

PERMANENT COMMISSION ON ACCESS TO JUSTICE

REPORT TO THE CHIEF JUDGE OF THE STATE OF NEW YORK



NOVEMBER 2015



PERMANENT COMMISSION ON ACCESS TO JUSTICE

HELAINÉ M. BARNETT, CHAIR

November 30, 2015

Honorable Jonathan Lippman
Chief Judge of the State of New York
230 Park Avenue, Suite 826
New York, NY 10169

Dear Chief Judge Lippman:

On behalf of the Permanent Commission on Access to Justice, I am pleased to forward our sixth annual Report for your consideration—the first reflecting our new title and status. In previous years, we wrote as the Task Force to Expand Access to Civil Legal Services in New York. I am gratified that this year, in recognition of the significant accomplishments achieved through the efforts of the members of the Task Force to identify the legal needs of low-income New Yorkers and to make recommendations, both monetary and non-monetary, to meet those needs, the Task Force has been institutionalized as the Permanent Commission on Access to Justice.

Equally as gratifying was the passage by the Legislature of a Concurrent Resolution, long advocated by the Permanent Commission, acknowledging that “it should be the policy of the state of New York, that every New Yorker in need have effective legal assistance in matters involving the essentials of life.”

During the year, the Permanent Commission assisted in the preparation for your four public hearings on civil legal services, held to assess the extent and nature of the current unmet civil legal needs of low-income New Yorkers throughout the State and to identify the level of resources necessary to meet that need. Our Report includes the Permanent Commission’s findings on the continuing access-to-justice gap, based upon the hearings’ testimony provided both orally and in writing, and our recommendation for continued and additional funding.

The Permanent Commission also continues to make non-monetary recommendations as part of a multi-faceted strategy for helping to close the justice gap. The Permanent Commission convened its fourth annual Law School Conference involving representatives from the fifteen law schools in New York State, the private bar, legal services providers and the courts, focusing on the role of law schools in helping to close the justice gap.

New this year, following our recommendation in last year’s Report, was the Inaugural Statewide Civil Legal Aid Technology Conference, which brought together individuals from over fifty civil legal service providers along with technology experts from the legal field and beyond, to educate and share expertise with providers who, while recognizing the need to optimize the use of technology, often lack the knowledge or funding to implement what is best.

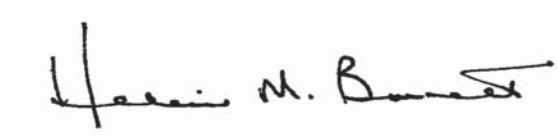
The members of the Permanent Commission are unanimous in supporting this Report. They represent diverse perspectives and bring to the Permanent Commission a breadth of experience, special insights and a commitment to creative solutions. They have made significant contributions of time and energy to our work this year. The Permanent Commission was ably assisted by its Counsel, Jessica Klein, as well as by Lara Loyd, Chiansan Ma and Madeline Jenks, all from Sullivan & Cromwell, as well as by Lauren Kanfer, Barbara Mulé and Barbara Zahler-Gringer, from the New York State court system.

Finally, and on a personal note, it is with mixed emotions that we submit this Report, our final one with you as Chief Judge of the State of New York. We thank you for your vision and insight in establishing the Task Force in 2010, as well as your continued commitment and dedication to bringing civil legal services to low-income New Yorkers. I believe that we can all be proud of the significant work that we have accomplished together. It has been an honor and privilege to serve as Chair under your leadership.

However, we know, all too well, that while the Judiciary Civil Legal Services funding has made a significant difference, there is much that still needs to be accomplished to bridge the access-to-justice gap. As we move forward, as the Permanent Commission on Access to Justice, we will be ever mindful of your charge that the availability of legal representation for low-income New Yorkers is indispensable to ensuring equal justice for all.

We are inspired and look forward to continuing our work in the coming year.

Respectfully submitted,

A handwritten signature in black ink, reading "Helaine M. Barnett". The signature is written in a cursive style with a prominent vertical stroke at the beginning and a long horizontal stroke at the end.

Helaine M. Barnett
Chair, Permanent Commission on Access to Justice

PERMANENT COMMISSION ON ACCESS TO JUSTICE

Helaine M. Barnett, Chair

President, Legal Services Corporation (2004–2009)

Hon. Sheila Abdus-Salaam

Associate Judge, Court of Appeals

Hon. Rolando T. Acosta

Associate Justice, Appellate Division,
First Department

Carmen Beauchamp Ciparick

Former Associate Judge, Court of Appeals
Co-Chair, Appellate Practice Group,
Greenberg Traurig, LLP

Robert N. Convissar

*[Past President, Bar Association of Erie
County]*

Offices of Robert N. Convissar, Esq.

Mark G. Cunha

[Past Chair, Legal Services NYC]

Partner, Simpson Thacher & Bartlett LLP

Stephen M. Cutler

Vice Chairman and General Counsel,
JPMorgan Chase & Co.

Matthew Diller

Dean and Paul Fuller Professor of Law,
Fordham University School of Law

Vincent E. Doyle III

*[Past President, New York State Bar
Association]*

Partner, Connors & Viladro LLP

Shelley J. Dropkin

*[Past Chair, New York Lawyers for the
Public Interest]*

Managing Director, Deputy Corporate
Secretary and General Counsel, Corporate
Governance, Citigroup Inc.

Camille Siano Enders

*[Women's Bar Association of the State of
New York]*

Town Justice for the Town of Duanesburg;
Director of Conciliation & Mediation
Services, NYS Department of Taxation &
Finance

Anne Erickson

President & CEO, Empire Justice Center

Barbara Finkelstein

Chief Executive Officer,
Legal Services of the Hudson Valley

Kevin Finnegan

Political Director, 1199 SEIU

Alexander D. Forger

President, Legal Services Corporation
(1994-1997)

Emily F. Franchina

*[Past President, Nassau County Bar
Association]*

Partner, Franchina & Giordano PC

Michael D. Fricklas

Executive Vice President, General Counsel
& Secretary, Viacom Inc.

Sheila A. Gaddis

Executive Director, Volunteer Legal
Services Project of Monroe County Inc.;
Partner, Barclay Damon LLP

Robert J. Giuffra, Jr.

Partner, Sullivan & Cromwell LLP

Taa Grays

[Past President, Network of Bar Leaders]

Chief of Staff, Vice President of Planning
and Governance, MetLife Legal Affairs,
Operations

Adriene Holder

Attorney-in-Charge, Civil Practice, The
Legal Aid Society

Denise Kronstadt

Deputy Executive Director/Director of
Advocacy, The Fund for Modern Courts

Hon. George H. Lowe

*[Member, Former Co-Chair, NYSBA
President's Committee on Access to Justice]*
Of Counsel, Bond Schoeneck & King PLLC

Hon. E. Leo Milonas

Partner, Pillsbury Winthrop Shaw Pittman LLP

Lillian M. Moy

Executive Director, Legal Aid Society of
Northeastern NY

Christopher O'Malley

Executive Director, The IOLA Fund of the
State of New York

Herbert Pardes, MD

Executive Vice Chair, Board of Trustees,
New York-Presbyterian Hospital,
The University Hospital of Columbia and
Cornell

Bettina B. Plevan

Partner, Proskauer Rose LLP

Hon. A. Gail Prudenti

Former Chief Administrative Judge
Executive Director, Center for Children,
Families and the Law, Maurice A.
Deane School of Law at Hofstra University
and Special Advisor to the Dean of Law

Raun J. Rasmussen

Executive Director, Legal Services NYC

Robert C. Sheehan

[Former Vice President, New York City Bar]
Of Counsel, Skadden, Arps, Slate, Meagher
& Flom LLP

Lorie Slutsky

President, The New York Community Trust

Deborah L. Wright

President, United Auto Workers, Local 2325

EX OFFICIO

Hon. Fern Fisher

Director, New York State Courts Access to
Justice Program; Deputy Chief Administrative
Judge for New York City Courts

Senator John Bonacic

Chair, Senate Judiciary Committee

Assemblymember

Helene E. Weinstein

Chair, Assembly Judiciary Committee

COUNSEL

Jessica Klein

Special Counsel & Head of Pro Bono
Practice, Sullivan & Cromwell LLP

Lara Loyd

Sullivan & Cromwell LLP

Chiansan Ma

Sullivan & Cromwell LLP

Lauren Kanfer

Assistant Deputy Counsel to the Chief Judge

Barbara Mulé

Chief of Staff, New York State Judicial
Institute

Barbara Zahler-Gringer

Counsel for Administration, Office of Court
Administration

SPECIAL ADVISORS

Marcia Levy

Executive Director, Pro Bono Partnership

Mary C. Mone

Special Counsel to the Chief Judge (Ret'd)

PERMANENT COMMISSION ON ACCESS TO JUSTICE

REPORT TO THE CHIEF JUDGE OF THE STATE OF NEW YORK



NOVEMBER 2015

TABLE OF CONTENTS

EXECUTIVE SUMMARY	1
PART A	
The Chief Judge’s Civil Legal Services Initiative for New York State	7
I. Judiciary Civil Legal Services Funding Is Having an Impact	8
II. Non-Monetary Initiatives Have Been Implemented to Help Bridge the Justice Gap	10
III. The 2015 Civil Legal Services Hearings Demonstrated the Impact of Judiciary Civil Legal Services Funding and Continuing Unmet Need	11
PART B	
Findings and Recommendations for Action	21
I. An Additional Civil Legal Services Funding Allocation in the Judiciary Budget Is Essential to Continue to Achieve Progress on Bridging the Access-to-Justice Gap	22
a. Continued Implementation of the Multi-Year Judiciary Civil Legal Services Funding Initiative Is Necessary	22
b. New York State Poverty Data Documents Substantial Ongoing Need	23
c. Large Numbers of Unrepresented Litigants Still Flood the Courts and Adversely Affect the Delivery of Justice	24
d. Decreased IOLA Funding Has a Continuing Adverse Impact on Civil Legal Assistance	24
II. Judiciary Civil Legal Services Funding Provides Substantial Economic Benefits to New York State and a Return of Ten Dollars for Every One Dollar of Funding	25
III. The 15 New York Law Schools and Law Students Should Continue Their Significant Work Contributing to the Effort to Bridge the Access-to-Justice Gap for Low-Income New Yorkers	26
a. The Annual Law School Conference Should Continue to Be Convened	27
b. The Statewide Law School Access to Justice Council Should Continue Its Work	27
c. Students Should Be Educated to Be Culturally Competent Lawyers	28
d. Access to Justice Should Be Infused Across the Doctrinal Curriculum	28
e. The Handbook of Best Practices for Supervision of Law Student Pro Bono Work Should Be Completed and Published	28

f.	Law Schools Should Be Supportive of Non-Lawyers Working to Help Narrow the Justice Gap.....	28
g.	Law Schools Should Educate Students that Limited-Scope Legal Assistance Can Help Narrow the Justice Gap.....	28
h.	Law School Curricula Should Include Offerings that Develop Transactional Skills to Serve Low-Income Communities.....	29
IV.	Effective Technology Initiatives that Can Increase Access to Justice and Further Leverage Resources for Civil Legal Assistance for Low-Income New Yorkers Should Be Supported.....	29
a.	The Pro Bono Law Firm IT Initiative Should Be Continued and Expanded.....	29
b.	Development and Implementation of the Pilot Online Intake Portals Should Be Coordinated to Create Compatible Systems that Can Be Integrated with Other Systems for Statewide Expansion.....	30
c.	The Statewide Technology Conference Should Be Convened on an Annual Basis.....	30
d.	Providers Should Continue to Collaborate and Plan for Technological Improvements.....	30
e.	Appropriate Technology Projects Should Be Considered for Judiciary Civil Legal Services Funding.....	30
V.	An Online Dispute Resolution Pilot for Consumer Debt Matters Should Be Established to Evaluate the Feasibility, Cost and Effectiveness of ODR in Helping to Bridge the Justice Gap.....	31
VI.	Access to Justice Should Be Expanded in Landlord-Tenant Proceedings....	32
a.	Postcard Notice to Tenants.....	32
b.	Practices in Nonpayment Proceedings.....	32
c.	Other Means of Ensuring Access to Justice in Landlord-Tenant Proceedings....	33
VII.	Limited-Scope Legal Representation to Expand Access to Justice Should Be Supported.....	33
VIII.	Education and Outreach to Public Libraries Should Be Expanded.....	34
IX.	A New Initiative Involving Further Contributions that Non-Lawyers Can Make to Bridge the Access-to-Justice Gap Should Be Supported.....	35
X.	Additional Recommendations Should Be Adopted to Increase Access to Justice.....	36
ENDNOTES	37

APPENDICES **VOLUME 2**

- Appendix 1:** Acknowledgment of Law Firms that Provided Pro Bono Assistance to the Permanent Commission
- Appendix 2:** Request for Proposals from Oversight Board for 2015-2016
- Appendix 3:** Notification of the Issuance of the Request for Proposals
- Appendix 4:** Grants Awarded by the Oversight Board to Distribute Judiciary Civil Legal Services Funds in New York for 2015-2016
- Appendix 5:** Public Notice of the Chief Judge’s Hearings Published on the Unified Court System’s Website
- Appendix 6:** Witness Lists for the Chief Judge’s Four Hearings
- Appendix 7:** Transcript of the First Department Hearing Held on September 29, 2015
- Appendix 8:** Transcript of the Fourth Department Hearing Held on September 30, 2015
- Appendix 9:** Transcript of the Third Department Hearing Held on October 13, 2015
- Appendix 10:** Transcript of the Second Department Hearing Held on October 16, 2015
- Appendix 11:** Written Statements Submitted at the First Department Hearing Held on September 29, 2015
- Appendix 12:** Written Statements Submitted at the Fourth Department Hearing Held on September 30, 2015
- Appendix 13:** Written Statements Submitted at the Third Department Hearing Held on October 13, 2015
- Appendix 14:** Written Statements Submitted at the Second Department Hearing Held on October 16, 2015
- Appendix 15:** Report of the Permanent Commission’s Working Group on Law School Involvement
- Appendix 16:** Report of the Permanent Commission’s Working Group on Technology
- Appendix 17:** Statement from the New York State Bar Association in Support of Pro Bono Service by Government Attorneys

Note: **Appendices can be viewed on the Permanent Commission’s website:**
<http://www.nycourts.gov/accesstojusticecommission>

EXECUTIVE SUMMARY

New York State's Efforts Have Started to Narrow the Civil Legal Services Justice Gap for Low-Income New Yorkers

In 2010, Chief Judge Jonathan Lippman established the Task Force to Expand Access to Civil Legal Services in New York to address a crisis of the unrepresented in our State's courts.¹ As the Task Force documented in our first report, more than 98 percent of tenants then were unrepresented in eviction cases; 99 percent of borrowers then were unrepresented in consumer credit cases; and more than 95 percent of parents then were unrepresented in child support matters. Our already busy courts were flooded with unrepresented litigants, and our State was losing hundreds of millions of dollars because unrepresented New Yorkers had no meaningful access to our justice system.

Today, we are closer to reaching Chief Judge Lippman's goal of ensuring access to justice for every New Yorker who faces challenges impacting the essentials of life, such as the loss of a home, one's livelihood or the custody of a child. This is our final report to Chief Judge Lippman whose tenure ends this year. He has been a transformational leader of our State's courts and a national leader on the cause of access to justice. He recognized that the crisis of the unrepresented was impacting every New Yorker, from the most vulnerable to the largest corporate litigant. He secured the support of a broad coalition for our work, including members of the business community who often must litigate against the unrepresented in landlord-tenant and consumer credit cases. He urged us to have economists calculate the benefits to the State's economy of increased funding for civil legal services. All of our members, advisers and staff applaud the Chief Judge's extraordinary vision and dedication in working to increase access to justice for the most vulnerable New Yorkers. We are grateful for the honor and privilege of serving on his Task Force.

We are also pleased that Chief Judge Lippman has converted the Task Force into a more formal entity, the Permanent Commission on Access to Justice. The creation of this Commission recognizes the continuing need to undertake reforms to diminish the gap between the need for civil legal services for low-income New Yorkers and the availability of such services.² We look forward to working closely with the next Chief Judge in building on Chief Judge Lippman's legacy to every New Yorker.

For the past six years, the Task Force and now Permanent Commission has been led by Helaine M. Barnett, former President of the federal Legal Services Corporation. Our Commission includes representatives of the Judiciary, the business community, government, private law firms, bar associations, civil legal services and pro bono legal assistance providers, law schools and funders.³

This Report—as does each of our five previous Reports—identifies the extent to which low-income New Yorkers are unrepresented in matters affecting the essentials of life. We again propose means, both financial and non-financial, for addressing the justice gap. Since 2010, we have assisted the Chief Judge in holding annual hearings, conducted empirical and other research, and formulated recommendations to begin to close the justice gap.

Acting on our recommendations, Chief Judge Lippman has increased funding for civil legal services through the Judiciary budget, allocating \$85 million for civil legal services in 2015-2016. This funding consists of \$70 million in Judiciary Civil Legal Services (JCLS) grants awarded through a competitive bidding process to civil legal services providers in every county in New York State, and \$15 million in funding to rescue and stabilize the Interest on Lawyer Account Fund of New York State (IOLA), which helps fund civil legal assistance for low-income New Yorkers.

