



The Chief Judge's 2020 Hearing on Civil Legal Services in New York

**September 21, 2020
Court of Appeals
20 Eagle Street
Albany, N.Y.**

Statement of the New York City Bar Association By: Sheila S. Boston, President

As President of the New York City Bar Association, I am pleased to appear before you in support of the Judiciary's annual commitment of \$100 million to funding of civil legal services for low income New Yorkers with legal needs affecting essentials of life. I can't imagine a more important time to ensure that this funding is provided to the legal services programs throughout our state. The COVID-19 pandemic has affected all New Yorkers but it has inflicted even worse harm on communities of color, the very same communities that legal services lawyers represent. The bar is grateful for this crucial funding stream and for the way that all of us, together, have continued to increase representation and successful outcomes for low income New Yorkers facing essential legal problems. We are, of course, aware of state budget challenges ahead, but stand firm in our belief that now is not the time to cut back on legal services to low income New Yorkers. The success of these programs translates into positive outcomes for communities and New Yorkers as a whole, and that is a goal we all share.

We ask the Judiciary to evaluate the success of this proven lifeline of funding for New York's stalwart legal services providers and to maintain or even consider increasing funding levels in the next budget year. The justice community looks to the Judiciary for this essential funding along with the ongoing dedicated pro bono service of New York lawyers, and the continued efforts to find innovative community-based solutions, so that we can together bring this State closer to full access to justice for low-income persons in 2021.

My remarks¹ today will focus on how the City Bar Justice Center (the "Justice Center"), our 501(c)(3) affiliated organization, has been responding to the pandemic and what the Justice Center has accomplished so far this year with the Judiciary Civil Legal Services funding it receives. The Justice Center's experiences do not stand alone. The entire legal services and pro bono community has responded quickly and in a targeted way to address the most pressing concerns of our clients and we are grateful to be in a position to do so during these challenging times.

¹ I am grateful for the assistance of Lynn Kelly, Executive Director of the City Bar Justice Center, in drafting these remarks.

OVERVIEW

Earlier this year, when the pandemic swept through our State, the Justice Center provided disadvantaged New Yorkers with a legal lifeline during a time of unprecedented need through its core pro bono projects and the launch of three COVID-19 initiatives: the Legal Hotline COVID-19 Expansion, the Neighborhood Entrepreneur Law Project's Small Business Remote Legal Clinic, and the Planning & Estates Law Project's remote legal services for frontline healthcare workers.² Between March 15 and August 15, the Justice Center assisted over 5,600 New Yorkers with the generous support of almost 1,000 volunteer attorneys.

At the start of 2020, with support of the Judiciary's Legal Services funding, the Justice Center was providing legal services across all ten of its pro bono projects and its large Legal Hotline staffed by attorneys was on pace to handle the usual 800-1,000 calls a month on legal issues involving essentials of life. Luckily our Legal Hotline had moved its operations to a remote platform in 2019 with many of the hotline staff attorneys working part-time, so the COVID-19 crisis did not cause a work slowdown. This allowed us to maintain a crucial connection to New Yorkers in need during the early days of the pandemic.

However, by mid-March, the Justice Center realized that it might not be able to continue to safely serve clients, work with pro bono volunteers and interns and keep staff safe working and commuting on the subway, buses and trains to our headquarters building at 42 West 44th Street. In consultation with the City Bar, the Justice Center made plans to move its law office to a remote work model and made plans not to return to the office for what it thought would be several months. The City Bar was also concerned about the pandemic and set about suspending public access to the building and moving its operations remotely.

The move to 100% remote work presented a large challenge for the Justice Center's ten pro bono projects because meeting in-person with clients at in-person clinics is the central method for providing pro bono legal assistance. In the first few weeks of lockdown, staff used their cell phones to speak with clients and not everyone had the internet connection or the computer equipment required to do their jobs most effectively. A COVID-19 foundation grant enabled the Justice Center to improve remote operations and we purchased paid Zoom accounts, which have been critical for serving clients, as well as additional equipment. The Justice Center also reassigned staff and built three targeted COVID-19 Pro Bono Projects that were operating by April 2020 – expanding the hotline services, helping small businesses, and providing trusts and estates assistance for frontline healthcare workers. Once again, New York's legal community generously volunteered to get these projects up and running.

