative proceedings, coop and condo closings, Supreme Court litigation, lease negotiation, contract negotiation, appellate practice and "all things real estate." Ms. Breier is on the NYS Courts Part 36 Fiduciary List, and has been appointed Receiver, Referee and Attorney for Receiver in Supreme Court foreclosure and matrimonial proceedings. Ms. Breier served as Chair of the Housing Court Committee of the New York City Bar Association from 2006-2009, and as Secretary of the Judiciary Committee of the City Bar from 2011-2012. She is a member of the New York City Bar Association, New York State Bar Association, New York County Lawyers Association, the Jewish Lawyers Guild, a former Small Claims Court Arbitrator, a former member of the September 11th Legal Advisory Council, and a former member



of the Part 49 Committee to the New York County Housing Court. Ms. Breier graduated from SUNY Stony Brook in 1978 with a B.A, and earned her J.D. from Hofstra University School of Law in 1982. She was admitted to practice in the NYS Courts in July 1982 and is also admitted in the Federal Courts, Eastern District and Southern District Courts of New York. She Will be sworn in to the Supreme Court of the United States on March 4, 2013.

Hon. Margaret Cammer currently works as a judicial hearing officer in Manhattan and Brooklyn. She recently retired as an acting State Supreme Court justice in Brooklyn. Until 2000, she was the supervising judge of the Manhattan Civil Court and the deputy administrative judge of the New York City Civil Court. Judge Cammer graduated froth the University of Wisconsin and Brooklyn Law School.

Eliot J. Cherson is a Senior and Founding Partner of Rappaport, Hertz, Cherson & Rosenthal, P.C., a full service law firm specializing in real estate related matters, closings and litigation. Mr. Cherson is a 1976 graduate of Hofstra University School of Law and has been engaged in active practice specializing in real estate litigation in the Housing Court, Civil Court, Supreme Court, and Federal & Bankruptcy courts throughout the New York metropolitan area. He is admitted to practice in New York, United States District Courts for the Southern and Eastern Districts and the United States Supreme Court. He has served on the Civil Court, Housing Court and Select Committee on Court Reorganization of the Association of the Bar of the City of New York. Mr. Cherson is also a member of the New York State and Queens County Bar Associations. From 2002 to 2011, he was an owner representative on the Westchester County Rent Guidelines Board.

Richard H. Chused is a Professor at New York Law School and was previously at Georgetown University Law Center. He is a prolific scholar and an expert on property law, gender and American legal history, copyright law, and cyber law. Prof. Chused has published numerous books and articles on the legal history of gender and property law, and teaching texts in copyright and property. His published work includes the: recently released third edition of his property text book for LexisNexis, a chapter in a comparative jaw anthology on landlord-tenant law, and a lengthy history of the famous landlord-tenant case *Javins v. First National Realty Corporation*.

Gary R. Connor is a General Counsel in the New York State Homes and Community Renewal agency. Mr. Connor was previously the head of the Real Estate Finance Bureau as New York State's Assistant Attorney General. He is the governor's representative to the Housing Court Advisory Council, which assists in appointing Housing Court judges.

Matthew Desmond is an Assistant Professor of Sociology and Social Studies in Harvard's Department of Sociology. After receiving his Ph.D. in 2010 from the University of Wisconsin at Madison, he joined the Harvard Society of Fellows as a Junior Fellow. His primary teaching and research interests include urban sociology, race and ethnicity, poverty, social theory, organizations and work, and ethnography. Prof. Desmond is the author of three books: *On the Fireline: Living and Dying with Wildland Firefighters* (2007), *Racial Domination, Racial Progress: The Sociology of Race in America* (with Mustafa Emirbayer, 2009), and *The Racial Order* (with Mustafa Emirbayer, forthcoming). He has written essays on



educational inequality, dangerous work, political ideology, race and social theory, and the inner-city housing market. Most recently, he has published on eviction and the low-income rental market, network-based survival strategies among the urban poor, and the consequences of new crime control policies on inner-city women in the *American Journal of Sociology* and *American Sociological Review*. He is the principal investigator of the *Milwaukee Area Renters Study*, an original survey of tenants in Milwaukee's low-income private housing sector and is currently writing a book on the causes, dynamics, and consequences of eviction.