This JCLS funding has made a real difference in the lives of thousands of New Yorkers. The funding has helped the most vulnerable in our State remain in their homes, escape from domestic violence, stabilize their families, maintain or obtain subsistence income, and secure access to health care and education. Last year, civil legal services providers handled a remarkable 423,676 cases, up from 384,974 in 2014.⁴ In addition, many of our non-monetary recommendations to improve access to justice have been successfully implemented. Together, the monetary and non-monetary initiatives have increased the percentage of civil legal needs being met, from 20% in 2010 to 31% in 2015. This improvement has occurred despite substantial increases in the number of New Yorkers with incomes below 200% of the poverty level, and an additional 150,000 low-income New Yorkers facing three or more legal issues since 2010.⁵

The Economic Benefits to New York State Include a Return of \$10 for Every \$1 Invested in Funding Civil Legal Services Programs

The impact of the investment in JCLS funding on the delivery of civil legal services has grown as the funding has increased. The impact is significant not only in the number of low-income New Yorkers served, but in the economic benefits to the clients, their communities and the State as a whole.

From the beginning, the Chief Judge has wanted us to empirically measure the impact of our increased funding for civil legal services. As a result, since 2011, we have received pro bono assistance from nationally recognized economic experts to evaluate the economic benefits and cost savings resulting from funding civil legal services programs in New York State. This year, as in previous years, the experts have determined that investing in civil legal services provides a significant economic benefit to New York State. In other words, we have confirmed that this is money well spent.

In 2015, Neil Steinkamp of Stout Risius Ross (SRR) updated estimates of the value of federal funds brought into New York State as well as the economic impact from the provision of civil legal services through 2014. Using methodology described in testimony in September 2013,⁶ but relying on more recent data through 2014, the updated total economic impact from civil legal services in New York is \$2.4 billion.⁷ These dollars support clients and their families throughout their communities, provide a significant stimulus to the New York State economy, and create thousands of jobs—in fact, approximately 8,140 jobs through 2014.⁸

In addition to those overall benefits, SRR found that the legal assistance provided to immigrant victims of domestic violence, trafficking and other crimes attempting to secure work authorization resulted in an estimated \$59.1 million in increased wages.⁹ SRR also determined that the provision of legal services to help clients delay or avoid eviction or foreclosure generated approximately \$260.6 million in savings for taxpayers in the form of reduced emergency shelter costs.¹⁰

For every dollar invested in the funding of civil legal services in New York, SRR estimates a return of \$10 in economic benefit to clients, their communities and the State.¹¹

Vast Numbers of Unrepresented Litigants Continue to Appear in Court

Current Office of Court Administration (OCA) data shows that approximately 1.8 million litigants in civil matters in courts in every region of New York State remain unrepresented, down from more than 2.3 million reported in 2010.¹² As witnesses testified during this year's hearings, low-income families suffer devastating consequences without access to legal representation. As James Silkenat, former President of the American Bar Association, vividly described:

The need for legal services for the poor has never been greater. Nearly one in five Americans now qualifies for legal assistance. Every day across America, and right here in New York, victims of domestic violence seek protection, veterans try to avoid homelessness, unaccompanied child migrants seek refuge, and many others are forced to navigate the legal system alone because they can't afford a lawyer. And it's not just the poor. Less than four out of ten moderate-income people turn to the legal system to resolve their legal problems. Many give up and do nothing. Too many low- and moderate-income people cannot access legal representation. As a result, they are denied the justice they deserve.¹³

The Permanent Commission Recommends Increased Funding to Further Close the Justice Gap

The Permanent Commission recommends the continued implementation of the Chief Judge's multi-year civil legal services funding initiative, specifically by increasing the annual allocation for JCLS funding by \$15 million and maintaining the special \$15 million allocation to stabilize IOLA. This funding will allow New York State to continue its efforts to close the justice gap, remedy the crisis of the unrepresented in our courts, and materially improve the lives of low-income New Yorkers. And, as our economic experts have determined, this additional funding will generate a significant return to our State's economy.

As in all of our previous Reports, the Permanent Commission recommends that this JCLS funding continue to: (1) prioritize civil legal assistance for the core essentials of life—housing, family matters, access to health care and education, and subsistence income; (2) focus on preventive legal assistance that can avert or reduce the need for litigation; (3) target assistance for New Yorkers living at or below 200% of the federal poverty level in all counties of the State; (4) recognize the need for a seasoned, well-trained civil legal services staff able to provide comprehensive service in often complex, interrelated legal matters; (5) distribute funds according to the number of low-income New Yorkers in each county; and (6) award funds through a competitive Request for Proposals (RFP) process overseen by the JCLS Oversight Board consisting of the Chief Administrative Judge, the Chair of the Permanent Commission, and the Chair of the IOLA Board.

The Permanent Commission Recommends Non-Monetary Initiatives to Help Close the Justice Gap

Over the past six years, a significant part of our work has been to propose non-monetary initiatives to expand access to civil legal assistance in all regions of the State. These initiatives have been wide-ranging and broad-based, in many instances involving collaborations among legal services providers, law firms, bar associations, law school faculty, law students, judges and court-based programs, technology enterprises and, most recently, libraries. We have also recommended a legislative resolution and amendments to Judiciary administrative rules to establish policies that promote access to justice. Specific accomplishments include:

- The Legislature’s adoption of our proposed Resolution proclaiming, as the State’s policy, that low-income New Yorkers facing legal matters concerning the essentials of life have effective legal assistance;
- The amendment of the Code of Judicial Conduct to clarify that judges may make reasonable accommodations for unrepresented litigants to have their matters fairly heard;
- The Administrative Board of the Courts’ (Administrative Board) approval to develop rules for an Online Dispute Resolution (ODR) pilot program to evaluate the efficacy of ODR to help bridge the justice gap;
- Development of a process to create uniform, simplified court forms to enhance access to justice, leading to the adoption of new forms;
- Promotion of educational efforts to encourage expanded use of limited-scope representation;
- Provision of information and resources to improve technology and service delivery systems that directly increase access to civil legal assistance for low-income people, including the implementation of the Pro Bono Law Firm IT Initiative and the convocation of the first Statewide Technology Conference;
- Support for the development of two pilot projects to create online intake portals to facilitate the dissemination of information and access to legal assistance in consumer debt matters;
- Encouragement of models of collaboration among civil legal services providers, including the one-roof concept whereby providers share one location and support services to maximize efficiencies, expand access and improve delivery of legal services;
- Support for the creation of the Committee on Non-Lawyers and the Justice Gap and its Navigator Program, which utilizes specially trained and supervised Housing Court and Consumer Court Advocates to provide assistance to unrepresented litigants in nonpayment and consumer debt cases;
- Adoption by the Chief Administrative Judge, as part of biennial attorney registration, of the mandatory reporting of pro bono activities and financial contributions made to support civil legal services providers;

- Expansion of law school programs that allow law students to provide assistance to low-income individuals confronting legal challenges concerning the essentials of life, refinements to law school courses and materials to infuse access-to-justice principles across the curriculum, convening an annual Law School Conference and support for the work of the Statewide Law School Access to Justice Council; and
- Support for reforms to achieve an increase in the number of pro bono legal service hours performed by in-house counsel (not otherwise admitted in New York State), retired lawyers, Pro Bono Scholars and law students.

For the upcoming year, the Permanent Commission recommends that the efforts already underway continue to be expanded, and further recommends and supports the following non-monetary initiatives to reduce the justice gap:

- Adoption by the Administrative Board of a resolution to promote limited-scope representation in the courts and support for educational programs on the value and ethics of limited-scope representation;
- Expansion of initiatives to increase access to justice in landlord-tenant proceedings;
- Continuation and expansion by the Judiciary of the Legal Hand storefront initiative, creating neighborhood storefronts staffed by trained community volunteers who provide free legal information, assistance and referrals to help resolve issues in areas such as housing, family and benefits and prevent problems from turning into legal actions;
- Expansion of the Committee on Non-Lawyers and the Justice Gap’s Navigator Program, including consideration of possible amendments to the Judiciary Law to authorize specially trained advocates, under the supervision of a lawyer, to provide services to unrepresented litigants in certain circumstances;
- Continuation of the Chief Judge’s practice of meeting with managing partners of major law firms to encourage retiring partners to engage in pro bono representation for low-income individuals;
- Expansion of educational and outreach programs for public libraries to enable their staff to suggest legal resources, information and referrals to individuals seeking assistance; and
- Continuation of support for the adoption of a policy encouraging government lawyers’ involvement in pro bono work.

Consistent with our practice over the last six years, the Permanent Commission again proposes practical, cost-effective recommendations, as set forth above and detailed below, that we believe will increase the availability of effective legal assistance when the most vulnerable New Yorkers face legal problems in matters involving the essentials of life. Regrettably, while our State has made material progress since 2009, our Report documents that a substantial justice gap remains. Our goal remains to continue to work to close this gap, so that our State can one day achieve equal access to civil justice for every New Yorker facing challenges affecting the essentials of life.

PART A

The Chief Judge’s Civil Legal Services Initiative for New York State

With these words, the Chief Judge launched the New York State civil legal services initiative on Law Day in 2010:

No issue is more fundamental to our constitutional mandate of providing equal justice under law than ensuring adequate legal representation. . . [T]o meet our constitutional and ethical mandates, the Judiciary of this State is determined to bring us closer to the ideal of equal access to civil justice. . .

[I]t is my fervent hope. . . that it will be an obvious truth to all that those litigants faced with losing the roof over their heads, suffering the breakup of their families, or having their very livelihood threatened cannot meaningfully pursue their rights in the courts of New York without legal counsel.¹⁴

Since that time, the Chief Judge’s civil legal services initiative has made substantial progress in addressing the need for civil legal services and served as a powerful model for expanding access to justice. This has been accomplished through the establishment of the Task Force, the Chief Judge’s annual hearings on the unmet legal needs of low-income New Yorkers, the submission of an annual Report to the Governor and Legislature with recommendations for monetary and non-monetary initiatives, and the implementation of a diverse array of related civil legal services programs. These accomplishments were hailed at the 2015 First Department hearing by New York City Mayor Bill de Blasio:

Chief Judge, we greatly appreciate your ongoing leadership and dedication [to] giving all New Yorkers fair and equal access to our civil justice system. The Task Force to Expand Access to Civil Legal Services that you established in 2010, and your annual allocation of civil legal services funding in the Judiciary’s budget, have supported thousands of New York State residents each year who [would] otherwise navigate the State’s legal system without representation, including thousands in civil cases here in New York City.¹⁵

This year, through a new Rule of the Chief Judge, the Task Force has been formalized as the Permanent Commission on Access to Justice. This change acknowledges the Task Force’s accomplishments to date, while recognizing the need for ongoing efforts to further help decrease the justice gap—the difference between the need for civil legal services for low-income New Yorkers and the resources available to meet that need.¹⁶ Chair Helaine M. Barnett, and the other members of the Task Force, now continue to serve the Permanent Commission in their same capacities.

The imperative of ensuring access to civil legal services for low-income New Yorkers also has been embraced by the State Legislature, which adopted a Concurrent Resolution this year, setting forth as the State’s policy that: “every New Yorker in need have effective legal assistance in matters involving the

essentials of life (housing, family matters, access to health care, education and subsistence income)” and “the state must continue its efforts to achieve the ideal of equal access to civil justice for all.”¹⁷

These collective efforts, as noted by the Chief Judge at this year’s hearing in the Fourth Judicial Department, have created:

[A] State that understands that equal justice is the foundation of our society and our government and that is central to the Constitutional mission of the Judiciary. . . . That’s why we put in the Judiciary budget each year monies to support Legal Services for the poor, because if we don’t have equal justice, we might as well close the courthouse doors. There’s no purpose for us to have courts or a justice system if what happens inside the halls of justice is not a level playing field for all.¹⁸

I. Judiciary Civil Legal Services Funding Is Having an Impact

For Fiscal Year 2015-16, JCLS funding of \$70 million was allocated to a total of 78 civil legal services providers serving low-income New Yorkers in every county in the State. Of that total, \$55 million was distributed through renewals of contracts entered into pursuant to the 2014-15 RFP, and \$15 million was distributed pursuant to a new RFP for 2015-16.¹⁹

In response to the 2015-2016 RFP,²⁰ the JCLS Oversight Board received and considered 70 total applications from 69 applicants for new funding. Among these applicants were three providers who had not previously requested JCLS funding and three providers who had previously requested but were not awarded JCLS funding. The Oversight Board awarded grants to 65 of the 69 applicants, one of which had not previously requested funding. Two applicants were awarded funding after having previously requested funding but not received an award.²¹

The Oversight Board informed the Permanent Commission that, in accordance with the priorities articulated by the Chief Judge and recommended in our previous Reports, this year’s awards targeted matters involving the essentials of life—legal problems in the areas of housing (including evictions, foreclosures, and homelessness), family matters (including domestic violence, children, and family stability), access to health care and education, and subsistence income (including wages, disability and other benefits, and consumer debts).²² The Oversight Board further informed us that it prioritized the provision of direct legal services, while also encouraging collaboration among civil legal services providers, as well as preventive and early-intervention legal assistance. As recommended by the Permanent Commission, the Oversight Board allocated the new funding to rural, suburban and urban areas throughout the State based on the distribution of persons living at or below 200% of the federal poverty level in each of the four Judicial Departments.²³

Data collected by OCA shows that civil legal services funding allocated by the Chief Judge in the Judiciary budget has increased the number of low-income New Yorkers being served with those funds. The number of direct legal assistance cases handled by JCLS grantees increased from 384,974 in 2013-14 to 423,676 in 2014-15, as indicated in the following table.²⁴

JUDICIARY CIVIL LEGAL SERVICES GRANTEEES**Direct Legal Assistance**

	2013-2014 CASES HANDLED	2014-2015 CASES HANDLED
First Department	108,350	129,158
Second Department	172,284	184,692
Third Department	40,482	42,907
Fourth Department	63,858	66,919
STATEWIDE TOTAL	384,974	423,676

In our 2014 Report, we sought to ascertain the degree to which the need for civil legal services for low-income New Yorkers was being met. We reviewed existing data including: (1) the substantial increase in the number of cases handled by JCLS grantees in 2013 over the previous year; (2) the 1.4 million increase in the number of persons benefiting from indirect and direct legal assistance; (3) the 22% decrease in the number of unrepresented litigants in civil cases; and (4) the estimated 2.5 million hours of pro bono work contributed in 2013.²⁵ Combining that data with anecdotal feedback from civil legal services providers, we reached a preliminary estimate that, rather than meeting 20% or less of the civil legal needs of low-income New Yorkers in matters involving the essentials of life, New York was meeting close to 30% of those needs.²⁶

In 2015, at our request, the Chief Administrative Judge formed a Committee to refine this preliminary estimate.²⁷ The Committee began by reviewing the benchmark analysis of unmet civil legal needs that we commissioned in 2010. That analysis, undertaken by Lake Research Partners, examined the results of a survey of low-income New Yorkers in conjunction with other data, including 2010 federal poverty data showing that six million New Yorkers were living below 200% of the poverty level. Lake Research found that nearly half of the six million low-income New Yorkers experienced legal problems in the prior year. Of this group, more than 1.7 million had at least one or two legal issues, while more than 1.2 million experienced three or more legal problems. Lake Research then compared the number of closed cases reported by IOLA in 2009 (approximately 260,000) to the number of low-income New Yorkers with three or more legal problems, which it deemed to represent the population with the most pressing needs. Based upon the survey and other data, Lake Research Partners estimated that at best 20% of the need for civil legal services was being met.²⁸

The Committee then looked to data on New Yorkers currently living below 200% of the poverty level. According to the Kaiser Family Foundation, the Census Bureau's 2014 population survey found that 35% of New Yorkers now live below 200% of the poverty level,²⁹ a 12% increase over the number living below 200% of the poverty level in 2010. Based upon this updated data, the Committee estimated that 1.35 million low-income New Yorkers now have three or more legal issues (up from 1.2 million in 2010). Finally, the Committee considered the number of cases handled by JCLS providers in 2014-2015 (423,676).³⁰ Based on the totality of the data, the Committee estimated that 31% of the need for civil legal

services in New York is now being met, a 41% increase over the percentage of civil legal services needs being met in 2010.³¹

Tens of thousands of lives have been changed with the help of civil legal services that provide access to the essentials of life for low-income adults and children. As Eric M. Weingartner, Managing Director of the Robin Hood Foundation, noted in his testimony:

The impact [of direct legal services] can be substantial: staving off eviction means that parents keep their jobs and avoid mental health issues. It means that children will not miss school, will not suffer from depression or will not be placed in foster care. It is these metrics that we use to gauge the impact of [our funding] initiative.³²

II. Non-Monetary Initiatives Have Been Implemented to Help Bridge the Justice Gap

In previous Reports, we proposed a series of non-monetary recommendations that have been implemented as part of the Chief Judge's civil legal services initiatives. These non-monetary initiatives have been aimed at expanding access to justice for low-income New Yorkers. Many of these non-monetary initiatives could not have been accomplished without partnerships among the Judiciary, the providers, the private bar, and the 15 New York law schools. The key non-monetary recommendations that have been implemented since our first Report in 2010 include:

- Adoption by the Legislature of our proposed Concurrent Resolution proclaiming as the State's policy that low-income New Yorkers facing legal matters concerning the essentials of life have effective legal assistance;³³
- Amendment of the Code of Judicial Conduct to clarify that judges may make reasonable accommodations for unrepresented litigants to have their matters fairly heard;³⁴
- Approval by the Administrative Board to develop rules for an ODR pilot program to evaluate the efficacy of ODR to help bridge the justice gap;³⁵
- Development of a process to create uniform simplified forms for use in landlord-tenant, consumer debt, foreclosure, and child support matters, which has already resulted in the approval of a number of new, uniform Statewide forms;³⁶
- Support for the use of limited-scope representation as a means of increasing access to justice;³⁷
- Formation of an advisory committee to consider the contributions that non-lawyers can make to bridge the justice gap, leading to the issuance of an Administrative Order authorizing creation of Court Navigator pilots;³⁸
- Enhancement of training for Town and Village Justices and Clerks regarding summary proceedings;³⁹
- Promotion of models of collaboration among civil legal services providers, including the one-roof model of provider co-location and cost sharing, culminating most recently in the opening of the George H. Lowe Center for Justice in Syracuse;⁴⁰

