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**2020 Joint Legislative Hearing  
Public Hearing on Public Protection**

**Albany, NY**

**February 12, 2020**

**Presented by:**

**Maha Syed**

**Executive Director**

**New York Legal Services Coalition**

Thank you for the opportunity to testify at the 2020-2021 Public Protection hearing.

My name is Maha Syed and I am the Executive Director of the New York Legal Services Coalition. The coalition, formed in 2014, is a 501(c)3 nonprofit organization that consists of 50 civil legal services organizations serving every county in New York State. Passionate about ensuring access to civil legal assistance, our member organizations range from large multi-service, multi-county or citywide organizations, pro bono programs, to neighborhood based organizations meeting the needs of specific populations. Collectively, our members provide high quality civil legal services to hundreds of thousands of low income New Yorkers in matters relating to the essentials of life. The coalition works to ensure fairness in the judicial system, advocates on legal issues affecting low-income communities, identifies and promotes best practices in the civil legal aid profession, and provides technical assistance and capacity building resources for its members.

The coalition's testimony today will focus on two key budgetary issues:

Support for the budget of the United Court System and the funding proposed for the Judiciary Civil Legal Services (JCLS); and

Restoration and increase of funding for civil legal services through the Legal Services Assistance Fund (LSAF).

### ***The Importance of Civil Legal Services***

Civil legal aid serves as the last line of defense for survivors of domestic violence seeking safety and stability, families facing eviction or foreclosure, elderly victims of financial abuse seeking restitution, and parents seeking health care for their children. Redress, protection, security and stability is often available – if one can navigate daunting legal systems against overwhelming odds. Few of us would attempt to resolve legal issues that put the roof over our head, our safety, or our children's health at risk without the benefit of counsel and yet everyday across our state thousands of poor and low income families are doing just that.

According to the Office of Court Administration, as reported by the Permanent Commission on Access to Justice, hundreds of thousands of litigants come into civil courts across New York each year without representation. And those are the individuals and families that actually make it to court. Thousands more undoubtedly give up before they ever get to the courthouse door.

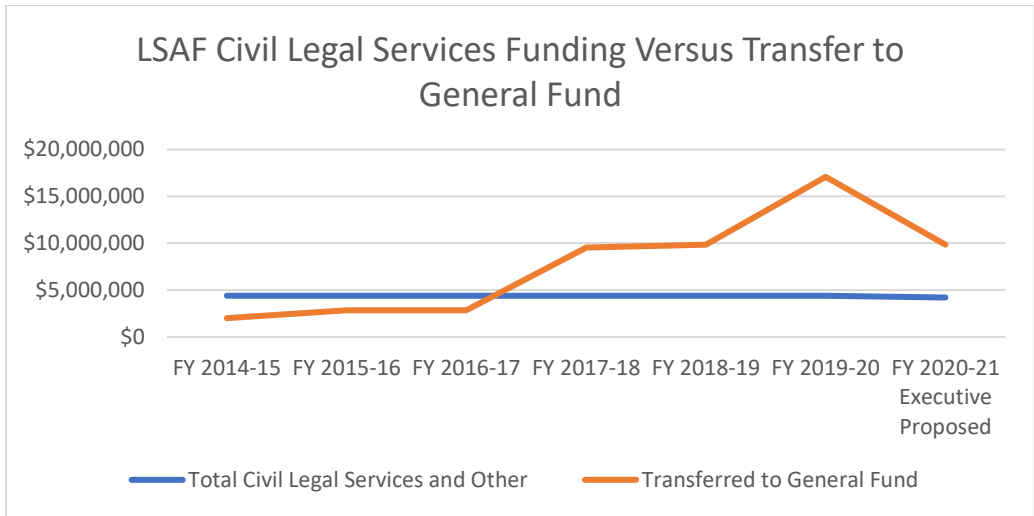
### ***New York's Investment in Access to Justice***

Starting in 1992-93, the Legislature, through the leadership in the Assembly, has allocated funding for civil legal services in the state budget. This funding was later supported through the Legal Services Assistance Fund (LSAF) through the Division of Criminal Justice Services (DCJS) and supported by a share of the revenue raised through payments for criminal records searches.