Elizabeth Donoghue is a partner in the firm of Himmelstein, McConnell, Gribben, Donoghue and Joseph, a law firm that specializes in the representation of rent regulated tenants under Rent Control, Rent Stabilization, NYCHA, Mitchell-Lama and the Private Housing Finance Law. Ms. Donoghue received her J.D. at Antioch School of Law, where property law was taught through the lens of Landlord and Tenant Law. In New York, she has represented tenants at DC 37, Municipal Employees Legal Services Plan, at Bronx and MFY Legal Services, and in private practice. Ms. Donoghue was a member and Chair of the New York City Bar Association's Housing Court Committee and member and current Chair of the Judiciary Committee, which reviews all candidates for, and reappointments to, the Housing Court. She also served on the Committee on Cooperative & Condominium Law, the Executive Committee, and the Task Force on Town & Village Justices, and is a member of the New York County Lawyers Association. Ms. Donoghue was a Reginald Heber Smith Fellow at Land of Lincoln Legal Assistance Foundation, where she represented tenants in rural Illinois, and a Fellow at the Harrison Institute for Public Law, Georgetown University Law Center, from which she received a LL.M., and where she supervised law students in the representation of tenant associations in Washington D.C.

Ingrid Gould Ellen is Professor of Urban Planning and Public Policy at New York University's Wagner Graduate School of Public Service and Co-Director of the Furman Center for Real Estate and Urban Policy. She joined the Wagner faculty in the fall of 1997 and presently teaches courses in microeconomics, urban economics, and housing and urban policy. Prof. Ellen's research interests center on urban social and economic policy. She is author of *Sharing America's Neighborhoods: The Prospects for Stable Racial Integration* (Harvard University Press, 2000) and has written numerous journal articles and book chapters related to housing policy, neighborhood change, urban growth, and school and neighborhood segregation. Before coming to NYU, Prof. Ellen held positions at the Urban Institute and the Brookings Institution. She attended Harvard University, where she received a bachelor's degree in applied mathematics, an M.P.P., and a Ph.D. in public policy.

Warren A. Estis has expertise in litigation, combined with a deep understanding of transactions and leasing, giving him unique insight into these areas. As the lead trial attorney at the firm of Rosenberg & Estis, P.C., Mr. Estis has tried numerous cases in various courts, both jury and non-jury, and has argued appeals before the Appellate Term and the Appellate Division. He handles all matters of general commercial litigation, including landlord-tenant disputes, breach of contract, transactional disputes, real estate partnership disputes, mortgage foreclosures, brokerage commission actions, rent strikes, holdover proceedings, ejectment proceedings, loft litigation, owner occupancy actions and co-op/condo disputes. Mr. Estis' credentials include editor and co-author of the Landlord and Tenant law and Rent



Regulations columns in *the New York Law Journal*, and the book "The New York Rent Regulation Reform Act of 1997." He is also co-author of the Landlord-Tenant chapter in West's multi-volume treatise, General Practice in New York. He is a former member of the Housing Advisory Council of the Civil Court of the City of New York and a member of the Supreme and Civil Court Practice Sections of the New York County Lawyers' Association and the Real Property Division of the American Bar Association. Mr. Estis frequently lectures at continuing legal education programs sponsored by the New York State Judicial Institute.