- Promotion of the effective use of technology by providers by disseminating information about free technology resources, identifying areas of pressing need, and identifying potential pro bono technology resources;⁴¹
- Support for the development of two pilot projects to create online intake portals to facilitate the dissemination of information and access to legal assistance;⁴²
- Launch of a successful Pro Bono IT Initiative that harnessed the expertise of law firm information technology professionals to assess the technology needs of an initial group of five civil legal aid providers and recommend improvements and enhancements;⁴³
- Convocation of the inaugural Statewide Technology Conference to promote collaboration and innovation to improve the delivery and efficiency of civil legal services;⁴⁴
- Convocation of an annual Law School Conference and establishment of the Statewide Law School Access to Justice Council, to enhance access-to-justice involvement by New York's 15 law schools and their students, and promote collaboration with civil legal services providers, the bar and courts;⁴⁵
- Amendment of Section 6.1 of the New York Rules of Professional Conduct to increase the recommended annual pro bono service for New York lawyers from 20 to 50 hours;⁴⁶
- Establishment of mandatory reporting of pro bono activities and financial support for civil legal services providers as part of the biennial attorney registration;⁴⁷ and
- Encouragement for pro bono work by in-house counsel licensed out-of-state, by supporting the revision of a court rule to permit in-house counsel to register in New York for purposes of performing pro bono work.⁴⁸

We also provided support for three additional major non-monetary access-to-justice initiatives announced by the Chief Judge to support pro bono legal services:

- The 50-hour pro bono service requirement for law graduates seeking admission to the New York bar;⁴⁹
- The Pro Bono Scholars Program, which enables law students to spend their final semester performing pro bono service and permits them to take the bar examination in February, prior to graduation, rather than in July, following graduation;⁵⁰ and
- The Attorney Emeritus program, to encourage transitioning and retired attorneys to provide legal assistance to low-income New Yorkers.⁵¹

III. The 2015 Civil Legal Services Hearings Demonstrated the Impact of Judiciary Civil Legal Services Funding and Continuing Unmet Need

Following the posting of public notice on OCA's website,⁵² the Chief Judge conducted the 2015 hearings on civil legal services in each Judicial Department: on September 29, 2015 in the First Department (Manhattan); on September 30, 2015 in the Fourth Department (Syracuse); on October 13, 2015 in the Third Department (Albany); and on October 16, 2015 in the Second Department (White Plains).⁵³

Joining the Chief Judge in conducting these four hearings were Chief Administrative Judge Lawrence K. Marks and the Presiding Justice of the Department in which each hearing was held: First Department Presiding Justice Luis A. Gonzalez, Second Department Presiding Justice Randall T. Eng, Third Department Presiding Justice Karen K. Peters, and Fourth Department Presiding Justice Henry J. Scudder. Each panel also included President David P. Miranda or President-Elect Claire Gutekunst of the New York State Bar Association.

A total of 50 witnesses presented testimony at the 2015 hearings.⁵⁴ The 2015 hearing testimony—both oral and written—adds to the extensive evidence from previous hearings in each Judicial Department. At these and prior hearings, business leaders, private and public residential property owners, bankers, State and local government officials, District Attorneys, labor leaders, medical providers, educators, providers of domestic violence prevention services, religious leaders, judges, and clients all testified to the need for JCLS funding to bridge the access-to-justice gap for low-income families and individuals in every part of New York State.

At the 2015 hearings, leading New Yorkers from throughout the State and clients of JCLS grantees provided new evidence of the urgent need for additional resources to bridge the justice gap in each Judicial Department.

Business Leaders Testified to the Importance of Legal Services in Providing Essential Services to Those Who Need Them and Ensuring that Our Justice System Is Sound: Martin Lipton, Founding Partner of Wachtell, Lipton, Rosen & Katz, and former Co-Chair of the Partnership for New York City, noted:

If the poorest members of society do not believe that they can receive justice from the courts, or if the courts are perceived to close their doors to large portions of the community, then the court system will lose the respect of all members of the community. The court system that does not provide access to everyone is a frail system that has failed in its fundamental duties, and businesses will take note of it.⁵⁵

Edward J. Sebold, Vice President and Assistant General Counsel at IBM Corporation, testified that:

The importance we place in the United States on the Rule of Law sets us apart from most other countries in the world, and respect for the law is a cornerstone of our capitalist economy. Respect for and confidence in our legal system helps to promote social cohesion and public trust. Without these essential ingredients, business cannot function effectively. . . .Not only does providing civil legal services promote respect for the law but it also makes the court systems operate more efficiently for everyone involved, including the business community.⁵⁶

Shawn A. Miles, Executive Vice President and Associate General Counsel for Global Public Policy at MasterCard, noted the importance of private sector support for civil legal services:

Protection of such core principles of our justice system, such as fair access to legal services and equal protection under the law, is not the sole responsibility of the government. Private institutions benefit from social cohesion, public trust and economic stability, all of which are fostered by ensuring widespread access to civil legal services. This underscores the need for the private sector to be engaged in offering civil legal services to the underprivileged.⁵⁷

And David Yawman, Senior Vice President and General Counsel of PepsiCo, concluded that funding civil legal services is critical to business productivity and the overall economy:

It seems clear that inadequate civil legal services and unequal access to justice result in great costs to society—unwitting individuals can lose their homes or property rights, business productivity and the economy overall suffers, and the Court system operates less efficiently. Thus, from a business perspective, the question does not appear to be whether an investment in civil legal services would render a positive return on that investment, but rather, how large the return would be.⁵⁸

The Faith-Based Community Testified to the Importance of Civil Legal Services to Their Congregants and the Communities They Serve: The Most Reverend Edward B. Scharfenberger, Bishop of the Roman Catholic Diocese of Albany, gave thanks to the Chief Judge for his support for civil legal services:

Thanks to the funding that the Judiciary has so wisely provided, the Capital District is blessed to have several civil legal services providers that ensure that the poor, the disabled and victims of domestic violence can access the legal services that they need to obtain. . . justice.⁵⁹

Rabbi Dennis Ross, presenting the testimony of Rabbi Scott L. Shpeen of Congregation Beth Emeth, Albany, noted that:

Collectively, these legal services providers help to bring justice and fairness to the lives of low income and needy residents of the Capital District. Their work in assisting the homeless and near homeless, victims of domestic violence, and the disabled is both significant and necessary for the benefit of our entire community.⁶⁰

Reverend David Traynham, presenting the testimony of Elder McKinley B. Johnson, Sr., Pastor of St. John's Church of God in Christ, Albany, emphasized the importance of continued funding for the legal services that are so necessary to the community:

The problems of lack of income or food, crime and the risk of homelessness are the types of problems our members bring to us. We can offer spiritual support, but we encourage our members to seek the services of local legal services provider[s] such as Legal Aid. . . .

We know that the lawyers at Legal Aid and other providers are skilled at protecting the rights of our members. We also know that they cannot, without more resources, meet the needs of the poor people who have legal problems. Because of this urgent, unmet need for civil legal services, we hope that you will continue to provide and expand funding for civil legal services.⁶¹

Witnesses from Law Schools and Universities Throughout the State Testified to the Critical Role Their Students Play in Delivering Civil Legal Services to Low-Income New Yorkers: Hannah R. Arterian, Professor of Law and Former Dean (2002-2015) of Syracuse University College of Law, testified that:

[Syracuse University] College [of Law] is located in an area of great need for access and the growth and strength of our clinical programs has a critical role to play in helping individuals with everything—from bankruptcy to developing a business that may turn a community project into a success, dealing with elder abuse, finding assistance for veterans’ claims, getting the right accommodation for a disabled person in their housing or in their classroom, making sure children are cared for and supported, assisting people who have been defrauded in the commercial world.⁶²

Professor Sarah Rogerson, Director of the Immigration Law Clinic and the Law Clinic & Justice Center at Albany Law School, testified eloquently about how her clinic students helped meet the need for critical legal services for immigrants, and the need for continued funding for those services:

[U]ndocumented immigrants are so regularly targeted by fraudulent legal services organizations that the New York Legislature was prompted last year to make immigration services fraud a felony. . . . [P]roviding civil legal services to immigrants in removal proceedings can have the largest statistically significant impact on the quality of justice that our immigrant community receives.⁶³

John Sexton, President of New York University, testified about the commitment of NYU Law School’s graduates to providing civil legal services:

[M]any of our law graduates. . . are drawn to this work upon graduation and others commit countless hours of pro bono assistance. They all join me in support of the mission the Chief Judge has laid out: providing legal services to those who are in desperate need, especially those in danger of losing the essentials of life, including a place to live, access to health care and education, continuation of benefits, and protection from domestic abuse.⁶⁴

Two Pro Bono Scholars Testified About the Impact of Their Work: Fulvia Vargas, Pro Bono Scholar at Syracuse University College of Law, testified that:

The Pro Bono Scholars Program inspired in me a greater commitment to work with low-income communities. It reminded me of the very reason why as a young girl growing up in Washington Heights. . . I wanted to pursue a career that would allow me to help those who need it most. Even in the short ten weeks of my internship, I realized the vast impact this program and legal services providers across the State have on impacting the lives of those who are often underserved and underrepresented in the legal field.⁶⁵

Jeffrey M. Donigan, Pro Bono Scholar at SUNY Buffalo Law School, explained how his work at a Help Desk program helped otherwise unrepresented litigants navigate the judicial system:

The limited-scope legal advice provided at the Help Desk has resulted in fewer filed petitions, because clients learn that their claims are meritless or that they have a better way to address their issues. The Help Desk also assisted litigants in crafting better petitions that survived motions to dismiss because the Court was informed of the issue in a clear manner. Allocating greater resources to the Help Desk would serve the dual purpose of improving Court efficiency and assisting these litigants in desperate need of help.⁶⁶

A Number of Witnesses Testified about the Potential for Technology to Support the Efficient Delivery of Legal Services: John G. Roman, Jr., Director of IT Operations and eDiscovery Services at Nixon Peabody LLP, testified that technology:

allows the legal practice to become more efficient through better collaboration internally and externally and automating processes, thus freeing up attorney time that can be used to serve current and take in additional clients. For the unrepresented, technology, such as access to e-mail and the Internet, can provide user-friendly online and mobile formats that ensure legal information is easily and readily accessible for non-lawyers.⁶⁷

Thomas Keily, an AmeriCorps VISTA volunteer at Western New York Law Center, testified about how data collection and analysis can help identify service needs:

Through the data collection process we . . . became aware of some other issues that serve as roadblocks for all people in the Lackawanna community from receiving services. Many people coming to CLARO [Civil Legal Advice and Resource Center] clinics from Lackawanna did not have access to cars. Thus, we know that it is very difficult for them to get to and from the clinic located in the City of Buffalo. The second issue we uncovered is a language access barrier. English is not the primary language for many living in Lackawanna, which makes it difficult for them to understand and access the legal system. When combining the hard data with the personal situation of Lackawanna residents, it is clear that localized legal services are needed.⁶⁸

Finally, Timothy C. Hunt, Principal Law Librarian of the Seventh Judicial District, testified about how technology can improve the management of volunteer services:

Technology also assists in recruiting, scheduling, training, and recognizing our Help Center volunteers. New volunteers view a video demonstration on the VLSP [Voluntary Legal Services Project of Monroe County] website, which gives them an introduction to the Help Center and the Law Library. Volunteers then schedule their time slots directly on the VLSP website, which is confirmed by email. Monthly email blasts are used to recruit new volunteer attorneys, and social media is used to give well-deserved pats on the back to the volunteers, with public posts on VLSP's Facebook and LinkedIn accounts.⁶⁹

Veterans’ Social Services Providers Testified about the Critical Need for Legal Services for Their Clients: Linson Bailey, Executive Director of HELP USA’s Supportive Services for Veterans Families, testified that:

One of the most important and sought after services for veterans is civil legal services. When veterans come into contact with HELP USA, they frequently need legal services to help with life-altering issues involving eviction, homelessness, family law, and consumer law matters.⁷⁰

Kiron Dawkins, Hudson Valley Regional Director of the Westchester Community Opportunity Program (WestCOP), described how important the availability of legal services was to his veteran clients:

Without the assistance of lawyers, veterans are left on their own to steer through complex legal issues that can have dire consequences on their lives. . . . Clients feel such a relief to know that specialized attorneys are available to provide them with advice and counsel and extended representation in matters that can prevent homelessness; obtain or maintain essential benefits; allow them to spend meaningful time with their children; or resolve outstanding debt.⁷¹

Rogerlyn Velez, founder and CEO of Angels for Warriors, testified movingly about how providing services to her brother, a veteran with combat-related disabilities, helped her understand the challenges facing veterans who are trying to reintegrate after service. As she emphasized:

VA studies show that there is a distinct correlation between unresolved legal issues, financial pressure, and homelessness. This should not be our legacy. We need the funds to provide our veterans the services they so desperately need. Our Warriors stood up and volunteered to protect our freedoms. It is our turn to stand up to protect their rights.⁷²

Kiron Dawkins concluded:

Without meaningful access to justice, the very people who served our country and protected us would be left vulnerable and unprotected. This is not acceptable in a just and moral society. Access to civil legal services is integral in allowing low-income veterans to maintain housing and economic stability, foster healthy family relationships and restore the dignity they deserve.⁷³

Service Delivery Innovations Have the Potential to Increase Access to Justice: Debra L. Raskin, President of the New York City Bar Association, testified about the City Bar Justice Center’s successful delivery of limited-scope legal services to low-income New Yorkers:

Our surveys of client satisfaction show that clients who can follow the directions are extremely happy with limited scope service and feel empowered. The cases we’ve handled so far show potential to help even more people who cannot obtain full representation from a legal services or pro bono provider. We believe that pro bono attorneys would be pleased to take on limited scope representation cases [and we] hope to engage many more pro bono attorneys in this sort of representation. It is our further hope to continue innovative collaborations around online intake for these sorts of cases, especially consumer debt cases.⁷⁴

Martin Lipton highlighted the value of innovative service delivery models:

I commend the Commission for already considering options for legal services that go beyond the traditional courtroom representation at the fore of most people's minds. The pilot program for an online dispute resolution mechanism in consumer credit cases, for example, is an innovative approach that utilizes new technologies to help potential litigants resolve their disputes in online chat rooms with the help of mediators. . . . The online mediation program that the Commission is exploring is just the sort of innovative, forward-thinking approach that makes the New York court system one of the most effective in the world, and it sends a message that the New York Judiciary is focused on providing services that actually work for litigants.⁷⁵

Additional Witnesses Testified About the Critical Need for Civil Legal Services: At all four hearings, and in written submissions, witnesses vividly described the need for civil legal services. Those witnesses included leading elected and government officials, as well as bar and business leaders and community advocates such as: Thomas P. Zugibe, District Attorney of Rockland County;⁷⁶ Ron Younkins, Esq., Executive Director of the New York State Office of Court Administration;⁷⁷ Nina E. Olson, National Taxpayer Advocate at the Internal Revenue Service;⁷⁸ Scott C. Jarzombek, Executive Director of the Albany Public Library;⁷⁹ Sara E. Moss, Esq., Executive Vice President & General Counsel of The Estée Lauder Companies;⁸⁰ Robert F. Nicolais, Esq., Pro Bono Attorney at the Volunteer Legal Services Project's UCS Help Center in the Seventh Judicial District;⁸¹ and Phillip A. Burse, Director of Operations at In Our Own Voices.⁸²

The Testimony of Legal Services Clients Demonstrates the Profound Impact of the Legal Assistance that They Received: Clients who testified in each of the four Judicial Departments highlighted the life-changing impact of civil legal assistance.