By June, it became apparent that what we thought would be a few months' suspension of the physical office was becoming a longer-term remote service situation. We participated in the technology conference coordinated by the New York State Technology Task Force and realized that legal offices in the City were the worst off in terms of impact and recovery. While others were able to plan for a hybrid return to work over the summer, New York City was the last region

² "Legal Assistance & Support for New Yorkers During COVID-19," City Bar Justice Center, <https://www.citybarjusticecenter.org/wp-content/uploads/2020/06/CBJC-COVID-Flyer.pdf> (all websites last visited Sept. 10, 2020).

to enter Phase IV of the staged recovery. At that point, the Justice Center reassessed and surveyed its staff on their needs to continue working from home and discovered we needed more work laptops and a solution to people using their personal cell phones for work calls. After piloting several solutions, in August the Justice Center added Microsoft Teams which provides a VOIP (internet phones) to help facilitate both internal and external communication with staff and clients.

The Justice Center's Legal Hotline and other projects were quieter than usual for a few weeks at the height of the pandemic in April. However, people continued to call with questions on landlord tenant, unemployment and other issues as well as COVID-specific questions relating to unemployment, protective equipment, sick leave and benefits. After a few months, the call volume was back to near normal. And, in the coming months, the Justice Center staff anticipates an increase in cases involving landlord-tenant, bankruptcy and foreclosure as well as issues affecting small businesses. Having stable Judiciary Legal Services Funding along with critical IOLA funding enables legal services offices like the Justice Center to plan ahead and deploy staff and pro bono resources to meet anticipated needs. As we speak today, our Neighborhood Entrepreneur Law Project, Homeowner Stability Project and Consumer Bankruptcy Project are planning trainings for the winter to meet the expected increase in cases.³

In terms of COVID-19 pro bono programming, New York's legal community volunteered early and enthusiastically. About **1,100** clients obtained free legal services through our carefully curated COVID-19 initiatives on urgent matters such as small business survival amid the pandemic and helping frontline healthcare workers in preparing simple life planning documents as the City faced increased hospitalizations and deaths.

Through our Legal Hotline, about **3,300** low-income New Yorkers have received answers to their pressing legal questions, most of which were related to the pandemic including issues on: obtaining unemployment benefits, accessing courts, consumer concerns, and housing issues such as the inability to afford rent or mortgage.

I highlight below two of the Justice Center's COVID-19 projects:

Small Business Remote Legal Clinic

Within weeks of New York City being shut down in response to the COVID-19 pandemic, the Justice Center Neighborhood Entrepreneur Law Project was honored to be chosen as the first launch site for a nationwide COVID-19 Small Business Remote Legal Clinic spearheaded by Kirkland & Ellis and Lawyers for Good Government. Since April, the Justice Center has recruited

³ In addition, we will continue to urge our partners to participate in trainings that occurred earlier in the year and are now available online. Of note, we expect that our successful March 2020 training, "Diversity, Inclusion, and Elimination of Bias: Practice Pointers for Pro Bono Advocacy," will become particularly important as the needs of legal services clients potentially escalate over the coming months, as various stays and moratoria get lifted, job replacement benefits end, and COVID-19's economic impacts worsen. This training presents a conceptual framework, concrete skills toolkit and interactive exercise intended to enhance attorney competence in pro bono advocacy, with particular attention to diversity and inclusion and the disruption of implicit biases when working with economically disadvantaged clients. *Available at*

<https://services.nycbar.org/EventDetail?EventKey=OND030920&WebsiteKey=f71e12f3-524e-4f8c-a5f7-0d16ce7b3314>.

and trained nearly **900 volunteer lawyers** from dozens of firms and corporate legal departments to provide limited-scope, remote consultations to over **900 small businesses**.

When preparing to launch the initiative, the Justice Center first recruited a number of leading law firms – Cleary Gottlieb, Kirkland & Ellis, Mayer Brown, Orrick, Pillsbury, Proskauer, and Sullivan & Cromwell – to prepare volunteer lawyer training materials and related resources on substantive topics including the various grant and loan programs made available to pandemic-affected small businesses; contracts and force majeure clauses; employment; commercial leasing; insurance recovery; tax; and bankruptcy/restructuring. The Justice Center and several key pro bono partners also have collaborated to produce a number of client-facing resources on many of these topics that are available on the Justice Center’s website, and has made available – and continues to develop – follow-up webinars and other resources to provide small businesses with updated legal information in what remains an extremely daunting and fast-changing small business environment in New York City.