Hon. Dina Fein is currently a First Justice in the Western Division Housing Court in Springfield, Massachusetts. She was appointed to the Massachusetts Court System in 1999 and was appointed as a special advisor to the Trial Court for Access to Justice initiatives in June, 2009. Other current professional positions include mentor in the Judicial Resource Project, Trustee at the Flaschner Institute, Chair of the Statewide Steering Committee- Tenancy Preservation Program, and Executive Board member of the Massachusetts Judges Conference. Judge Fein also teaches at the Western New England College School of Law as an Adjunct Professor. Prior to her work in the Housing Court, Judge Fein was in private practice in Springfield, with a concentration in civil litigation, and worked on the Senior Citizens Law Project with the Atlanta Legal Aid Society as a staff attorney. She graduated with a B.A. from Emory University and received her J.D. from Emory Law School in 1982.

Hon. Marc Finkelstein has been a Housing Court Judge since 1994. Most recently he sat in the "double *pro se*" part in Brooklyn. Prior to his appointment to the Housing Court bench, Judge Finkelstein was the Faculty Director of Brooklyn Law School's Elder Law Clinic Program and Managing Attorney at the clinic's BLS Legal Services Corp - Senior Citizens Law Office from 1983 to 1994. From 1977 to 1983 he was a senior attorney at JASA's Legal Services for the Elderly office in Queens County, and from 1973 to 1977 he was a staff attorney of the Legal Aid Society of Mercer County (NJ) and later supervisor of the program's Senior Citizen Unit. From 1968 to 1973 he was a NYC school teacher. Judge Finkelstein graduated from Rutgers Law School and was admitted to the bar in 1973.

Hon. Fern A. Fisher is the Deputy Chief Administrative Judge for the New York City Courts. Judge Fisher is responsible for overseeing the day-to-day operations of the trial-level courts located in New York City. Judge Fisher works with the administrative judges of the various courts in New York City in order to allocate and assign judicial and non-judicial personnel resources to meet the needs and goals of those courts. Judge Fisher also serves as the Director of the New York State Courts Access to Justice Program, providing oversight in developing and implementing programs to assure meaningful access to justice for all. Justice Fisher began her legal career as a Legal Services attorney and served as the Deputy Director of Harlem Legal Services, Inc. and as an Assistant Attorney General of the New York State Department of Law. She was first appointed to the bench as a Judge of the Housing Part of the Civil Court of the City of New York in 1989, was elected to the Civil Court and served as Deputy Supervising Judge, and was elected to Supreme Court in 1993. She was appointed Administrative Judge of the Civil Court in 1996. She received her B.A. from Howard University and her J.D. from Harvard Law School.



James B. Fishman has been a tenant and consumer rights advocate for 32 years. He is a partner at Fishman & Mallon, LLP a New York City public interest firm specializing in protecting the rights of tenants and consumers. Over the past ten years, Mr. Fishman has pioneered efforts on behalf of tenants to illustrate and address the problems caused by "tenant blacklisting" resulting from the use of Housing Court records to deny housing to individuals. Mr. Fishman has lectured and litigated extensively in this area since 2004. He is a 1979 graduate of New York Law School and a member of the Board of Directors of the National Association of Consumer Advocates. He was awarded NACA's Consumer Herb of the Year in 2002 and was named a 2008 Wasserstein Public Interest Law Fellow at Harvard Law School.

Jack Freund is the Executive Vice-President of the Rent Stabilization Association [RSA], the largest trade association representing residential property owners in New York City. Mr. Freund has more than thirty years of experience with housing affairs in New York City, both from the regulator and provider perspectives. He began his housing career with the New York City Department of Housing Preservation and Development, serving as Director of Policy and Research. Mr. Freund joined the RSA in 1984 and currently oversees research, communications and internal operations for the RSA.

Hon. Marcy Friedman has been an Acting Justice of the Supreme Court in New York County since 2000. She was first elected to the New York City Civil Court in 1994 and was re-elected in 2004. She served as a Housing Court Judge from 1991 to 1994. Judge Friedman graduated from Smith College in 1972 and from the University of Pennsylvania Law School in 1977. She began her legal career as an associate with Wilkie, Farr & Gallagher, and worked as a staff attorney at the Legal Aid Society and as a Managing Attorney at MFY Legal Services.