In the **First Department** (including Bronx and New York Counties), clients described the critical legal help they received in challenging circumstances that involved multiple legal problems:

Fatim Kamara, a 19-year old from Togo, was abandoned by her parents and lived with an aunt who was abusive. She learned from advocates that she could petition Family Court for Special Immigrant Juvenile Status (SIJS), which is available for children who have been abused, neglected or abandoned and allows them to obtain a Green Card. The father of a family friend agreed to become Ms. Kamara's guardian and allowed her to live with his family. With advocacy assistance, Ms. Kamara moved out of her abusive living situation and into a safe home. Then, after successfully petitioning for SIJS, Ms. Kamara's advocates helped her to obtain work authorization and a Green Card. Ms. Kamara secured employment and is now attending Bronx Community College.⁸³

Stacy Snowden, a former healthcare worker with disabilities, always paid her rent with supplemental funds from the Section 8 program. When her landlord sued her for more than \$7,000 in back rent, Ms. Snowden was desperately worried that she and her son would lose their home and that he, then a senior in high school, would not be able to graduate. When she found a legal services lawyer, Ms. Snowden was advised that she only owed a few hundred dollars, and that she was not liable for the rent arrears sought by the landlord due to the landlord's failure to make repairs. With legal assistance, Ms. Snowden retained her apartment, the repairs were completed, and her son graduated from high school and is now attending college.⁸⁴

Cassandra Wilson was diagnosed with Stage IV incurable cancer and became unable to work full time. Forced to forfeit her employment, she suffered a total loss of income and applied for federal disability assistance. After being denied disability payments, Ms. Wilson fell behind in her rent and was sued by her landlord. She appeared in Housing Court nine times without representation in an attempt to obtain an emergency rent grant to pay the rent arrears. When she received an eviction notice, she obtained legal services, which enabled her to secure emergency approval of her application for disability payments and a grant for her rent arrears which saved her home. Ms. Wilson plans to apply for a Disability Rent Increase Exemption, which will allow her rent to be frozen at an affordable level.⁸⁵

In the **Fourth Department** (including Allegany, Cattaraugus, Cayuga, Chautauqua, Erie, Genesee, Herkimer, Jefferson, Lewis, Livingston, Monroe, Niagara, Oneida, Onondaga, Ontario, Orleans, Oswego, Seneca, Steuben, Wayne, Wyoming, and Yates Counties), clients described the crucial legal help they received that enabled them to survive domestic violence and prevent foreclosure:

Liliana Alvarado-Rojo emigrated from Mexico in 2004. She is a survivor of domestic violence; this abuse became so severe that her husband tried to kill her with rat poison. She escaped with her three children to a domestic violence shelter, but her husband found her and again threatened to kill her. Finally, with the help of the police, his threats stopped. Ms. Alvarado-Rojo's advocate helped her successfully apply for a U Visa, available to victims of domestic violence. She was able to obtain a work permit and is now employed and able to provide for her family. Ms. Alvarado-Rojo feels safe for the first time: she is not being abused, she obtained a divorce, and she no longer fears deportation because she has legal status.⁸⁶

Timothy Shine is a veteran who was facing foreclosure on his home. Although he had extinguished his debt in a Chapter 13 bankruptcy, his mortgage lender claimed that he still owed money. He had been fighting unsuccessfully with the mortgagor for over two years and was facing the loss of his home. With the assistance of a legal services lawyer, whom Mr. Shine met at a Veterans Administration event, he was able to prove that payments had been made, facilitating removal of his mortgage from delinquent status. As a result, he obtained more than \$13,000 in escrow payments and made necessary repairs on his home. Now, he is close to paying off his mortgage. He could not have accomplished this without help from a free legal services attorney.⁸⁷

Colleen McElligott explained how critical legal services were to her personal safety and to her ability to pursue a divorce from her abusive husband. Ms. McElligott feared for her life; she had been abused both physically and emotionally for more than a decade. When she finally decided to move out for her own safety and that of her three children, legal services helped Ms. McElligott learn her rights, obtain an Order of Protection, and return to a safe home. She was able to obtain spousal support, child support, and ultimately a divorce. Ms. McElligott and her children are much happier now that they are in a safe and stable home, and Ms. McElligott has returned to work.⁸⁸

In the **Third Department** (including Albany, Broome, Chemung, Chenango, Clinton, Columbia, Cortland, Delaware, Essex, Franklin, Fulton, Greene, Hamilton, Madison, Montgomery, Otsego, Rensselaer, St. Lawrence, Saratoga, Schenectady, Schoharie, Schuyler, Sullivan, Tioga, Tompkins, Ulster, Warren and Washington Counties), clients described the life-changing impact of civil legal assistance and the profound consequences of such assistance in stabilizing their lives:

Krista Russell lives with her family in Morrisonville. She testified about her long fight to obtain custody of three extended family members, who were victims of neglect, rather than see them sent to foster care.

With the help of a local legal services program, Ms. Russell and her husband successfully obtained custody and the children are thriving in their home.⁸⁹

Maria Magdalena Ventura Lopez, a native of Mexico, is a victim of human trafficking who was forced into prostitution. She testified about how legal services helped her escape her abuser, find housing, and build an independent life for herself and her children. As she concluded: “Often we really do need help escaping a world that is completely unjust. I give my heartfelt thanks for your support.”⁹⁰

Gloria Schaffer is a 65-year-old resident of Schenectady County. She is employed by K-Mart but receives only a minimal income and no health care benefits. She testified about how confused she was when she received notices about health care programs. Only with the help of the Health Insurance Information, Counseling and Assistance Program and legal services was she able to qualify for Medicare and Medicaid.⁹¹

In the **Second Department** (including Dutchess, Kings, Nassau, Orange, Putnam, Queens, Richmond, Rockland, Suffolk, and Westchester Counties), compelling client testimony highlighted the potential harm averted when these individuals obtained needed civil legal aid to address challenges to the essentials of life:

George Harris, a disabled veteran living in Peekskill, was threatened with eviction when his landlord falsely claimed that Mr. Harris was causing excessive noise in his apartment. Mr. Harris contacted a nearby legal services provider who investigated, found out that other tenants were responsible for the noise, and successfully negotiated with the landlord to drop the case. Mr. Harris, who lives on food stamps, disability payments, and a rent subsidy, testified that “I know that I would not have been able to fight and win this case without [legal services] assistance. If I had lost my apartment and VASH [Veterans Affairs Supportive Housing] voucher, I know that both my physical and mental health would have seriously deteriorated.”⁹²

Irma Silva, a survivor of domestic violence, lives in Mahopac. She knew she had to leave her husband when he began mistreating their son. One day, at the library with her son, she found a card that advertised the Women’s Resource Center, a domestic violence agency in her town. That program referred her to legal services that helped her obtain a divorce, win child support and sole custody of her children, and remain in their home. Ms. Silva testified that legal services “saved us from the ongoing cycle of abuse that we had been living through. . . . They helped me change my life.”⁹³

De Ping Song is one of six nail salon workers who sued his employer, with the help of a legal services provider, for wage theft. The employer did not pay minimum wage or legally required overtime pay. After the lawsuit was filed, the employer fired Mr. Song. With legal help, Mr. Song and his co-workers eventually obtained a judgment for back wages and damages. More important, according to Mr. Song, “our case . . . exposed the exploitation that is rampant in the nail salon industry. . . . Our case has impacted the industry and has led to a change in the laws protecting nail salon workers.”⁹⁴

PART B

Findings and Recommendations for Action

Based on the Chief Judge’s hearings in each of the four Judicial Departments in New York State during September and October 2015, and our work over the past year, the Permanent Commission makes these key findings and recommendations for action:

- Additional JCLS funding should be provided to address the continuing access-to-justice gap for low-income New Yorkers;
- Allocation of additional civil legal services funding will continue to generate at least ten dollars in cost savings and economic activity for every one dollar invested in civil legal assistance;
- An ODR pilot for consumer debt matters should be developed to evaluate the effectiveness of ODR in bridging the justice gap;
- The courts should encourage the use of limited-scope representation;
- Development of simplified, uniform court forms should continue to be encouraged;
- Support for the integration of technology into the client delivery system should be continued and expanded, including the two pilot online intake portals, an annual Statewide Technology Conference and the Pro Bono Law Firm IT Initiative;
- Law school and law student involvement in pro bono efforts at the 15 New York law schools should continue, including the work of the Statewide Law School Access to Justice Council and the annual Law School Conference;
- The Chief Judge should continue the practice of meeting with the managing partners of the major New York City law firms to urge adoption of a policy strongly encouraging retiring partners to perform pro bono work on behalf of low-income New Yorkers in matters affecting the essentials of life;
- The Judiciary should continue and expand the Legal Hand storefront initiative, creating neighborhood storefronts staffed by trained community volunteers who provide free legal information, assistance and referrals in areas including housing, family and benefits, to help resolve issues and prevent them from escalating into legal actions;
- New York City Housing Court practices that provide relevant information to unrepresented litigants should be expanded to courts outside New York City; rules requiring early disclosure of an apartment’s regulatory status and the existence of housing code violations should be proposed for public comment;
- Outreach to public libraries should be expanded throughout the State to provide library staff with information and training about civil legal services;
- A policy encouraging pro bono service by government attorneys should be adopted; and

- The Committee on Non-Lawyers and the Justice Gap should continue to expand the Navigator Program, including consideration of possible amendments to the Judiciary Law to authorize specially trained advocates, under the supervision of a lawyer, to provide services to unrepresented litigants in certain circumstances.

As described below, the combination of additional funding to bridge the access-to-justice gap and the Permanent Commission's recommended non-monetary initiatives will enable New York State to continue its progress on the multi-year plan implemented by the Chief Judge in 2010 to address the unprecedented need for civil legal assistance in matters affecting the essentials of life for low-income families and individuals living at or below 200% of the federal poverty level in New York State.

I. An Additional Civil Legal Services Funding Allocation in the Judiciary Budget Is Essential to Continue to Achieve Progress on Bridging the Access-to-Justice Gap

Evidence before the Permanent Commission documents a vast, continuing need for civil legal services for low-income New Yorkers. Although JCLS grantees handled 423,676 cases last year,⁹⁵ helping substantially more New Yorkers than the previous year, numerous witnesses testified to the continuing unmet need. Pro bono programs still receive more requests for assistance than they can satisfy, despite the increase in pro bono service sparked by the pro bono reporting requirement, the pro bono bar admission requirement, the Attorney Emeritus program, and the extraordinary efforts of the bar associations in our State. This unmet need is perhaps most clearly evident from the data on unrepresented litigants that the Permanent Commission received from OCA: in 2014, 1.8 million litigants appeared without counsel in litigated matters affecting essentials of life.⁹⁶

a. Continued Implementation of the Multi-Year Judiciary Civil Legal Services Funding Initiative Is Necessary

In our previous Reports, we presented evidence that the access-to-justice gap hurts low-income New Yorkers, adversely impacts the functioning of the courts, and increases litigation and other costs for represented parties such as private businesses and local governments. These prior Reports presented independent analyses showing that funding civil legal services is a sound investment that brings federal benefits into the State, stimulates the State and local economies when low-income families and individuals spend these additional federal benefits on goods and services, and saves government expenditures on State and local public assistance and emergency shelter.⁹⁷ Testimony presented throughout the 2015 hearings confirms that, although significant progress is being made, more must be done to close the access-to-justice gap.

Based on the findings and the documented substantial unmet need for civil legal services for low-income New Yorkers, our 2010 Report recommended a multi-year plan to allocate civil legal services funding in the Judiciary's budget and a series of non-monetary initiatives. Mindful of fiscal realities and budget constraints, all of our previous Reports recommended a substantial but graduated increase in funding to eliminate the access-to-justice gap.

In keeping with the multi-year plan, and for all the reasons set forth in this Report, together with the non-monetary recommendations detailed herein, the Permanent Commission recommends allocation of an additional \$15 million in JCLS funding to continue to make progress to narrow the substantial

access-to-justice gap in New York State. The continued commitment of this permanent, stable civil legal services funding stream within the Judiciary’s budget will significantly reduce the access-to-justice gap for low-income families and individuals all across the State.

Based on the evidence before it, the Permanent Commission again concludes that the most urgent unmet legal needs to which the proposed funding should be directed are civil legal services in matters involving the essentials of life—housing (including evictions, foreclosures, and homelessness), family matters (including domestic violence, children, and family stability), access to health care and education, and subsistence income (including wages, disability and other benefits, and consumer debts). Moreover, the Permanent Commission continues to find that well-trained and seasoned experts are necessary to address the complex legal problems that low-income clients frequently face and continues to recommend that prevention and early intervention efforts take first priority.

The Permanent Commission recommends that the JCLS funding in the next fiscal year be distributed—as in the current and prior fiscal years—throughout the State’s urban, suburban, and rural areas in accordance with the distribution of low-income New Yorkers by county. Further, the vulnerable families and individuals who receive funded civil legal assistance should continue to include both those living below the federal poverty level (\$24,250 for a family of four in 2015) and the “working poor” living at or below 200% of the federal poverty level (\$48,500 for a family of four in 2015).⁹⁸

In addition, the Permanent Commission recommends that the JCLS Oversight Board continue to oversee the grant-making process for JCLS funding with the assistance of OCA.⁹⁹

b. New York State Poverty Data Documents Substantial Ongoing Need

Substantial numbers of New Yorkers continue to live in poverty. Federal data shows that almost one-third of New Yorkers currently live at or below 200% of the federal poverty level, and that despite the modest economic recovery over the last five years, poverty has increased Statewide.¹⁰⁰ In New York City, the percentage of residents living at or below 200% of the federal poverty level was recently estimated by the American Census Bureau to be 40.4%.¹⁰¹ The federal poverty level and 200% of that level for 2015 are calculated as follows:

2015 POVERTY GUIDELINES FOR THE 48 CONTIGUOUS STATES AND THE DISTRICT OF COLUMBIA¹⁰²		
FAMILY SIZE	100%	200%
1	\$11,770	\$23,540
2	\$15,930	\$31,860
3	\$20,090	\$40,180
4	\$24,250	\$48,500

Lack of food security is a significant indicator of poverty. The U.S. Department of Agriculture reports that as of 2014, the three-year average percentage of New York residents living in “food insecure” households has increased since 2008 and stands at 14.4%.¹⁰³ In New York City, an estimated 17.4% of the population is “food insecure” or lacks “consistent access to enough nutritionally adequate food for an active, healthy life for all members of a household.”¹⁰⁴ Throughout the State, the percentage of people living in “very

low food secure” households—defined to include multiple indications of disrupted eating patterns and reduced food intake—is now 4.9%.¹⁰⁵ Another poverty indicator is the size and continued growth of the homeless population in New York City, recently reported to have worsened over the last two years, with 57,448 people currently in the shelter system—slightly less than the record high population of 59,068 observed in late 2014, but more than the population of 53,187 reported in 2010.¹⁰⁶

c. Large Numbers of Unrepresented Litigants Still Flood the Courts and Adversely Affect the Delivery of Justice

More than 1.8 million litigants attempted to navigate the civil justice system without counsel last year.¹⁰⁷ This represents a significant improvement from the last Statewide count of 2.3 million in 2009. Another, more recent, positive development was just announced in the Chief Administrative Judge’s 2015 Report on Foreclosures: between October 14, 2014 and October 12, 2015, the number of unrepresented litigants in Foreclosure Settlement Conferences decreased from 42% to 39%.¹⁰⁸

However, while JCLS funding over the past five years has helped increase the percentage of New Yorkers receiving legal assistance, the numbers of those who are not represented in court in all four Judicial Departments remain unacceptably high:

- In New York City: 91% of petitioners and 92% of respondents are unrepresented in child support matters in Family Court, and 96% of defendants are unrepresented in consumer credit cases.¹⁰⁹
- Outside the City: 87% of petitioners and 86% of respondents are unrepresented in child support matters in Family Court, and 97% of defendants are unrepresented in consumer credit cases.¹¹⁰

As reported at last year’s Third Department hearing on civil legal services, 99% of tenants were unrepresented in Housing Court in New York City in 2014.¹¹¹ To determine the impact of JCLS funding and recent HRA funding for eviction prevention and tenant protection legal services, the Permanent Commission recommends that in 2016, OCA work with and support HRA’s planned comprehensive study of the unmet need for legal services in eviction proceedings in New York City Housing Court that remains after the infusion of Judiciary and HRA funding.¹¹²

d. Decreased IOLA Funding Has a Continuing Adverse Impact on Civil Legal Assistance

As the Permanent Commission has previously found, a sharp drop in interest rates due to the economic downturn has dramatically reduced the IOLA revenue for civil legal services grant-making, underscoring the need for stable and permanent State civil legal services funding in the Judiciary budget.

Annual IOLA revenue available for civil legal services providers plummeted from \$32 million annually in 2008 to only \$7 million in recent years, increasing slightly to \$9.9 million this past year.¹¹³

With the support of the Legislature and the Governor, the Judiciary has created a \$15 million IOLA rescue fund to mitigate the impact of this funding reduction in the current State fiscal year and each of the prior five fiscal years. In view of the continuing impact of the economic downturn on IOLA revenue and the substantial unmet need for civil legal aid, the Permanent Commission recommends that this \$15 million rescue fund be maintained in the Judiciary’s budget for the coming fiscal year.

II. Judiciary Civil Legal Services Funding Provides Substantial Economic Benefits to New York State and a Return of Ten Dollars for Every One Dollar of Funding

During the last five years, we obtained pro bono assistance from four nationally recognized experts to analyze the cost savings and economic benefits resulting from funding civil legal services programs in New York State.

For the current Report, this assistance came from Neil Steinkamp of Stout Risius Ross (SRR), a global financial advisory firm, who updated previous analysis of the economic impact on New York State of federal benefits obtained through civil legal assistance. Mr. Steinkamp was asked to:

- Evaluate the financial impact of increased access to several federal programs on the direct recipients of those benefits and their families;
- Evaluate the economic impact of the flow of federal benefits into the New York State economy as a whole;
- Estimate the financial impact of Child and Spousal Support payments obtained due to extended representation civil legal services on the direct recipients of those benefits and their families;
- Estimate the taxpayer savings resulting from the delay or prevention of eviction or foreclosure; and
- Estimate the wage impact of legal work authorization for immigrants.