The Justice Center personnel also have engaged in community outreach, including by partnering with advocacy groups and local elected officials, to ensure that small businesses – particularly minority-owned small businesses and those in under-resourced communities – are aware of the resources that the Justice Center and its pro bono partners have made available. This targeted outreach is an important component of the work because studies are showing that COVID-19 has “exacerbated pre-existing challenges faced by minority-owned small businesses, such as not having established relationships with lending banks, not having access to financial and legal expertise, or being confronted with the wealth and health gaps that their white-owned small business counterparts are less likely to face.”⁴

In August 2020, the Justice Center also published “Dealing with the Financial Impact of the Coronavirus: A COVID-19 Financial Resource Guide for NYC Residents & Small Businesses,” which provides a comprehensive survey and explanation of local, state and federal resources available to individuals, consumers, small businesses, homeowners and renters.⁵ We anticipate that it will be a helpful resource for members of the public, our clients, pro bono lawyers and others who are looking for a compilation of relevant information in one place.

Legal Hotline Expansion

The Justice Center’s Legal Hotline – the largest operation of its kind in New York – ordinarily handles approximately 1,000 calls a month, providing brief advice on a range of civil legal issues, including matrimonial and family law, housing law, domestic violence, bankruptcy, and debt collection and benefits. The Justice Center expanded its Legal Hotline in April 2020 to include a remote pro bono component that refers a subset of COVID-19 inquiries to volunteer

⁴ Cassandra Pereda, “Minority-Owned Small Businesses Face Increased Inequities during COVID-19,” Justice Center News, July 22, 2020, <https://www.citybarjusticecenter.org/news/minority-owned-small-businesses-face-increased-inequities-during-covid-19/>; *see also* Lauren Leatherby, “Coronavirus is Hitting Black Business Owners Hardest,” NY Times, June 18, 2020, <https://www.nytimes.com/interactive/2020/06/18/us/coronavirus-black-owned-small-business.html>.

⁵ Available at https://www.citybarjusticecenter.org/wp-content/uploads/2020/04/COVID-Financial-Guide-ENG_FINAL.pdf.

attorneys who research the issue and follow up to provide a brief, limited-scope consultation to the Hotline caller.

Similar to the small business initiative, the Justice Center began by recruiting law firms to prepare volunteer training materials, with Paul Weiss providing a comprehensive overview of federal, state, and city COVID-19 relief programs, as well as an overview of unemployment benefits; Paul Hastings providing a training resource on COVID-19-specific issues affecting mortgages and student loans; and Jenner & Block providing a survey of the impact of court closures on cases pending in New York. The Justice Center then recruited and trained several dozen attorneys from a mix of large law firms, corporate legal departments, and among City Bar members and solo and small firm attorneys to assist with the COVID-19 Hotline expansion. By late summer, nearly 100 Hotline callers have been provided remote, brief service consultations and, in some cases, follow-up referral assistance.

Because various types of employment inquiries have ended up comprising the largest number of matters handled by the initiative, we're fortunate that Paul Weiss took exclusive responsibility for unemployment benefits inquiries, and that former City Bar President Debra Raskin connected us to the National Employment Lawyers Association, New York City Chapter, which organized a dozen members who have handled a mix of other employment matters, from wage theft claims to severance agreement review, among others. The Paul Weiss and NELA -NYC teams, each of which has comprised over a dozen volunteer attorneys, have handled approximately one-third of the total number of matters referred thus far.

CONCLUSION

The Judiciary's strong commitment to funding legal services has made a vast difference in providing access to justice for all New Yorkers facing challenges to life's essentials, regardless of their ability to pay for a lawyer. At this time when even more families and individuals are expected to be out of work and facing possible loss of homes and apartments, it is more important than ever to continue funding for this crucial work. We will continue to leverage the resources of New York's legal community so that, together, we can respond quickly, efficiently and effectively to those who need assistance navigating and finding some stability during this crisis and beyond.

Thank you for your time and consideration.