Hon. Judith J. Gische is an Associate Justice of the Appellate Division, First Department. In 1977, she graduated with honors from the State University of New York at Buffalo, and received her J.D. from SUNY Buffalo in 1980. Justice Gische was elected to the Civil Court in 1994 and reelected in 2004. She was appointed an acting Supreme Court Justice in 1997 and was elected to the Supreme Court for a term beginning 2009. Justice Gische presided over dedicated matrimonial parts in both the Bronx and New York County for seven years. For the last six years she has presided over an IAS Civil Part in New York County. From 1980 to 1982 she was a Judicial Clerk in the Appellate Division, Third Department, and a senior attorney at Richenthal, Abrams & Moss from 1982 to 1990. From 1990 to 1993, she served as a Judge in the Housing Part of the Civil Court of the City of New York in Brooklyn. Justice Gische is a member of the New York County Lawyers Association where she serves on the Judicial Section. She is also a member of the Association of the Bar of the City of New York, where she serves on the Tort Litigation Committee; previously, she served on the Matrimonial Committee, Chaired the Housing Court Public Service Project Committee, was a member of the Housing Court Committee, and was on various Advisory Committees. She is also a member of the New York State Bar Association and the New York Association of Women Judges. Justice Gische is an Adjunct Professor at New York Law School and has been a featured lecturer on numerous occasions at bar and other professional associations, and has published a number of articles on housing, custody, and guardianship issues.



Judith Goldiner is the Attorney in Charge of the Civil Law Reform Unit of the Legal Aid Society, a position she has held since 2011. Prior to that, she was a Supervising Attorney in the Civil Law Reform Unit from 2007-2011. She supervises a staff of 4 supervisors, 16 attorneys, and 4 paralegals in the areas of homeless rights, housing, prisoner's rights, and public benefits and coordinates and supervises law reform and legislative work for the civil practice. She started her career at the Legal Aid Society in the Brooklyn Neighborhood Office working in Brooklyn Housing Court.

Judah Gribetz is of counsel at Bingham McCutchen where he currently serves as the court-appointed special master in the Swiss Bank Holocaust Victim Assets Litigation pending in the United States District Court, Eastern District of New York. Much of Mr. Gribetz's career was in government service including Counsel to the Governor of the State of New York (1975-1978), Deputy Mayor for Governmental Relations (1974), impartial chairman of the Conciliation and Appeals Board (1969-1973), Regional Administrator of the United States Department of Housing and Urban Development (1966-1969), Deputy Commissioner and then Commissioner of the New York City Department of Buildings (1962-1965), and Assistant Corporation Counsel for New York City (1958-1961).

Carlos Perez-Hall is a Partner of Borah Goldstein Altschuler Nahins & Goidel, P.C. He regularly practices in Bronx County where he helps both small and large property owners. Mr. Perez-Hall can be found in both the Residential and Commercial parts of Housing Court, litigating Summary Non-Payment and Holdover Proceedings and helping landlords understand the intricacies of the Rent Stabilization Law, Section 8, and other subsidized housing and transfer programs. He also defends landlords against HPD violations and code infractions. Mr. Perez-Hall graduated from Benjamin N. Cardozo School of Law in 2003. Prior to law school he attended Emory University in Atlanta Georgia where he played varsity basketball.

Martha S. Jones is a member of the University of Michigan Law School's Affiliated LSA Faculty, Associate Professor of History, Associate Chair of the Department of Afro-American and African Studies, and the co-director of the Michigan Law Program in Race, Law & History and Law in Slavery and Freedom Project. Prof. Jones holds a Ph.D. in history from Columbia University and a J.D. from the CUNY School of Law. Prior to joining the Michigan faculty, she was a public interest litigator for the HIV Law Project and MFY Legal Services, where her work focused on the rights of people with disabilities. In 1994, she was a Charles H. Revson Fellow on the Future of the City of New York at Columbia University.

Sheryl Karp has been the Housing Supervisor at The Legal Aid Society's Harlem Community Law Offices since 1990. She has been practicing in Housing Court since 1981.