IOLA provided Mr. Steinkamp with data on benefits received by low-income New Yorkers as a result of the provision of civil legal services by IOLA grantee organizations from 2005 through 2014. Having analyzed this information, Mr. Steinkamp concluded:

The Long-Term Financial Impact of Increased Access to Federal and State Benefits on Recipients and their Families Is Estimated to Be \$2.96 Billion: The \$2.96 billion amount for 2014 includes retroactive awards, monthly payments, and likely future payments received as a result of both extended and limited representation cases for Supplemental Security Income (SSI), Social Security Disability Insurance (SSDI), Medicaid, Earned Income Tax Credit, other federal benefits, and State unemployment benefits.¹¹⁴

The Economic Benefit from Child and Spousal Support Payments to Recipients of Those Benefits and Their Families Is Estimated to Be \$46.6 Million: For 2014, the IOLA data indicates retroactive awards of Child and Spousal Support at approximately \$1.5 million and monthly payment awards at just over \$600,000. The net present value of the monthly payments, based on a payment stream of nine years, is approximately \$69.1 million.¹¹⁵ Thus, the total value of the Child and Spousal Support awards for 2014 is approximately \$70.6 million. After deducting the estimated value of support payments not actually received, the estimated value of actual Child and Spousal Support payments is approximately \$46.6 million.¹¹⁶

Total Estimated Cost Savings from the Avoidance of Emergency Shelter Have Increased to \$260.6 Million: In 2013, using 2012 State and local data on the cost of providing shelter in New York State and IOLA data on eviction prevention cases, Cornerstone Consulting concluded that anti-eviction legal services programs that receive IOLA funding saved the government approximately \$116 million annually in averted shelter costs.¹¹⁷ In the 2014 Task Force Report, updated analysis of eviction prevention data provided by IOLA demonstrated annual savings of more than \$220 million.¹¹⁸ The data presented

last year also showed Statewide average cost savings of \$20,300. This year, because shelter costs have increased to approximately \$24,000 per household, Mr. Steinkamp estimated that the cost savings to government have increased to \$260.6 million.¹¹⁹ Approximately 26,490 individuals have benefited as a result of these eviction prevention services.¹²⁰

The Present Value of the Wage Impact of Work Authorization Assistance for Immigrant Victims of Domestic Violence, Trafficking and Other Crimes Is Estimated to Be \$59.1 Million: With the assistance of legal services, immigrant clients successfully applying for U Visas and T Visas have received work authorization that confers additional benefits.¹²¹ Work authorization provides a significant wage differential to immigrants, amounting to an average of approximately \$1,357 annually for each of the 1,924 individuals awarded a U Visa or T Visa. Based on an average work duration of 23.5 years, the total wage benefit is approximately \$30,700 per individual,¹²² for a total present value of \$59.1 million in benefits of work authorization for immigrants.

Civil Legal Services Funding Provides a Positive Economic Impact on the New York State Economy: Civil legal services for low-income New Yorkers provide substantial economic value to needy families, as well as State and local economies and governments. The economic value to clients and their families of benefits secured as a result of legal representation in 2014 is estimated to be approximately \$1.3 billion.¹²³ These benefits also provide a significant stimulus to the New York State economy overall and create thousands of jobs. Considering the multiplier effect of federal funds brought into New York State in 2014, the positive impact on the economy amounts to an additional \$1.45 billion and the creation of approximately 8,140 jobs.

Considering only the specific sources of value covered by Mr. Steinkamp's analysis, the economic impact of civil legal services provided to low-income New Yorkers in 2014 was conservatively estimated to total approximately \$2.4 billion¹²⁴—a return of 8.2 times on the \$296 million total civil legal services funding in 2014. As Mr. Steinkamp testified at the First Department hearing, his analysis could not encompass all of the positive economic impacts of civil legal assistance. Thus, Mr. Steinkamp believes a reasonable estimate of the full economic impact results in a return of \$10 in economic benefit to clients, their communities and the State for each dollar of funding for civil legal services.¹²⁵

III. The 15 New York Law Schools and Law Students Should Continue Their Significant Work Contributing to the Effort to Bridge the Access-to-Justice Gap for Low-Income New Yorkers

Under our leadership, new and previously recommended initiatives have increased the involvement of law schools and law students in the effort to expand access to justice in New York State. Exposing law students to the need for civil legal services is critical to expanding access to justice Statewide.

This year's Fourth Annual Law School Conference, entitled "The Role of New York's Law Schools in Helping Meet the Essential Civil Legal Needs of Low-Income New Yorkers," held on May 11, 2015 at Fordham University School of Law, drew over 200 participants from all 15 New York law schools, representatives of the Judiciary, the Board of Law Examiners, legal services providers, bar leaders and law firm pro bono counsel.¹²⁶ The Annual Law School Conference, which we have convened since 2012, provides a forum for participants to engage in discussion and develop action plans on how to best marshal law school efforts and spearhead initiatives to help meet the essential civil legal needs of low-income

New Yorkers.¹²⁷ At this year's Conference, discussions during plenary sessions and six afternoon work groups once again considered how faculty and supervisors can best instill in law students an awareness of the value and impact of their lifelong pro bono work in bridging the justice gap, and how this can be conveyed in curricular offerings.

Based upon the work of the Conference participants in the six work group sessions, the Permanent Commission makes the following recommendations focusing on legal education and the identification of opportunities for law students, law graduates and law faculty in New York State to further narrow the justice gap.

a. The Annual Law School Conference Should Continue to Be Convened

The Permanent Commission should convene the Fifth Annual Law School Conference in the spring of 2016 to continue a dialogue that encourages and promotes communication and collaboration among New York's 15 law schools and legal services providers, law firm pro bono coordinators, bar associations and the courts; supports collective efforts to help meet the essential civil legal needs of low-income New Yorkers; and examines how best to instill in law students an awareness of the value and impact that their pro bono work will have in bridging the justice gap.

b. The Statewide Law School Access to Justice Council Should Continue Its Work

The Statewide Law School Access to Justice Council, composed of deans, administrative deans and representatives from all 15 law schools, legal services providers and members of the Permanent Commission and court system, should continue its collaborative work on student pro bono activities and matters of mutual interest that promote law school pro bono efforts to narrow the justice gap.

Since its inaugural meeting in 2013, the Council has worked to increase the law schools' involvement in responding to the justice gap by promoting coordination of law student activities and initiatives, best practices for supervising law student pro bono work, and curricular and bar exam innovation. Specifically, the Council: (1) is overseeing the development of an online Handbook of Best Practices for the Supervision of Law Student Pro Bono Work based on the 2014 Conference recommendations; (2) produced a two-part professionalism webinar for use in the Pro Bono Scholars Program law school seminars that features a simulated client interview and a moderated instructional debate on client confidentiality and social media among faculty and practitioners; (3) is developing a web portal for law school faculty to share curricular materials for use in access-to-justice seminars and the Pro Bono Scholars Program law school seminars; (4) has supported the establishment of best practices and implementation strategies for student compliance with the 50-hour pro bono bar admission rule; and (5) studied the feasibility of a Statewide consortium website for law student pro bono opportunities intended to facilitate pro bono placements.

c. Students Should Be Educated to Be Culturally Competent Lawyers

Cultural competency should be considered an important student-learning outcome for graduates of New York law schools. All New York law schools should establish and publish learning outcomes that, in addition to those required by the ABA, contribute to the development of culturally competent lawyers and incorporate multicultural concepts, skills and values to ensure ethical representation of clients and responsible participation as members of the bar.

d. Access to Justice Should Be Infused Across the Doctrinal Curriculum

Integrating access to justice across the curriculum continues to be an important priority for law schools and faculty. Law schools as institutions, and faculty in individual courses, should provide opportunities for students to discuss access to justice throughout the traditional doctrinal curriculum, beginning in the first year of law school, and continuing across a broad range of upper-level electives.

e. The Handbook of Best Practices for Supervision of Law Student Pro Bono Work Should Be Completed and Published

Under the auspices of the Statewide Law School Access to Justice Council, the Handbook of Best Practices for Supervision of Law Student Pro Bono Work will be presented at the Fifth Annual Law School Conference on Access to Justice in 2016 and published online for use as a community resource.

f. Law Schools Should Be Supportive of Non-Lawyers Working to Help Narrow the Justice Gap

In keeping with their stated educational missions and institutional values, law schools should consider how best to support non-lawyers, with due regard to ABA accreditation standards, New York State licensing issues, and the impact on law schools' mission, administration, including career services offices, and the law students. Law schools need to consider ways to educate and train law students to engage with non-lawyers to expand access to justice, by discussing this issue in class; training law students to think about working in conjunction with non-lawyers to better serve clients; and including non-lawyers in clinical and other pro bono law school efforts. In addition, it is important for law schools to consider how to develop courses or other academic offerings for non-lawyers to ensure their understanding of basic legal concepts, with due consideration of the economic costs to both the law schools and prospective non-lawyer participants.

g. Law Schools Should Educate Students that Limited-Scope Legal Assistance Can Help Narrow the Justice Gap

Law schools should expose students to limited-scope assistance as a way to expand access to justice. Limited-scope assistance has emerged as an established service delivery method for assisting unrepresented litigants in civil legal matters and addressing the access-to-justice crisis. In our 2014 Report, we recognized the importance of limited-scope assistance as a way to address the continuing need for civil legal assistance. The critical role of law schools in continuing to educate and engage students in limited-scope representation is underscored by the adoption of the New York State Legislature's Concurrent Resolution supporting effective legal assistance for all New Yorkers in need. Appropriate training for law students engaged in supervised limited-scope assistance is of paramount importance and should cover the key areas of confidentiality, competence, informed consent, cultural competence and disclosure to the tribunal.

h. Law School Curricula Should Include Offerings that Develop Transactional Skills to Serve Low-Income Communities

In addition to traditional advocacy- and litigation-related courses, there should be increased offerings of practical, skills-based transactional classes and clinics in law schools, pertaining to, for example, contracts, leases and corporate governance matters, to enable students to provide transactional legal services for low-income individuals and communities, as well as the organizations that serve them.

IV. Effective Technology Initiatives that Can Increase Access to Justice and Further Leverage Resources for Civil Legal Assistance for Low-Income New Yorkers Should Be Supported

Since 2013, we have focused on the potential role of technology in transforming the delivery of civil legal services to low-income New Yorkers. Our research established that civil legal service providers benefit greatly from the effective incorporation of technology into both their day-to-day internal operations and their client service delivery. We also determined that while providers are eager to embrace the latest technology, most of them lack the knowledge, expertise and funding to do so.

Accordingly, this year, we sought to provide access to the expertise and resources necessary to help support the integration of technology into client service delivery.¹²⁸ We launched a Pro Bono Law Firm IT Initiative¹²⁹ that is harnessing the expertise of law firm IT staff to assess the technology needs of individual civil legal services providers and make recommendations for enhancing and improving technology. We also encouraged the development of pilot projects to create two online portals for screening and intake of low-income New Yorkers in the area of consumer debt matters. These two online pilots, one in Western New York and the other in New York City, will allow a potential client's needs to be assessed in order to direct the client to needed information or representation, thereby providing easy online access to legal assistance for the user and reducing intake time for providers. Finally, along with NYSTech¹³⁰ and Columbia Law School, we sponsored the inaugural day-long Statewide Technology Conference, an event that brought together over 135 executive directors and technology staff from civil legal services providers, law firms, law schools, legal funders, technology service providers and court administrators to share innovative ideas that can improve the delivery of civil legal services and the efficiency of provider operations.¹³¹

Based upon these initiatives and efforts, the Permanent Commission makes five key recommendations:

a. The Pro Bono Law Firm IT Initiative Should Be Continued and Expanded

The Pro Bono IT Initiative, having proven successful in assisting five legal services providers, should be continued and expanded so that additional civil legal aid providers throughout the State may participate. Expansion should include recruiting additional pro bono IT professionals from additional firms, including those outside New York City, engaging law school communities, and systemizing the assessment process. Pro bono IT professionals should continue to work with directors and technology experts from civil legal aid providers to improve the use, functionality, training and cost of technologies critical to the delivery of civil legal assistance.

b. Development and Implementation of the Pilot Online Intake Portals Should Be Coordinated to Create Compatible Systems that Can Be Integrated with Other Systems for Statewide Expansion

We recommend that the developers of the two online intake portal pilots collaborate in planning and implementing their online portals so that they are compatible and can be integrated with other future portals to maximize easy online access to legal assistance for low-income New Yorkers to address the full range of problems they commonly face.

c. The Statewide Technology Conference Should Be Convened on an Annual Basis

The inaugural Technology Conference held in 2015 achieved its goal of bringing together civil legal services providers from across the State to join with their colleagues and technology professionals from the legal community and related professions to learn about the latest technological initiatives, in order to maximize efficiency and increase the population served. The Conference should be convened on an annual basis to continue to foster collaboration and critical analysis of the uses and benefits of technology in the delivery of civil legal services.

d. Providers Should Continue to Collaborate and Plan for Technological Improvements

The Permanent Commission encourages civil legal services providers to collaborate through thoughtful regional or Statewide technology planning and pro bono programs. The provider community should consider business process analysis; input from system users including clients; law school resources; and best practices, including those related to security and other areas that may arise from the Pro Bono Law Firm IT Initiative and the online intake portal pilots.

e. Appropriate Technology Projects Should Be Considered for Judiciary Civil Legal Services Funding

Effective technology initiatives can increase access to justice and leverage resources for civil legal assistance for low-income New Yorkers. Our research and the numerous comments from the participants at the Technology Conference firmly establish the need for funding to develop innovative technology that can substantially improve the delivery of civil legal services.

The Permanent Commission recommends that the Oversight Board, in its funding decisions for JCLS grants, consider innovative technology projects that can be widely adopted throughout the State and that increase access to justice or have the potential to lead to significant improvement in the delivery of legal services. At the same time, the Permanent Commission will continue to support civil legal services providers in their efforts to identify other funding sources and dedicated funding streams that will support technology expansion and innovation to improve civil legal services delivery.

V. An Online Dispute Resolution Pilot for Consumer Debt Matters Should Be Established to Evaluate the Feasibility, Cost and Effectiveness of ODR in Helping to Bridge the Justice Gap

In 2011, we conducted a comprehensive review of alternative conflict resolution initiatives geared to averting or reducing litigation. Since then, the Permanent Commission has recommended the increased use of alternative conflict resolution, in appropriate cases, as another means to help bridge the access-to-justice gap.

In the last few years, there has been an increased focus on the potential use of ODR as an efficient option to settle disputes out of court. In 2013, with pro bono assistance, we evaluated the use of new ODR platforms in Europe. As a result of that research, and as part of our 2013 Report, we recommended that the New York State Unified Court System consider developing an ODR platform that could be used in appropriate matters involving low-income parties—not to include matters involving domestic violence or other situations where the imbalance in power is inextricably bound up in the legal problem. That support was echoed at this year’s First Department hearing by Martin Lipton, who noted that a “pilot program for an online dispute resolution mechanism . . . is an innovative approach that utilizes new technologies to help potential litigants resolve their disputes.”¹³²

The primary objectives of an ODR program would be to resolve cases efficiently and to lower overall court caseloads, thereby saving time and money. The ODR platform, which could incorporate online filing and a chatroom environment, and be staffed by volunteer mediators, would keep costs for litigants to a minimum and provide great flexibility by allowing remote access, of particular importance in rural, upstate areas. Consumer debt has emerged as an area that would be particularly appropriate for a pilot ODR program, available to both represented and unrepresented parties. Low-income parties are generally without counsel in these proceedings and many such proceedings are brought in small claims parts.

In our 2014 Report, we recommended that the Administrative Board support the development of rules for an ODR pilot designed to help bridge the access-to-justice gap. In February 2015, the Administrative Board adopted the Permanent Commission’s recommendation and approved the development of rules in conjunction with the establishment of an ODR pilot project.¹³³

The Permanent Commission supports efforts to obtain funding to develop a pilot program. Once funding is obtained, the court system, civil legal services providers and other entities will collaborate in the development of the program, to be available in several areas of the State, for consumer debt matters, small claims actions and other debt-related disputes. Using the online platform, parties to a consumer debt matter, initially, would be given the opportunity to try to settle their dispute online between themselves. If a resolution cannot be reached in that manner, a highly trained volunteer mediator would be assigned to work with the parties online.

Next year, in addition to supporting the development of a pilot ODR program, the Permanent Commission will continue to gather information about the operation of the expanding number of ODR programs in use around the country and abroad.

VI. Access to Justice Should Be Expanded in Landlord-Tenant Proceedings

As we have reported, a high percentage of tenants in landlord-tenant cases are unrepresented,¹³⁴ and as witnesses (including judges) at the Chief Judge’s hearings have testified, many of those tenants have defenses of which they are unaware.¹³⁵

We have also documented the increases in poverty around the State as well as the high level of homelessness in New York City. The Permanent Commission views the prevention of evictions, and the resulting prevention of homelessness, as beneficial to all of society.¹³⁶

The Permanent Commission has identified practices that have been developed in New York City Housing Court to improve access to justice for tenants, and recommends that these practices be expanded for use in landlord-tenant proceedings outside New York City. We also propose consideration of court rules that would mandate disclosure of a dwelling’s regulatory status and any code violations. These measures will not only enhance access to justice, but also help conserve judicial resources in these cases, which are typically part of very heavy dockets.

a. Postcard Notice to Tenants

Tenants sued in an eviction proceeding in New York City receive a postcard from the Housing Court Clerk’s Office giving notice of the proceeding and of the need to answer. The Permanent Commission recommends amending the New York City postcard to direct tenants to the CourtHelp website, <http://www.courts.state.ny.us/courthelp>, for additional information, including information regarding defenses. The website information can be added to the postcard through an amendment of the applicable court rule.¹³⁷

No such postcard notification is provided outside New York City. The Permanent Commission recommends that the Administrative Board adopt a rule requiring that notice be provided by courts outside New York City to inform respondents of the proceeding and of the need to answer, along with a reference to online information available at the CourtHelp website. Although the Permanent Commission understands that postcard notice cannot be mandated for such matters in Town and Village Justice Courts, we recommend providing Town and Village Justices with a description of this practice and the text of the appropriate notice for their consideration.

b. Practices in Nonpayment Proceedings

Many tenants are unaware of the various defenses they may assert in a nonpayment proceeding. In New York City, the Housing Court displays, in public places, model answers that list the variety of defenses that may be available. The Permanent Commission recommends that a similar practice be directed by the Deputy Chief Administrative Judge for Courts Outside New York City for implementation by courts with jurisdiction over landlord-tenant proceedings.

Further, one of the most common defenses to nonpayment proceedings is the existence of rent-impairing conditions in the apartment.¹³⁸ Even when those conditions are not rent-impairing, it is within the jurisdiction of the court to require the landlord to make repairs in the context of nonpayment proceedings. However, many tenants are unaware that they can assert “conditions” as a defense, and many are unaware that they can ask the judge for an order to correct those conditions. By directive of the Deputy Chief Administrative Judge for New York City Courts, court personnel are required to inquire about the existence of conditions that may need repair in an apartment in nonpayment proceedings. The Permanent

Commission recommends that a similar directive be proposed by the Deputy Chief Administrative Judge for Courts Outside New York City.

c. Other Means of Ensuring Access to Justice in Landlord-Tenant Proceedings

Fair and efficient adjudication of a landlord-tenant proceeding also requires that the parties and the court consider, early in the process, any applicable regulatory status and any housing code violations. Relevant information includes whether the housing is either State or federally assisted—and under what specific program and regulations¹³⁹ (some of which are not in the public record¹⁴⁰)—and the existence of housing code violations placed on an apartment or building. Requiring this information to be disclosed at an early stage in the proceeding would benefit the landlord, the tenant and the court: the landlord or landlord’s counsel may refrain from filing a case upon examining the regulations applicable to the subject apartment; the tenants would have specific information about the applicable law and the standards that apply to their tenancy and therefore be better prepared; and the court would be advised of the information necessary to apply the appropriate standards to a particular tenancy.

Recent rules adopted by the court system to assure fair adjudication of foreclosure and consumer debt cases may be a helpful precedent for landlord-tenant matters. In 2010, a new court rule imposed filing requirements in residential foreclosure cases to protect the integrity of the foreclosure process and prevent wrongful foreclosures; counsel are required to file an affirmation certifying that counsel has taken reasonable steps—including inquiry to banks and lenders and careful review of the papers filed in the case—to verify the accuracy of documents filed in support of residential foreclosures.¹⁴¹ In consumer credit-card debt cases, the court system promulgated rules in 2014 requiring, for example, that a creditor’s default application include an Affirmation of Non-Expiration of Statute of Limitations as well as an affidavit with exhibits supporting the claim.¹⁴²

With these precedents in mind, the Permanent Commission recommends that the Administrative Board consider issuing rules—with an appropriate period for public comment—that would require landlord disclosure of the regulatory status and housing code violations of record at an appropriate early stage of the case.

In addition, the court system should consider developing additional training for judges handling housing proceedings, in particular on pleading requirements, burdens of proof, and defenses for such proceedings. To enhance the training, a checklist of federal, State and city subsidy programs with citations to relevant rules and regulations should be developed for quick reference by judges.

VII. Limited-Scope Legal Representation to Expand Access to Justice Should Be Supported

The Permanent Commission continues to encourage the use of limited-scope legal assistance as an efficient and efficacious way to serve low- and moderate-income individuals confronting legal challenges to essentials of life issues.

As Chief Judge Lippman has frequently remarked, some legal representation or legal assistance is always preferable for litigants who would otherwise proceed unrepresented in civil matters that implicate family and personal stability, health, employment, education and housing, which can have life-altering consequences.¹⁴³

In her testimony at the First Department Hearing, New York City Bar Association President Debra Raskin credited an increase in the number of low-income clients served by pro bono bar association lawyers and City Bar Justice programs, which rely on the services of pro bono lawyers, to the use of brief services and limited-scope representation.¹⁴⁴ Pointing to the extraordinary volunteerism of the New York bar, Ms. Raskin suggested that limited-scope representation presents an opportunity both to leverage and to maximize the services of pro bono lawyers.¹⁴⁵ In those cases where limited representation is appropriate and the clients are informed that the representation will be limited, pro bono limited legal services could, optimally, obviate the need for litigation, resolve the matter through settlement or, at a minimum, empower the litigant to proceed in a more expeditious manner. Surveys of clients who received limited-scope services through City Bar Justice Center programs have confirmed this, demonstrating that when such clients follow the instructions provided, they are satisfied with results achieved through the pro bono limited representation.¹⁴⁶

As detailed in our 2014 Report, and reiterated by Ms. Raskin during her testimony, limited representation should be broadly accepted in New York courts and administrative tribunals; upon proper notice to all parties and the judge, limited appearances can facilitate the administration of justice and expand access.¹⁴⁷ The Permanent Commission continues to promote educational programs on the principles and ethics of limited-scope representation to the bench and bar, and encourages law schools to expand limited-scope representation in clinical and experiential settings, and include discussion of limited-scope principles and practice in the doctrinal curricula to increase limited-scope practice.¹⁴⁸

Legal Services Corporation President James Sandman has advocated for the use of limited-scope services as a critical tool to bridge the justice gap, provided that the limited assistance is competently and ethically delivered and the client is informed of the limited nature of the services.¹⁴⁹ Rethinking the legal services delivery model is critical, according to Mr. Sandman, and limited-scope assistance is a key element in the collective effort to offer some form of civil legal assistance to every person in need.¹⁵⁰

We note that New York Rule of Professional Conduct 1.2(c) provides that “[a] lawyer may limit the scope of representation if the limitation is reasonable under the circumstances, the client gives informed consent and where necessary notice is provided to the tribunal and/or opposing counsel.”¹⁵¹ In light of that Rule and to encourage limited-scope practice, the Permanent Commission recommends that the Administrative Board adopt a resolution encouraging limited-scope practice and requesting the Chief Administrative Judge issue guidelines consistent with Rule 1.2(c) to enable judges, with the appropriate notice, to facilitate limited-scope practice to expand access to justice, including encouraging judges to issue court-specific rules authorizing the use of limited-scope representation in their courtrooms.

VIII. Education and Outreach to Public Libraries Should Be Expanded

Public libraries play a valuable role in providing direct services to the public, serving as “an information hub for the community.”¹⁵² The public routinely turns to local libraries for assistance with legal questions, but library staff often feel that they lack the knowledge or training to assist. As Scott C. Jarzombek, Executive Director of the Albany Public Library, testified, “[T]here’s not a day that goes by where we’re not asked a legal question. And even though we have a master’s in library science, we do not have a master’s in law.”¹⁵³ Training programs for public library staff have been developed by the New York State Courts Access to Justice Program, as well as LawHelpNY, in collaboration with civil legal services

providers, and offered in various libraries throughout the State, focusing on online resources and other services to which the public can be guided.

Seeking to build on these efforts and to better understand the current level of library services being offered to a public in need of legal information and assistance, the Permanent Commission designed an online survey for distribution to libraries Statewide. The survey generated approximately 100 responses from significantly diverse demographic and geographic areas throughout the State and found that: the public frequents the libraries seeking to obtain answers to their legal questions, mostly related to essentials of life matters; library staff provide assistance when possible, including directing users to online resources, or providing referrals to other libraries or local legal services providers; and library staff are interested in receiving training to better serve the public needing assistance with legal matters.

Based on these findings, the Permanent Commission recommends that the court system, in collaboration with civil legal services providers and other stakeholders, continue its education and outreach efforts to reach additional public libraries throughout the State. Such efforts should encourage collaborations and partnerships between the public libraries and local civil legal services providers in order to connect the public with appropriate legal resources, both online and in the community, to address their legal needs.

IX. A New Initiative Involving Further Contributions that Non-Lawyers Can Make to Bridge the Access-to-Justice Gap Should Be Supported

In an effort to help close the justice gap, the Permanent Commission recommends a new initiative that enlists a corps of trained community volunteers to staff neighborhood storefront centers to help people where they live. In our 2012 Report, we recommended the establishment of an Advisory Committee to focus on non-lawyer involvement in the provision of legal assistance to those in need. That Committee established the Navigators Program, which operates in the courthouses to help people already named in a lawsuit. However, it does not connect to or reach members of the community in their own neighborhoods and those who are not facing a court proceeding. This program does both.

For people in need of assistance to avert litigation, a visible, accessible, walk-in neighborhood office where basic information and assistance can be obtained offers a tremendous benefit. Accordingly, we have supported the creation of Legal Hand, a neighborhood-based storefront facility, staffed with trained community non-lawyer volunteers who provide free legal information, assistance and referrals to help low-income individuals with issues that affect their lives in areas like housing, family, immigration, divorce and benefits, and prevent problems from turning into legal actions.¹⁵⁴ The first three Legal Hand storefront centers are located in Crown Heights, Brownsville and South Jamaica, and are supported by a one million dollar grant from an anonymous donor. The Legal Hand facilities, which are visible from the street and welcoming, are open during regular business hours, with weekend and evening hours as well.

There is an enormous prevention benefit to this initiative. Legal Hand neighborhood storefront centers provide a location where people can stop in to ask questions and to get information and assistance, which could make the difference in resolving problems before they erupt into much more serious issues that ultimately may result in full-scale legal proceedings. To assist with a range of legal problems, Legal Hand volunteers receive training from legal service providers in areas involving the necessities of life and, in particular, where emergencies commonly arise. The overarching principle behind Legal Hand is the recognition that

problems with legal components begin percolating long before any case is filed and individuals are required to go into court. By providing support and legal information early in the process, Legal Hand can try to help people resolve their disputes before they escalate and require court intervention.

This new program unites the concept of using non-lawyers to deliver assistance and legal information to those in need, and making such assistance available at accessible walk-in storefront offices in our most vulnerable neighborhoods. Legal Hand's goal is to provide a reliable, consistent and accurate source of assistance and information on legal issues that affect the essentials of life. This will lead to more just outcomes, more crises averted, less litigation and monetary savings for our State and local government. Most importantly, these centers will contribute to the goal of equal access to justice.

The Permanent Commission recommends that the Judiciary continue and expand the Legal Hand storefront initiative.

X. Additional Recommendations Should Be Adopted to Increase Access to Justice

The Permanent Commission makes the following additional recommendations:

- The development of uniform, simplified Statewide court forms for use in landlord-tenant, consumer debt, foreclosure and child support matters should be continued.
- To increase pro bono representation for low-income New Yorkers:
 - A policy should be developed to permit and encourage pro bono efforts by government attorneys. The New York State Bar Association is in the process of developing a model pro bono policy to guide State, county and local agencies in overseeing and encouraging pro bono service by their attorneys, and hopes to work with the Permanent Commission, along with federal, State and municipal agencies, to promote the adoption of the policy.¹⁵⁵
 - The Chief Judge should continue the practice of meeting with the managing partners of the major law firms of New York City to urge them to adopt a policy strongly encouraging retiring partners to perform pro bono work on behalf of low-income New Yorkers on matters affecting the essentials of life.
- The Committee on Non-Lawyers and the Justice Gap, established by the Chief Judge in 2013 based on our recommendation, should continue to expand the Navigator Program and consider additional initiatives that will expand access to justice through the services of non-lawyers. The Committee also should seek to amend the Judiciary Law to authorize specially trained non-lawyers, supervised by lawyers in nonprofit legal services organizations, to assist unrepresented litigants in certain types of cases.



For the foregoing reasons, the Permanent Commission respectfully requests that the Chief Judge adopt the funding and non-monetary recommendations for action set forth in this Report to continue to implement the multi-year plan to bridge the access-to-justice gap for low-income families and individuals in New York State. The need to address this justice gap continues to be urgent.

ENDNOTES

1. See TASK FORCE TO EXPAND ACCESS TO CIVIL LEGAL SERVICES IN NEW YORK, REPORT TO THE CHIEF JUDGE OF THE STATE OF NEW YORK: APPENDIX 1 (2010), available at <http://www.nycourts.gov/accesstojusticecommission/PDF/CLS-Appendices.pdf> (text of Chief Judge Lippman's Law Day announcement of the creation of the Task Force). The 2010, 2011, 2012, 2013 and 2014 Reports of the Chief Judge's Task Force, the Appendices to each Report, and other information are available from the Permanent Commission's website, <http://www.nycourts.gov/accesstojusticecommission>.
2. N.Y. COMP. CODES R. & REGS. tit. 22, § 51.1 (2015); see Press Release, N.Y. State Unified Court Sys., Chief Judge Announces Creation of Permanent Commission on Access to Justice (July 22, 2015) [hereinafter Permanent Commission Press Release], available at https://www.nycourts.gov/PRESS/PDFs/PR15_07.pdf.
3. A list of the members of the Permanent Commission on Access to Justice is set forth at the beginning of this Report. In addition, the Permanent Commission received extensive assistance from Jessica Klein, Special Counsel for Pro Bono and Director of Professional Development at Sullivan & Cromwell LLP, who served as Counsel to the Permanent Commission; Lara J. Loyd and Chiansan Ma, Associates at Sullivan & Cromwell LLP, and Madeline B. Jenks, a legal assistant at the firm; Lauren Kanfer, Assistant Deputy Counsel to the Chief Judge; Barbara Mulé, Chief of Staff, New York State Judicial Institute; and Barbara Zahler-Gringer, Counsel for Administration, New York State Office of Court Administration. Sullivan & Cromwell LLP, which has a partner serving on the Permanent Commission, hosted our meetings and provided crucial pro bono assistance. Three other leading law firms with partners who serve on the Permanent Commission also provided invaluable pro bono assistance: Proskauer Rose LLP; Simpson Thacher & Bartlett LLP; and Skadden, Arps, Slate, Meagher & Flom LLP. A list of those who provided pro bono assistance is annexed as Appendix 1.
4. *The Chief Judge's Hearing on Civil Legal Services, Fourth Dep't, Sept. 30, 2015* (statement of Ronald Younkins, Executive Director, New York State Office of Court Administration, at 2).
5. *Id.* at 3.
6. See *The Chief Judge's Hearing on Civil Legal Services, First Dep't, Sept. 19, 2013* (statement of Dr. Elizabeth Becker, Senior Vice President, NERA Economic Consulting).
7. *The Chief Judge's Hearing on Civil Legal Services, First Dep't, Sept. 29, 2015* (statement of Neil Steinkamp, Managing Director, Dispute Advisory & Forensic Services, Stout Risius Ross, Inc., at 19).
8. *Id.* at Exhibit 6.
9. *Id.* at 13–15.
10. *Id.* at 16–18.
11. *The Chief Judge's Hearing on Civil Legal Services, First Dep't, Sept. 29, 2015* (testimony of Neil Steinkamp, Managing Director, Dispute Advisory & Forensic Services, Stout Risius Ross, Inc., at 73:03–16, 76:02–10).
12. See, e.g., TASK FORCE TO EXPAND ACCESS TO CIVIL LEGAL SERVICES IN NEW YORK, REPORT TO THE CHIEF JUDGE OF THE STATE OF NEW YORK 20 (2014) [hereinafter 2014 ANNUAL REPORT], available at <http://www.nycourts.gov/accesstojusticecommission/PDF/CLS%20TaskForce%20Report%202014.pdf>; *The Chief Judge's Hearing on Civil Legal Services, Third Dep't, Oct. 6, 2014* (statement of Hon. A. Gail Prudenti, Chief Administrative Judge, New York State Unified Court System, at 6).
13. *The Chief Judge's Hearing on Civil Legal Services, First Dep't, Sept. 29, 2015* (testimony of James Silkenat, Past President, American Bar Association, Partner, Sullivan & Worchester LLP, at 41:08–21).
14. TASK FORCE TO EXPAND ACCESS TO CIVIL LEGAL SERVICES IN NEW YORK, REPORT TO THE CHIEF JUDGE OF THE STATE OF NEW YORK: APPENDIX 1 (2010).

15. *The Chief Judge's Hearing on Civil Legal Services, First Dep't, Sep. 29, 2015 (testimony of Hon. Bill de Blasio, Mayor of the City of New York, at 9:07–16).*
16. See Permanent Commission Press Release, *supra* note 2, at 3.
17. N.Y. Assemb. Res. B02995. 2015-2016 Sess. (2015), available at http://assembly.state.ny.us/leg/?default_fld=&%20bn=B02995&term=2015&Text=Y; N.Y. S. Res. C776. 2015-2016 Sess. (2015), available at <http://legislation.nysenate.gov/pdf/bills/2015/C776>. The Concurrent Resolution was adopted by the State Senate and State Assembly on June 18, 2015.

The full text of the Resolution reads:

WHEREAS, This Legislative Body, by resolution adopted in 2010 (J.6368 and K.1621), recognized that the fair administration of justice requires that every person who must use the courts have access to adequate legal representation and, accordingly, invited the chief judge of the state to annually report to the governor and the legislature concerning the findings of his statewide hearings to assess the extent and nature of unmet civil legal services needs, and the work of the Task Force to Expand Access to Civil Legal Services in New York; and

WHEREAS, These annual reports have consistently demonstrated that, for a significant percentage of those New Yorkers in need, effective legal assistance can have profound impact upon one's ability to realize or protect the essentials of life, which may include remaining in one's home, escaping from domestic violence, stabilizing a family, maintaining or obtaining subsistence income or other vital government services, securing adequate health care or pursuing an education; and

WHEREAS, These annual reports also have shown that, when impoverished New Yorkers must appear in the state's civil courts without legal representation, there is a greater public cost because these courts must divert more of their limited resources to assist them, and because their cases are much less likely to be settled early or otherwise disposed of and therefore they add to court calendar congestion; and

WHEREAS, Although, in the wake of this Legislative Body's 2010 resolution, the state has committed greater fiscal resources to the provision of civil legal services for the poor and the Task Force to Expand Access to Civil Legal Services in New York has secured greater service contributions by law schools, bar associations and the private bar, it remains the case today that a vast number of New Yorkers who live in poverty actually do not have access to effective legal assistance when necessary to realize or protect the essentials of life; and

WHEREAS, To change this dynamic, it should be the policy of the state of New York, that every New Yorker in need have effective legal assistance in matters involving the essentials of life (housing, family matters, access to healthcare, education and subsistence income); now, therefore, be it

RESOLVED (if the . . . concur), That it is the sense of this Legislative Body that the state must continue its efforts to achieve the ideal of equal access to civil justice for all.