Hon. Jerald R. Klein is a Judge of Housing Part of the Civil Court of the City of New York and was first appointed to the bench in 1982. Prior to his judicial service Judge Klein was a staff attorney at Bronx Legal Services and at the New York City Department of Housing, Preservation and Development.

Rochelle Klempner is the Chief Counsel in the New York State Courts Access to Justice Program. She primarily works on self-help tools for litigants who do not have an attorney. These tools include the DIY Form programs, the CourtHelp Website, publications and videos. Between 1994 and 2009, Rochelle was



the Principal Court Attorney to Justice Fern A. Fisher. Before joining the court system in 1991, she worked in a law firm specializing in tenant representation. She received her J.D. from Hofstra Law School in December 1986.

Hon. Sabrina B. Kraus was appointed as a Housing Court Judge in 2006. Prior to that, she was a litigator for fifteen years, in private practice, and a partner at two law firms specializing in landlord tenant litigation. Judge Kraus received her B.A. from Colgate University in 1988 and her J.D. from Cardozo School of Law in 1991. She currently serves as President of the Association of Housing Court Judges.

Hon. Jonathan Lippman is the Chief Judge of the State of New York. He was appointed by Governor David A. Paterson in January 2009 and confirmed by the New York State Senate in February 2009. Judge Lippman previously served, by appointment of Governor Eliot Spitzer, as the Presiding Justice of the Appellate Division of the Supreme Court, First Department. From January 1996 to May 2007, he served as the Chief Administrative Judge of all New York State Courts - the longest tenured person ever to serve in that position. In 2005, he was elected as a Justice of the Supreme Court for the Ninth Judicial District and went on to serve as an Associate Justice of the Appellate Term for the Ninth and Tenth Judicial Districts. He was first appointed to the bench in 1995 by Governor George Pataki as a Judge of the New York Court of Claims. His career in the court system has spanned four decades, starting as an entry level court attorney in the Supreme Court in Manhattan. Judge Lippman is a member of the Conference of Chief Justices, former President of the Conference of State Court Administrators, and former Vice-Chair of the Board of the National Center for State Courts. He lectures frequently in New York and around the country on access to justice and judicial branch leadership and innovation. He has published many articles and essays on these and other topics and received numerous awards and honors, including the William H. Rehnquist Award for Judicial Excellence from the National Center for State Courts and the Cyrus R. Vance Tribute of the Fund for Modern Courts. He received his B.A. in 1965 from New York University. He received his J.D. from New York University School of Law in 1968. He and his wife, Amy, live in New York City and have two children, both of whom are practicing attorneys.

Hon. Jaya Madhavan is presently the Supervising Judge in the Bronx County Branch of the New York City Civil Court. In 2004, he was appointed to the Bronx County Housing Court and in March 2007, he was appointed Supervising Judge. Previously, he worked as an associate at Himmelstein, McConnell, Gribben & Donahue and as a Staff Attorney at The Legal Aid Society, Community Law Offices. Judge Madhavan graduated from Fordham University and received his J.D. at Pace University School of Law. He was admitted to Bar in 1996.

Roger Juan Maldonado is a Litigation Partner at Balber Pickard Maldonado & Van Der Tuin, P.C. His practice concentrates on complex civil litigation concerning commercial and real estate transactions, software development disputes, copyright infringement, employment matters and education law. Mr. Maldonado is a member of the Departmental Disciplinary Committee for the Appellate Division of the New York State Supreme Court, First Department. Mr. Maldonado serves as the New York City Bar Association's (City Bar) designated member of the Board of Directors of the New York Community Trust and as Chair of the City Bar's Council on Judicial Administration. Mr. Maldonado also serves as a Vice-



President and member of the Board of Directors of United Neighborhood Houses of New York and as a Referee for the New York State Commission on Judicial Conduct. Mr. Maldonado previously served as a Vice- President of the City Bar, as a member of the Mayor's Advisory Committee on the Judiciary and as a Co-Chair of the Real Estate and Probate Litigation Committee of the American Bar Association's Litigation Section. He is a graduate of Yale Law School and Yale College.

Peter Marcuse was born in 1928 in Berlin, the son of book sales clerk, Herbert Marcuse, and mathematician, Sophie Wertheim. They soon moved to Freiburg, where Herbert began to write his habilitation (thesis to become a professor) with Martin Heidegger. In 1933, in order to escape the Nazi persecution, they joined the Frankfurt *Institut fur Sozialforschung* and emigrated with it first to Geneva, then via Paris, to New York. When Herbert began working for the OSS (forerunner of the CIA) in Washington, DC, the family moved there, but Peter also lived with family friends in Santa Monica, California. He attended Harvard University, where he received his B.A. in 1948, with a major in History and Literature of the 19th Century. In 1949 he married Frances Bessler (whom he met in the home of Franz and Inge Neumarin, where she worked as an au pair while studying at NYU). In 1952 he received his J.D. from Yale Law School and began practicing law in New Haven and Waterbury, Connecticut. Peter and Frances had 3 children, in 1953, 1957 and 1965; He received an M.A. from Columbia University in 1963, and a Master of Urban Studies from the Yale School of Architecture in 1968. He received his Ph.D. from the University of California at Berkeley, Department of City and Regional Planning in 1972. From 1972-1975 he was a Professor of Urban Planning at UCLA and since 1975 at Columbia University. Since 2003 he is semi-retired, with a reduced teaching load.

Hon. Ruben Martino was appointed to the Family Court in New York City in 2003 and reappointed in 2012. He served as a Housing Court Judge from 1994 to 2003. Judge Martino earned his law degree from the University of Pennsylvania Law School and Worked as a staff attorney and as a supervising attorney at the Legal Aid Society.

Steven J. Meyers is a supervising attorney with the Legal Aid Society in Brooklyn and oversees the landlord-tenant practice. He has practiced landlord-tenant law for over thirty years. Before joining Legal Aid, he worked for MFY Legal Services in Manhattan as a staff attorney and supervising attorney.

Sateesh Nori is the Director of Housing Litigation at Bedford-Stuyvesant Community Legal Services, Previously, he was a senior staff-attorney in the Legal Aid Society's Housing Development Unit of the Harlem Community Law Office, and began his career as a housing staff attorney in Legal Aid's Brooklyn Neighborhood Office. He has written on the fundamentals of housing practice, Section 8, and negotiating in housing court. He is the current chair of the City Bar's Housing Court Committee and also serves on the board of Housing Court Answers. Mr. Norris also an adjunct professor at Cardozo School of Law. He is a graduate of New York University School of Law and the Johns Hopkins University.

Hon. Ann Pfau is the Statewide Coordinating Judge for the Unified Court System's Medical Malpractice Matters. She graduated from Wells College in 1970, earned a Master's Degree from Columbia University in 1973, and earned a law degree from Brooklyn Law School in 1984. Judge Pfau has been an Acting



Supreme Court Justice since 1999. In a long career with the New York State Unified Court System, she served in many capacities, including First Deputy Administrative Judge and Chief Administrative Judge.

Mitchell Posilkin is the General Counsel of the Rent Stabilization Association, a trade association that represents approximately 25,000 owners and managers of over one million apartments in the city. In that capacity, Mr. Posilkin addresses a wide range of issues that affect property owners which arise in the courts, in state and city government agencies and in the State Legislature and City Council. Prior to the commencement of his tenure at RSA in January 1996, Mr. Posilkin served as Deputy General Counsel of the Department of Housing Preservation and Development for eleven years, including two and one-half years as the Acting Director of the Department's Housing Litigation Bureau, and as an Assistant Corporation Counsel in the Division of Legal Counsel at the New York City Law Department. Mr. Posilkin currently serves on the Housing Court Advisory Council as a representative of property owners and has served previously on the Advisory Council as a representative of property owners and the City of New York. Mr. Posilkin has also served on the Housing Court Committee of the Association of the Bar of the City of New York.