18. *The Chief Judge's Hearing on Civil Legal Services, Fourth Dep't, Sept. 30, 2015 (remarks of Hon. Jonathan Lippman, Chief Judge of the State of New York, at 7:06–8:01).*
19. Appendix 4; Appendix 2, at 1.
20. See Appendix 2.
21. Based on information made available to the Permanent Commission by the Oversight Board to Distribute Judiciary Civil Legal Services Funds in New York. See Appendix 4 for a list of grantees and awards.
22. See Appendix 2, at 1.
23. *Id.*
24. See also *The Chief Judge's Hearing on Civil Legal Services, Third Dep't, Oct. 6, 2014 (statement of Hon. A. Gail Prudenti, Chief Administrative Judge, New York State Unified Court System, Exhibit A, at 1)*. In previous years, direct legal assistance has been measured using metrics which are not accurately comparable to the number of cases handled. Accordingly, data from previous years is omitted from this chart.

25. 2014 ANNUAL REPORT, *supra* note 12, at 6–7.
26. *Id.*
27. The Committee consisted of members of the Office of Court Administration’s Division of Court Research and the Division of Professional and Court Services, which administers the JCLS contracts and collects annual data from JCLS grantees.
28. TASK FORCE TO EXPAND ACCESS TO CIVIL LEGAL SERVICES IN NEW YORK, REPORT TO THE CHIEF JUDGE OF THE STATE OF NEW YORK 27–28 (2010) [hereinafter 2010 ANNUAL REPORT]. For Lake Research Partners’ full report, see TASK FORCE TO EXPAND ACCESS TO CIVIL LEGAL SERVICES IN NEW YORK, REPORT TO THE CHIEF JUDGE OF THE STATE OF NEW YORK: APPENDIX 17 (2010).
29. *Distribution of the Total Population by Federal Poverty Level (above and below 200% FPL)*, THE HENRY J. KAISER FOUND., <http://kff.org/other/state-indicator/population-up-to-200-fpl> (last visited November 21, 2015). The Kaiser Family Foundation’s estimates contained within this table are based on the Census Bureau’s March 2014 Current Population Survey (CPS: Annual Social and Economic Supplements) which relies on 2013 data.
30. The 2010 analysis was based on the “number of closed cases” as reported by IOLA, while the “number of cases handled” by JCLS grantees is the number of open cases in any given year regardless of funding source. The Committee considered both metrics and determined that the number of cases handled more accurately reflects the level of legal assistance being provided.
31. *The Chief Judge’s Hearing on Civil Legal Services, Fourth Dep’t, Sept. 30, 2015 (statement of Ronald Younkins, Executive Director, New York State Office of Court Administration, at 3).*
32. *The Chief Judge’s Hearing on Civil Legal Services, First Dep’t, Sept. 29, 2015 (testimony of Eric Weingartner, Managing Director, Robin Hood Foundation, at 60:22–61:02).*
33. N.Y. Assemb. Res. B02995. 2015-2016 Sess. (2015), available at http://assembly.state.ny.us/leg/?default_fld=&bn=B02995&term=2015&Text=Y; N.Y. S. Res. C776. 2015-2016 Sess. (2015), available at <http://legislation.nysenate.gov/pdf/bills/2015/C776>.
34. N.Y. COMP. CODES R. & REGS. tit. 22, § 100.3(B)(12) (2015). See also TASK FORCE TO EXPAND ACCESS TO CIVIL LEGAL SERVICES IN NEW YORK, REPORT TO THE CHIEF JUDGE OF THE STATE OF NEW YORK 1 (2012) [hereinafter 2012 ANNUAL REPORT], available at http://www.nycourts.gov/acesstojusticecommission/PDF/CLS-TaskForceREPORT_Nov-2012.pdf.
35. See 2014 ANNUAL REPORT, *supra* note 12, at 30.
36. *The Chief Judge’s Hearing on Civil Legal Services, Fourth Dep’t, Oct. 3, 2013 (testimony of Hon. Michael V. Coccoma, Deputy Chief Administrative Judge for Courts Outside New York City and Supreme Court Justice, Sixth Judicial District, at 87:10–98:11).*
37. See 2014 ANNUAL REPORT, *supra* note 12, at 32–33.
38. Administrative Order of the Chief Administrative Judge of the Courts AO/42/14 (Feb. 10, 2014), available at <http://www.courts.state.ny.us/courts/nyc/SSI/pdfs/AO-42-14.pdf> (launching the Court Navigator Program).
39. See *The Chief Judge’s Hearing on Civil Legal Services, Fourth Dep’t, Oct. 3, 2013 (statement of Hon. Michael V. Coccoma, Deputy Chief Administrative Judge for Courts Outside New York City and Supreme Court Justice, Sixth Judicial District, at 4–5)*. For the previous Report of the Task Force’s Working Group on Town and Village Justice Courts, see TASK FORCE TO EXPAND ACCESS TO CIVIL LEGAL SERVICES IN NEW YORK, REPORT TO THE CHIEF JUDGE OF THE STATE OF NEW YORK: APPENDIX 18 (2012).
40. See 2012 ANNUAL REPORT, *supra* note 34, at 43–44. The George H. Lowe Center for Justice was dedicated October 29, 2015. See Douglass Dowty, *Poor and need a civil lawyer? New center in downtown Syracuse is one-stop destination*, syracuse.com (Oct. 29, 2015, 3:04 PM), http://www.syracuse.com/news/index.ssf/2015/10/poor_and_need_a_lawyer_new_center_in_downtown_syracuse_is_one-stop_destination.html.

41. See TASK FORCE TO EXPAND ACCESS TO CIVIL LEGAL SERVICES IN NEW YORK, REPORT TO THE CHIEF JUDGE OF THE STATE OF NEW YORK 32-36 (2013) [hereinafter 2013 ANNUAL REPORT], available at http://www.nycourts.gov/accesstojusticecommission/PDF/CLS-TaskForceReport_2013.pdf.
42. See 2014 ANNUAL REPORT, *supra* note 12, at 27-28.
43. *Id.* at 28.
44. *Id.* at 23–26.
45. See *infra* Part B.III. See also TASK FORCE TO EXPAND ACCESS TO CIVIL LEGAL SERVICES IN NEW YORK, REPORT TO THE CHIEF JUDGE OF THE STATE OF NEW YORK 34–35 (2011) [hereinafter 2011 ANNUAL REPORT], available at http://www.nycourts.gov/accesstojusticecommission/PDF/CLS-2011TaskForceREPORT_web.pdf.
46. Joint Order of the Supreme Court, Appellate Division (Apr. 23, 2013), available at <http://www.nycourts.gov/attorneys/probono/1200-6.1.pdf> (amending Rule 6.1 of the New York Rules of Professional Conduct to provide that each lawyer should aspire to provide at least 50 hours of pro bono legal services each year to poor persons).
47. Administrative Order of the Chief Administrative Judge of the Courts AO/135a/13 (Apr. 22, 2013), available at www.nycourts.gov/ATTORNEYS/probono/AO-135a-13.pdf (amending Section 118.1(e) of the Rules of the Chief Administrator to require reporting of pro bono services and financial contributions to organizations providing legal services to the poor and underserved). See 2014 ANNUAL REPORT, *supra* note 12, at 1. The reporting rule, in its current form, is the result of productive discussions between the leadership of the New York State Bar Association and OCA.
48. See ADVISORY COMMITTEE ON PRO BONO SERVICE BY IN-HOUSE COUNSEL IN NEW YORK STATE, REPORT TO THE CHIEF JUDGE OF THE STATE OF NEW YORK AND THE PRESIDING JUSTICES OF THE FOUR APPELLATE DIVISION DEPARTMENTS (2013), available at <http://www.nycourts.gov/rules/comments/PDF/PC-Packet-IHC-ProBono.pdf>. The amended rule is N.Y. COMP. CODES R. & REGS. tit. 22, § 522.8 (2015).
49. See N.Y. COMP. CODES R. & REGS. tit. 22, § 520.16 (2015).
50. The Pro Bono Scholars Program was announced by Chief Judge Lippman in his 2014 State of the Judiciary address. See *Pro Bono Scholars Program – A Legal Education Initiative*, N.Y. STATE UNIFIED COURT SYS., <http://www.nycourts.gov/attorneys/probonoscholars/index.shtml> (last visited Nov. 22, 2015).
51. See N.Y. COMP. CODES R. & REGS. tit. 22, § 118.1(g) (2015) (allowing an attorney meeting certain requirements to participate in an approved pro bono legal services program as an “attorney emeritus”). See also *Attorney Emeritus Program*, N.Y. STATE UNIFIED COURT SYS., <http://www.nycourts.gov/attorneys/volunteer/emeritus/rsaa> (last visited Nov. 22, 2015).
52. See Appendix 5.
53. A witness list for each of the Chief Judge’s four hearings is annexed as Appendix 6. Transcripts of the oral testimony at the four hearings are annexed as Appendix 7 (for the First Department Hearing held September 29, 2015), Appendix 8 (for the Fourth Department Hearing held September 30, 2015), Appendix 9 (for the Third Department Hearing held October 13, 2015), and Appendix 10 (for the Second Department hearing held October 16, 2015). Written statements submitted for the four hearings are annexed as Appendix 11 (for the First Department Hearing), Appendix 12 (for the Fourth Department Hearing), Appendix 13 (for the Third Department Hearing), and Appendix 14 (for the Second Department Hearing).
54. See Appendices 6–13. A total of 42 witnesses presented both oral and written testimony and an additional eight submitted only written testimony.
55. *The Chief Judge’s Hearing on Civil Legal Services, First Dep’t, Sept. 29, 2015 (testimony of Martin Lipton, Executive Committee Member and Former Co-Chair, Partnership for New York City; Founding Partner, Wachtell, Lipton, Rosen & Katz, at 31:06–13).*
56. *The Chief Judge’s Hearing on Civil Legal Services, Second Dep’t, Oct. 16, 2015 (statement of Edward J. Sebold, Vice President & Assistant General Counsel, IBM, at 2).*

57. *The Chief Judge's Hearing on Civil Legal Services, Second Dep't, Oct. 16, 2015 (statement of Shawn A. Miles, Executive Vice President & Associate General Counsel, Global Public Policy, MasterCard Worldwide, at 3).*
58. *The Chief Judge's Hearing on Civil Legal Services, Second Dep't, Oct. 16, 2015 (statement of David Yawman, Senior Vice President & General Counsel, PepsiCo North America Beverages & Quaker Foods North America, at 4).*
59. *The Chief Judge's Hearing on Civil Legal Services, Third Dep't, Oct. 13, 2015 (testimony of the Most Reverend Edward B. Scharfenberger, Bishop of the Roman Catholic Diocese of Albany, at 8:14–19).*
60. *The Chief Judge's Hearing on Civil Legal Services, Third Dep't, Oct. 13, 2015 (testimony of Rabbi Scott L. Shpeen, Congregation Beth Emeth, presented by Rabbi Dennis Ross, Congregation Beth Emeth, at 14:09–14).*
61. *The Chief Judge's Hearing on Civil Legal Services, Third Dep't, Oct. 13, 2015 (statement of Elder McKinley B. Johnson, Sr., Pastor of St. John's Church of God in Christ; District Superintendent of the Tech Valley District, Church of God in Christ, at 1–2).*
62. *The Chief Judge's Hearing on Civil Legal Services, Fourth Dep't, Sept. 30, 2015 (statement of Prof. Hannah R. Arterian, Professor of Law, Former Dean [2002-2015], Syracuse University College of Law, at 2).*
63. *The Chief Judge's Hearing on Civil Legal Services, Third Dep't, Oct. 13, 2015 (statement of Prof. Sarah Rogerson, Director, Immigration Law Clinic; Director, Law Clinic & Justice Center, Albany Law School, at 1–2).*
64. *The Chief Judge's Hearing on Civil Legal Services, First Dep't, Sept. 29, 2015 (statement of John Sexton, President, New York University; Dean Emeritus, New York University School of Law, at 2).*
65. *The Chief Judge's Hearing on Civil Legal Services, Fourth Dep't, Sept. 29, 2015 (testimony of Fulvia Vargas, 2015 Pro Bono Scholar; Legal Services of Central New York, at 40:18–41:04).*
66. *The Chief Judge's Hearing on Civil Legal Services, Fourth Dep't, Oct. 13, 2015 (testimony of Jeffrey M. Donigan, 2015 Pro Bono Scholar; Harter Secrest & Emery LLP, at 33:06–33:18).*
67. *The Chief Judge's Hearing on Civil Legal Services, Fourth Dep't, Sept. 30, 2015 (statement of John G. Roman, Jr., CISSP, Director, IT Operations & eDiscovery, Nixon Peabody LLP, at 2).*
68. *The Chief Judge's Hearing on Civil Legal Services, Fourth Dep't, Sept. 30, 2015 (statement of Thomas Keily, Consumer Education and Data Coordinator, AmeriCorps VISTA Volunteer, Western New York Law Center, at 2).*
69. *The Chief Judge's Hearing on Civil Legal Services, Fourth Dep't, Oct. 13, 2015 (statement of Timothy C. Hunt, Principal Law Librarian, Seventh Judicial District, at 1).*
70. *The Chief Judge's Hearing on Civil Legal Services, Second Dep't, Oct. 16, 2015 (statement of Linson Bailey, Executive Director, HELP USA's Supportive Services for Veterans Families, at 3).*
71. *The Chief Judge's Hearing on Civil Legal Services, Second Dep't, Oct. 16, 2015 (statement of Kiron Dawkins, Regional Director of Employment, Training & Community Services, WestCOP, at 3–4).*
72. *The Chief Judge's Hearing on Civil Legal Services, Second Dep't, Oct. 16, 2015 (statement of Rogerlyn Velez, Founder & Chief Executive Officer, Angels for Warriors, at 3–4).*
73. *The Chief Judge's Hearing on Civil Legal Services, Second Dep't, Oct. 16, 2015 (statement of Kiron Dawkins, Regional Director of Employment, Training & Community Services, WestCOP, at 4).*
74. *The Chief Judge's Hearing on Civil Legal Services, First Dep't, Sept. 29, 2015 (statement of Debra L. Raskin, President, New York City Bar Association; Partner, Vladeck, Raskin & Clark, P.C., at 5).*
75. *The Chief Judge's Hearing on Civil Legal Services, First Dep't, Sept. 29, 2015 (statement of Martin Lipton, Executive Committee Member and Former Co-Chair, Partnership for New York; Founding Partner, Wachtell, Lipton, Rosen & Katz, at 3).*

76. *The Chief Judge's Hearing on Civil Legal Services, Second Dep't, Oct. 16, 2015 (testimony of Hon. Thomas P. Zugibe, District Attorney, Rockland County, at 7:10–18:02).*
77. *The Chief Judge's Hearing on Civil Legal Services, Fourth Dep't, Sept. 30, 2015 (testimony of Ronald Younkens, Executive Director, New York State Office of Court Administration, at 73:17–84:24).*
78. *The Chief Judge's Hearing on Civil Legal Services, Third Dep't, Oct. 13, 2015 (testimony of Nina E. Olson, National Taxpayer Advocate, Internal Revenue Service, at 25:22–41:14).*
79. *The Chief Judge's Hearing on Civil Legal Services, Third Dep't, Oct. 13, 2015 (testimony of Scott C. Jarzombek, Executive Director, Albany Public Library, at 53:09–54:21).*
80. *The Chief Judge's Hearing on Civil Legal Services, First Dep't, Sept. 29, 2015 (testimony of Sara E. Moss, Executive Vice President & General Counsel, The Estée Lauder Companies, at 91:09–96:17).*
81. *The Chief Judge's Hearing on Civil Legal Services, Fourth Dep't, Sept. 30, 2015 (testimony of Robert F. Nicolais, Pro Bono Attorney, Volunteer Legal Services Project, UCS Help Center, Seventh Judicial District, at 62:12–69:25).*
82. *The Chief Judge's Hearing on Civil Legal Services, Third Dep't, Oct. 13, 2015 (testimony of Phillip A. Burse, Director of Operations, In Our Own Voices, at 41:25–46:05).*
83. *The Chief Judge's Hearing on Civil Legal Services, First Dep't, Sept. 29, 2015 (testimony of Fatim Kamara, client of The Door – A Center for Alternatives, at 96:26–100:18).*
84. *The Chief Judge's Hearing on Civil Legal Services, First Dep't, Sept. 29, 2015 (testimony of Stacy Snowden, client of The Legal Aid Society, Harlem Community Law Office, at 100:23–103:17).*
85. *The Chief Judge's Hearing on Civil Legal Services, First Dep't, Sept. 29, 2015 (testimony of Cassandra Wilson, client of Legal Services NYC, presented by Tanya Douglas, at 103:21–106:26).*
86. *The Chief Judge's Hearing on Civil Legal Services, Fourth Dep't, Sept. 30, 2015 (testimony of Liliana Alvarado-Rojo, client of Erie County Bar Association Volunteer Lawyers Project, at 90:15–91:05).*
87. *The Chief Judge's Hearing on Civil Legal Services, Fourth Dep't, Sept. 30, 2015 (testimony of Timothy Shine, client of Legal Assistance of Western New York, Inc., at 91:19–97:17).*
88. *The Chief Judge's Hearing on Civil Legal Services, Fourth Dep't, Sept. 30, 2015 (testimony of Colleen McElligott, client of Volunteer Legal Service Project, at 85:16–90:07).*
89. *The Chief Judge's Hearing on Civil Legal Services, Third Dep't, Oct. 13, 2015 (testimony of Krista Russell, client of Rural Law Center, at 59:21–67:01).*
90. *The Chief Judge's Hearing on Civil Legal Services, Third Dep't, Oct. 13, 2015 (testimony of Maria Magdalena Ventura Lopez, client of Worker Justice Center of New York, at 56:09–59:15).*
91. *The Chief Judge's Hearing on Civil Legal Services, Third Dep't, Oct. 13, 2015 (testimony of Gloria Schaffer, client of Empire Justice Center, at 67:10–69:03).*
92. *The Chief Judge's Hearing on Civil Legal Services, Second Dep't, Oct. 16, 2015 (testimony of George Harris, client of Legal Services of the Hudson Valley, at 47:20–51:08).*
93. *The Chief Judge's Hearing on Civil Legal Services, Second Dep't, Oct. 16, 2015 (testimony of Irma Silva, client of Pace Women's Justice Center, at 51:18–55:17).*
94. *The Chief Judge's Hearing on Civil Legal Services, Second Dep't, Oct. 16, 2015 (testimony of De Ping Song, client of The Legal Aid Society, at 56:01–57:21).*
95. *See The Chief Judge's Hearing on Civil Legal Services, Fourth Dep't, Sept. 30, 2015 (testimony of Ronald Younkens, Executive Director, New York State Office of Court Administration, at 60:22–61:02).*

96. 2014 ANNUAL REPORT, *supra* note 12, at 2, 7, 20.
97. See 2010 ANNUAL REPORT, *supra* note 28, at 20–26; 2011 ANNUAL REPORT, *supra* note 44, at 23–29; 2012 ANNUAL REPORT, *supra* note 34, at 18–25; 2013 ANNUAL REPORT, *supra* note 41, at 23–27; 2014 ANNUAL REPORT, *supra* note 12, at 21–23.
98. See Annual Update of the HHS Poverty Guidelines, 80 Fed. Reg. 3236, 3237 (Jan. 22, 2015) [hereinafter 2015 HHS Poverty Guidelines], available at <http://www.gpo.gov/fdsys/pkg/FR-2015-01-22/pdf/2015-01120.pdf>.
99. Following the establishment of the Permanent Commission, the composition of the Oversight Board to Distribute Judiciary Civil Legal Services Funds in New York has been formalized pursuant to an Administrative Order of the Chief Administrative Judge. Administrative Order of the Chief Administrative Judge of the Courts AO/143/15 (Aug. 21, 2015) (unpublished order on file with the Permanent Commission).
100. According to the American Census Bureau’s 2014 American Community Survey, an estimated 15.9% of New Yorkers were living below the poverty level in 2014, as compared to an estimated 14.2% in 2009. Approximately 32.8% of New Yorkers were living below 200% of the poverty level. *Poverty Status in the Past 12 Months: 2014 American Community Survey 1-Year Estimates*, UNITED STATES CENSUS BUREAU: AMERICAN FACTFINDER, http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_14_1YR_S1701&prodType=table (last visited November 29, 2015) (U.S. Census Bureau’s American Community Survey data by year from 2005 to 2014 on percentage of population living below poverty level, and population living below 50%, 125%, 150%, 185% and 200% of poverty level, in New York State and New York City).
101. *Id.*
102. 2015 HHS POVERTY GUIDELINES, *supra* note 97, 80 Fed. Reg. at 3237.
103. See *State Fact Sheets: New York*, U.S. DEP’T OF AGRIC., <http://www.ers.usda.gov/data-products/state-fact-sheets/state-data.aspx?StateFIPS=36&StateName=NewYork> (last updated Nov. 2, 2015) [hereinafter *USDA New York Fact Sheets*].
104. OFFICE OF THE DIRECTOR OF FOOD POLICY, NEW YORK CITY FOOD POLICY: 2014 FOOD METRICS REPORT 4 (N.D.), available at <http://www.nyc.gov/html/nycfood/downloads/pdf/2014-food-metrics-report.pdf>.
105. See *USDA New York Fact Sheets*, *supra* note 102. According to the USDA, “low food security” refers to reports of reduced quality, variety, or desirability of diet; little or no indication of reduced food intake. *Definitions of Food Security*, U.S. DEP’T OF AGRIC., <http://www.ers.usda.gov/topics/food-nutrition-assistance/food-security-in-the-us/definitions-of-food-security.aspx> (last visited Nov. 22, 2015).
106. J. David Goodman & Nikita Stewart, *Mayor Struggles to Slow a Surge in Homelessness*, N.Y. TIMES (Oct. 27, 2015, at A1). A version of this article is available at <http://www.nytimes.com/2015/10/27/nyregion/despite-vow-mayor-de-blasio-struggles-to-stop-surge-in-homelessness.html>.
107. *The Chief Judge’s Hearing on Civil Legal Services, Third Dep’t, Oct. 6, 2014 (statement of Hon. A. Gail Prudenti, Chief Administrative Judge, New York State Unified Court System, at 6).*
108. HON. LAWRENCE K. MARKS, 2015 REPORT OF THE CHIEF ADMINISTRATOR OF THE COURTS PURSUANT TO CHAPTER 507 OF THE LAWS OF 2009, at 5-6 (2015).
109. 2014 ANNUAL REPORT, *supra* note 12, at 20.
110. *Id.*
111. *The Chief Judge’s Hearing on Civil Legal Services, Third Dep’t, Oct. 6, 2014 (statement of Hon. A. Gail Prudenti, Chief Administrative Judge, New York State Unified Court System, at 6, Exhibit B at 3).*
112. *The Chief Judge’s Hearing on Civil Legal Services, First Dep’t, Sept. 29, 2015 (testimony of Hon. Bill de Blasio, Mayor of the City of New York, at 9:07–16, 16:21–17:03).*
113. Based on figures made available to the Permanent Commission by IOLA. For further information, see IOLA FUND OF THE STATE OF NEW YORK, <https://www.iola.org>.

114. For example, in 1996, the Social Security Administration released studies that estimated the average duration of SSI payments at 9.7 years while SSDI payments average 10.5 years. See Kalman Rupp & Charles G. Scott, *Trends in the Characteristics of DI and SSI Disability Awardees and Duration of Program Participation*, 59 SOC. SEC. BULL. 1 (1996), available at <https://www.socialsecurity.gov/policy/docs/ssb/v59n1/v59n1p3.pdf>. For purposes of this analysis, Mr. Steinkamp utilized a payment expectation of 10 years. Thus, the SSI/SSDI amounts awarded in 2014 are expected to continue until 2023. See *The Chief Judge's Hearing on Civil Legal Services, First Dep't, Sept. 29, 2015 (statement of Neil Steinkamp, Managing Director, Dispute Advisory & Forensic Services, Stout Risius Ross, Inc., at 8)*. IOLA also provided information for ongoing monthly benefits for SSI/SSDI to include cases closed back to 2005. See *id.* at 3.
115. Child and spousal support awards are segregated into amounts that consist of back awards and monthly payment awards. The value of the award for 2014 is based upon the back-awarded amount plus the net present value of future monthly payments expected to be received. Consistent with previous methodology used by previous pro bono economic consultants, Mr. Steinkamp estimated that the monthly payments will continue, on average, for nine years. This is estimated on the premise that the average child of divorce is nine years old at the time of the divorce, leaving nine more years of monthly payments until the child reaches age 18. This also considers that spousal support payments are applicable over at least a similar duration. See *The Chief Judge's Hearing on Civil Legal Services, First Dep't, Sept. 29, 2015 (statement of Neil Steinkamp, Managing Director, Dispute Advisory & Forensic Services, Stout Risius Ross, Inc., at 6-7)*; Shirley H. Liu, *The Effect [of] Parental Divorce and Its Timing on Child Educational Attainment: A Dynamic Approach* 17 (Aug. 28, 2007) (unpublished paper), available at http://moya.bus.miami.edu/~sliu/Research_files/divorcetiming.pdf.
116. The U.S. Department of Health and Human Services, Administration for Children & Families, Office of Child Support Enforcement reports that only 66% of Child Support payments are actually received. See *The Chief Judge's Hearing on Civil Legal Services, First Dep't, Sept. 29, 2015 (statement of Neil Steinkamp, Managing Director, Dispute Advisory & Forensic Services, Stout Risius Ross, Inc., at 7)*.
117. 2013 ANNUAL REPORT, *supra* note 41, at 23.
118. 2014 ANNUAL REPORT, *supra* note 12, at 21.
119. *The Chief Judge's Hearing on Civil Legal Services, First Dep't, Sept. 29, 2015 (statement of Neil Steinkamp, Managing Director, Dispute Advisory & Forensic Services, Stout Risius Ross, Inc., at 18)*.
120. *Id.*
121. *Id.* at 13–14.
122. *Id.* at 14.
123. *Id.* at 9.
124. *Id.* at 18–19.
125. *Id.* at 19; *The Chief Judge's Hearing on Civil Legal Services, First Dep't, Sept. 29, 2015 (testimony of Neil Steinkamp, Managing Director, Dispute Advisory & Forensic Services, Stout Risius Ross, Inc., at 72:12-73:01; 76:02-10)*.
126. For the full report of the Permanent Commission's Working Group on Law School Involvement, and the Conference program, see Appendix 15 and Exhibit 1 thereto.
127. For the Task Force's previous reports on the 2012, 2013 and 2014 Law School Conferences, see TASK FORCE TO EXPAND ACCESS TO CIVIL LEGAL SERVICES IN NEW YORK, REPORT TO THE CHIEF JUDGE OF THE STATE OF NEW YORK: APPENDIX 15 (2012); TASK FORCE TO EXPAND ACCESS TO CIVIL LEGAL SERVICES IN NEW YORK, REPORT TO THE CHIEF JUDGE OF THE STATE OF NEW YORK: APPENDIX 15 (2013); and TASK FORCE TO EXPAND ACCESS TO CIVIL LEGAL SERVICES IN NEW YORK, REPORT TO THE CHIEF JUDGE OF THE STATE OF NEW YORK: APPENDIX 15 (2014).
128. See Appendix 16.

129. See 2014 ANNUAL REPORT, *supra* note 12, at 28. This initiative was led by Michael Donnelly of Simpson Thacher & Bartlett LLP and included the involvement of Jeff Franchetti of Cravath, Swaine & Moore LLP; Peter Kaomea of Sullivan & Cromwell LLP; Peter Lesser of Skadden, Arps, Slate Meagher & Flom LLP; Curt Meltzer of Chadbourne & Parke LLP; Tara McGloin of Proskauer Rose LLP; John Roman of Nixon Peabody LLP; and Sean Sullivan of Wachtell, Lipton, Rosen & Katz. Others involved in the initiative included Ed Braunstein of The Legal Aid Society; John Greiner of Just-Tech; Christine Fecko of the IOLA Fund of the State of New York; and Deborah Wright of United Auto Workers, Local 2325.
130. NYSTech is a voluntary collaboration of legal services providers from across New York that convenes technology leaders regularly for information sharing and training.
131. Detailed summaries and findings from the Conference sessions are set forth in full in the Technology Working Group's Conference Report, annexed hereto as Exhibit C to Appendix 16.
132. *The Chief Judge's Hearing on Civil Legal Services, First Dep't, Sept. 29, 2015 (testimony of Martin Lipton, Executive Committee Member and Former Co-Chair, Partnership for New York City; Founding Partner, Wachtell, Lipton, Rosen & Katz, at 32:13–17).*
133. See 2014 ANNUAL REPORT, *supra* note 12, at 31 (proposed provisions for rules to implement an ODR pilot).
134. See, e.g., 2012 ANNUAL REPORT, *supra* note 34, at 15; 2014 ANNUAL REPORT, *supra* note 12, at 1, 20.
135. See, e.g., *The Chief Judge's Hearing on Civil Legal Services, Third Dep't, Oct. 3, 2011 (testimony of Hon. Leslie Stein, Supreme Court Appellate Division, Third Department, at 76:12–21)* (“[U]nrepresented tenants . . . often had legitimate defenses to the eviction proceedings which they were either unaware of or unable to articulate, and . . . that puts the judge in a very difficult position because we want to preside impartially.”); *The Chief Judge's Hearing on Civil Legal Services, Third Dep't, Sept. 27, 2012 (testimony of Holly Ovitt, client of The Legal Aid Society of Northeastern New York, at 114:01–11, 115:21–116:01)* (client describing how legal services attorney explained legal defenses to eviction and issues with landlord's legal case).
136. See, e.g., *The Chief Judge's Hearing on Civil Legal Services, First Dep't, Sept. 29, 2015 (statement of Neil Steinkamp, Managing Director, Dispute Advisory & Forensic Services, Stout Risius Ross, Inc., at 18)* (“The 26,343 cases in 2014 in which legal assistance helped avoid eviction or foreclosure resulted in an estimated savings for taxpayers of \$260.6 million as a result of reduced need for emergency shelter.”); 2010 ANNUAL REPORT, *supra* note 28, at 13, 21, 24–25; 2011 ANNUAL REPORT, *supra* note 44, at 2, 7, 11–12, 25–29; *The Chief Judge's Hearings on Civil Legal Services, First Dep't, Sept. 26, 2012 (statement of Geeta Singh, Ph.D., Principal Cornerstone Research, at 3–7).*
137. See N.Y. COMP. CODES R. & REGS. tit. 22, § 208.42 (2015) (Proceedings under article 7 of the New York Real Property Actions and Proceedings Law).
138. See N.Y. REAL PROP. LAW § 235-b (McKinney 2015) (Warranty of Habitability).
139. Although petitioners are required to include in the petition a description of the rent subsidy program, petitioners do not routinely comply with this requirement and judges do not always inquire. See, e.g., *Volunteers of America-Greater New York, Inc. v. Almonte*, 65 A.D.3d 1155 (N.Y. App. Div. 2d Dep't 2009) (construing petition requirements of Section 741 of the New York Real Property Actions and Proceedings Law).
140. An example is New York City regulatory agreements that are available only on the Automated City Register Information System (ACRIS) and thus not accessible to unrepresented litigants.
141. N.Y. COMP. CODES R. & REGS. tit. 22, § 202.12-a (2015) (Residential Mortgage Foreclosure Actions; Settlement Conference).
142. N.Y. COMP. CODES R. & REGS. tit. 22, §§ 202.27, 208.14-a, 210.14-a, 212.14-a (2015) (Proof of Default Judgment in Consumer Credit Matters).

143. For example, Chief Judge Lippman has noted that even limited assistance from a well-trained non-lawyer can make a significant difference for otherwise unrepresented litigants. Andrew Denney, *Report Cites Benefits of ‘Navigator’ Program, Suggests Expansion*, N.Y.L.J., Feb. 24, 2015, at 1; HON. JONATHAN LIPPMAN, *THE STATE OF THE JUDICIARY 2015—ACCESS TO JUSTICE: MAKING THE IDEAL A REALITY* 9 (2015), available at <https://www.nycourts.gov/whatsnew/pdf/2015-SOJ.pdf>. For a recent report discussing the impact of the Court Navigator program, see COMMITTEE ON NONLAWYERS AND THE JUSTICE GAP, *NEW YORK STATE COURT NAVIGATOR PROGRAM: NAVIGATOR SNAPSHOT REPORT*, DECEMBER 2014 (2014), available at <http://nylawyer.nylj.com/adgifs/decisions15/022415report.pdf>.
144. *The Chief Judge’s Hearing on Civil Legal Services, First Dep’t, Sept. 29, 2015* (statement of Debra L. Raskin, President, New York City Bar Association; Partner, Vladeck, Raskin & Clark, P.C., at 2).
145. *Id.*
146. *Id.* at 5.
147. *Id.* at 4–5; see also 2014 ANNUAL REPORT, *supra* note 12, at 32–33; TASK FORCE TO EXPAND ACCESS TO CIVIL LEGAL SERVICES IN NEW YORK, *REPORT TO THE CHIEF JUDGE OF THE STATE OF NEW YORK: APPENDIX 18* (2014) (2014 Report of the Task Force Working Group on Limited Scope/Unbundled Representation).
148. The Permanent Commission’s Working Group on Limited-Scope Representation has continued and/or facilitated educational and outreach efforts for members of the bench and bar, and for law students, to encourage increased use of limited-scope representation to bridge the justice gap. The New York State Courts Access to Justice Program, in association with the New York State Bar Association, held a day-long “Law à la Carte” conference on October 14, 2015, that was simulcast in Albany and focused on limited-scope practice. The conference was attended by over 100 professionals, including judges, legal services providers, law firm pro bono counsel and coordinators, law school faculty, court attorneys and members of the Permanent Commission, as well as non-lawyers who are part of the legal services delivery network. For the conference agenda and materials, see *New York State Courts Access to Justice Program – “Law à la Carte” Conference*, N.Y. STATE UNIFIED COURT SYS., <http://www.nycourts.gov/ip/nya2j/LawALaCarte> (last visited November 22, 2015). The New York County Lawyers Association will show the recorded proceedings from the conference at a future event to promote the use of limited-scope legal representation to serve low- and moderate-income individuals.
149. See Transcript of Remarks of James Sandman, “Law à la Carte” Conference (Oct. 14, 2015) (unpublished transcript on file with the Permanent Commission).
150. *Id.*
151. N.Y. COMP. CODES R. & REGS. tit. 22, § 1200 (2015) (Rule 1.2 regarding Scope of Representation and Allocation of Authority Between Client and Lawyer).
152. *The Chief Judge’s Hearing on Civil Legal Services, Third Dep’t, Oct. 13, 2015* (testimony of Scott C. Jarzombek, Executive Director, Albany Public Library, at 53:19–20).
153. *Id.* at 53:13–16.
154. Press Release, N.Y. State Unified Court Sys., Chief Judge Lippman Announces Launch of Legal Hand: Neighborhood Legal Information Centers to Help Close New York’s Justice Gap (Nov. 23, 2015), available at https://www.nycourts.gov/press/PDFs/PR15_17.pdf.
155. See Appendix 17 (Statement from the New York State Bar Association in Support of Pro Bono Service by Government Attorneys, dated Nov. 5, 2015).