Hon. A. Gail Prudenti is the Chief Administrative Judge of the Courts of New York State; she was appointed by Chief Judge Jonathan Lippman effective December 1, 2011. Prior to this appointment, she was appointed in February 2002 by then Governor George E. Pataki to serve as the Presiding Justice of the Appellate Division for the Second Judicial Department in New York State, the first woman to hold that position. Before that, she was the first woman from Suffolk County to serve as an Associate Justice of the Appellate Division for the Second Judicial Department. Prior to ascending to the Appellate Division, Justice Prudenti was the Administrative Judge for the Tenth Judicial District (Suffolk County) for almost three years. Justice Prudenti's judicial career began in 1991 when she was elected to the New York State Supreme Court where she served until 1995, at which time she began her term as the first woman elected Surrogate of Suffolk County. She earned her law degree from the University of Aberdeen, in Scotland, which also awarded her an honorary Doctorate of Laws in 2004 and graduated from Marymount College with honors. Judge Prudenti is a member of numerous organizations including the Advisory Panel of Judges of the New York State Lawyer Assistance Trust Program, the Council of Chief Judges of the National Center for State Courts, the Chief Judge's Commission on Public Access to Court Records, the OCA's Gender Bias and Antidiscrimination Panel, and is co-chair of the Chief Judge's Task Force on Delay in the Courts.

Deborah Rand is the Assistant Commissioner for Housing Litigation at the Department of Housing Preservation & Development. She previously served as Deputy Chief for Code Enforcement and Senior Counsel at the New York City Law Department where she handled regulatory and land-use litigation. Before joining the City, Ms. Rand worked at MFY Legal Services, Rutgers University Law School's Urban Legal Clinic, Brooklyn Legal Services Corporation A, and at the West Side SRO Law Project as its first project director.

Hon. Barbara Reitzloff is the First Magistrate judge of the Cleveland Municipal Court, Housing Division. She is a graduate of the University of Michigan Law School. She has taught courses on the foreclosure



crisis in Cleveland and on Landlord and Tenant Law at the Cleveland Bar Association and she has been a featured speaker on these topics at trainings held by the Cleveland Legal Aid Society.

Horn Israel Rubin is of Counsel at Greenberg Traurig concentrating in appellate mediation and arbitration matters. Prior to joining the firm in 2003, he was a Justice of the Appellate Division, First Judicial Department for fourteen years. Justice Rubin previously served in several judicial capacities including Administrative Judge of the Civil Court of the City of New York, Justice of the Supreme Court of the State of New York, Acting Surrogate of Kings County, Judge of the Civil Court, and Assistant Corporation Counsel for New York City in charge of the Penalties Division.

Andrew Scherer is the author of Residential Landlord-Tenant Law in New York (Thomson Reuters) with Views from the Bench by Hon. Fern Fisher. The treatise was originally published in 1994 and is updated annually. He is also a Senior Fellow at the Furman Center for Real Estate and Urban Policy at New York University School of Law and an Adjunct Professor at the Columbia University Graduate School of Architecture, Planning and Preservation, where he teaches Planning Law. Mr. Scherer serves as a consultant and expert witness with respect to landlord-tenant, housing, land use, access to justice and economic rights matters. From 2001 to 2010, Mr. Scherer was the Executive Director of Legal Services NYC (LS- NYC), the largest nonprofit exclusively devoted to civil legal services in the United States. He had been with LS-NYC in a variety of capacities since 1978, including Housing Coordinator and Project Director of the Legal Support Unit. In addition to Columbia, Mr. Scherer has taught Housing Law and other courses at CUNY Law School, NYU Law School and Bennington College. He has authored numerous publications and has lectured widely in the U.S., Latin America, Africa and Asia. He received his B.A. from the University of Pennsylvania and his J.D. from NYU Law School.

Hon. Jean Schneider is the Supervising Judge of the Housing Court in Kings County. She was first appointed to the Housing Court in 1997. She served as Supervising Judge of the Housing Court in New York County from 2009 to 2012. Judge Schneider graduated from Swarthmore College in 1973 and from Yale Law School in 1977. She worked at the Legal Aid Society as a staff attorney and as a supervising attorney and at Bedford-Stuyvesant Community Legal Services Corporation as a staff attorney.

Louise Seeley is the Executive Director of Housing Court Answers; a position she has held since July of 2005. Ms. Seeley's history with Housing Court Answers (HCA) goes back to 1992 when she was hired as the first Staten Island Coordinator. Prior to coming back to HCA, Ms. Seeley worked as a criminal defense attorney with the Legal Aid Society. Ms. Seeley has served on the NYC Bar Associations' Housing Court sub-committee, as the tenant representative of the Housing Court Advisory Committee and president of the Emergency Rent Coalition's Board of Directors. She is a 1998 graduate of New York University School of Law.

Neil Sonnenfeldt is a Senior Partner at Gutman Mintz Baker and Sonnenfeldt. The firm specializes in landlord-tenant litigation. Its attorneys appear every day in the Housing Court in all five boroughs. Mr. Sonnenfeldt graduated from Lehman College, City University of New York, and from Brooklyn Law School. He has been a Housing Court practitioner for more than 30 years.



Eddy Valdez began his career in the court system in September 1988 as a Spanish interpreter with the NYC Criminal Court. He was promoted to Senior Court Clerk in 1992, Associate Court Clerk in 1995 and Principal Court Clerk in 2001 with the NYC Housing Court. In 2004 Mr. Valdez was promoted to Assistant Deputy Chief Clerk and was assigned to oversee the Civil Term Division of the Bronx Civil Court. In 2010 he was promoted to his current position as Deputy Chief Clerk with the NYC Civil Court. Mr. Valdez is a recipient of the Quality Service and Leadership Award as well as the Bernard Botein Award for outstanding contributions to the administration of justice.

Hon. Heather A. Veljkovic has served as a Magistrate Judge of the Cleveland Municipal Court, Housing Division since 2007. Prior to her appointment she was a Judicial Clerk and Staff Attorney for the Cleveland Housing Court. She received her law degree from the Cleveland-Marshall College of Law, where she graduated with honors.

Tom Waters works for more affordable and better quality housing for low-income New Yorkers through a combination of research, advocacy, and coalition-building. He has written Community Service Society (CSS) reports on New York City's dwindling stock of subsidized and regulated housing, the effects of increased housing budget pressures, and housing conditions affecting the city's immigrant communities. He also participates in coalitions advocating on issues related to Mitchell-Lama rental housing, physically distressed subsidized housing, and predatory investment in apartment buildings. Prior to joining CSS, he was a journalist, a community organizer in Knoxville, Tennessee, and an organizer, fundraiser, and interim director at New York State Tenants & Neighbors. He is now a member of the Tenants & Neighbors board of directors; he is also working on a Ph.D. in political science at the City University of New York Graduate Center.

Mary Marsh Zulack joined the Columbia University faculty in 1990; she is the Co-Director of the Lawyering in the Digital Age Clinic. She formerly co-directed the Fair Housing Clinic and inaugurated and taught the seminar on Law and Policy of Homelessness. In the course of her 20-year career in legal services, prior to joining the faculty, Professor Zulack served as Attorney-in-Charge of the Harlem Neighborhood Office of the Legal Aid Society of New York City and as Acting Executive Director of Bedford Stuyvesant Legal Services. She has served the Association of the Bar of the City of New York as a member of the Executive Committee, Nominating Committee (twice), Judiciary Committee, and Civil Court Committee; was founder and first chair of the Committee on Legal Needs of the Poor. She was awarded the 1996 Leadership Award by the Citywide Task force on the Housing Court, awards for Outstanding Pro Bono Service by the Legal Aid Society 2003, 2006, and was recently a member of the Mayor's Advisory Committee on the Judiciary.