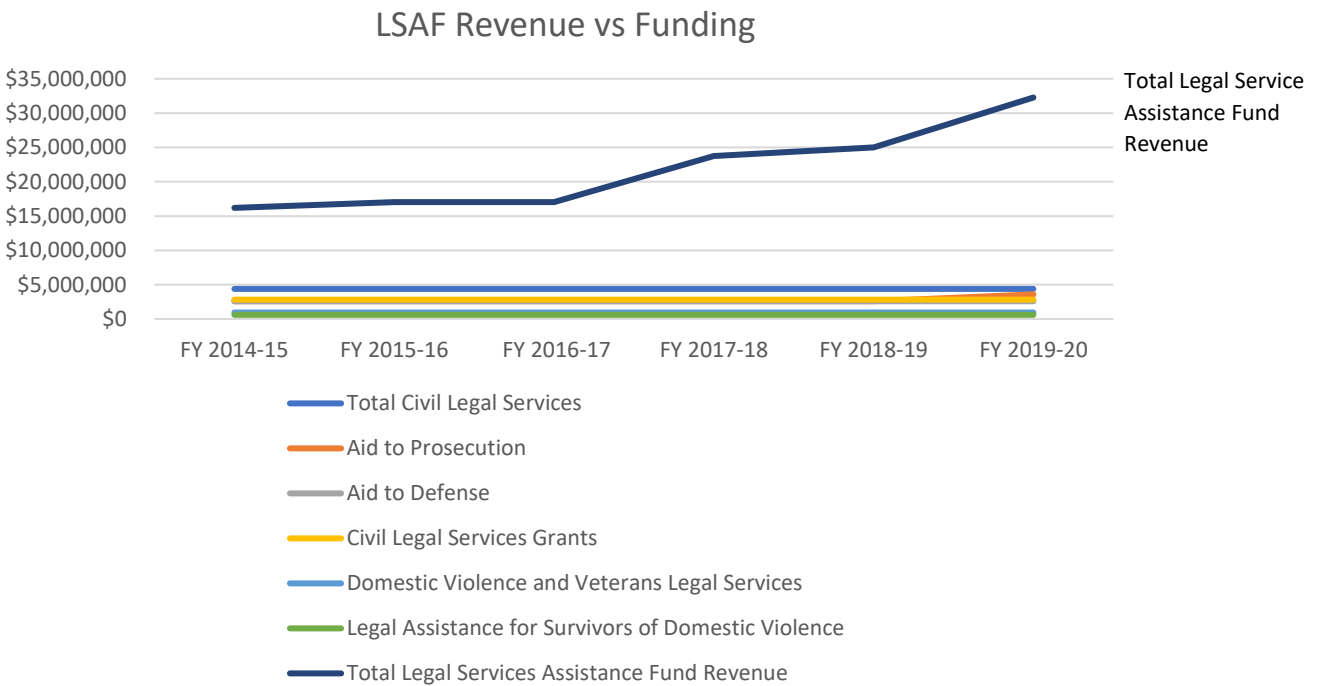
Through the joint efforts of the assembly and senate, these funds are now allocated each year for a variety of purposes, including civil legal services and legal assistance for veterans and survivors of domestic violence. As Assemblywoman Helene Weinstein, Chair of the Ways and Means Committee, pointed out at the 2018 Public Protection Hearing, the primary purpose of the establishment of the Legal Services Assistance Fund was to support civil legal services. Although revenue has grown for this fund over the years, civil legal services funding grants have not reflected this increase.

Legal Services Assistance Fund FY 2015-2020

	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18	FY 2018-19	FY 2019-20	FY 2010-21 Executive Proposed
<b>Total Civil Legal Services and Other Services</b>	<b>\$4,389,000</b>	<b>\$4,389,000</b>	<b>\$4,389,000</b>	<b>\$4,389,000</b>	<b>\$4,389,000</b>	<b>\$4,389,000</b>	<b>\$4,200,000</b>
Aid to Prosecution	\$2,592,000	\$2,592,000	\$2,592,000	\$2,592,000	\$2,592,000	\$3,592,000	\$12,549,000
Aid to Defense	\$2,592,000	\$2,592,000	\$2,592,000	\$2,592,000	\$2,592,000	\$2,592,000	\$0
Civil Legal Services Grants	\$2,830,000	\$2,830,000	\$2,830,000	\$2,830,000	\$2,830,000	\$2,830,000	\$4,200,000
Domestic Violence and Veterans Legal Services	\$950,000	\$950,000	\$950,000	\$950,000	\$950,000	\$950,000	\$0
Legal Assistance for Survivors of Domestic Violence	\$609,000	\$609,000	\$609,000	\$609,000	\$609,000	\$609,000	\$0
Total Legal Services Assistance Fund Revenue	\$16,194,000	\$17,024,000	\$17,024,000	\$23,739,000	\$25,024,000	\$32,274,000	\$29,189,000



In the current fiscal year, \$17,080,000 in revenue from the LSAF was transferred into the general fund. Despite the fund increasing by \$4,210,000 in the Executive’s proposed budget, again there is no increase for civil legal services. Revenue from the LSAF is needed to aid our member organizations in providing legal services. While 22 of our member organizations receive funding from the LSAF, it has remained at the same levels since the fund was created. This does not keep up with the cost of doing business nor does it assist our organizations in meeting increasing demand. 27 of our member organizations are providing critical legal assistance all over the state and do not receive any funding from LSAF which was created to support this work.



The LSAF is proposed in this year's Executive Budget at \$4,200,000 for civil legal services among other things and completely eliminates the allocation of \$1,559,000 including:

- \$ 950,000 for services for veterans and survivors of domestic violence
- \$ 609,000 for legal assistance for survivors of domestic violence

***We urge that funding for civil legal services be increased by \$5million and funding for domestic violence and veterans be fully restored.***

In 2010, then Chief Judge Jonathan Lippman launched an effort to providing stable funding for civil legal services through an annual appropriation in the state's Unified Court System's (UCS) budget. Incrementally increasing this Judiciary Civil Legal Services Fund, the allocation now stands at \$100 million, a level that remains constant in this year's proposed Judiciary Budget.

***We urge full support for the investment in the JCLS.***

### ***Impact of the Investment***

New York has made significant investments in closing the Justice Gap -- the gap between those who need legal aid and the number of those who can be helped by our legal aid providers. For decades, that gap remained at a heartbreaking 80%. Legal aid providers in New York State, and indeed across the country, were able to meet a bare 20% of the civil legal needs of those living at or below 200% of the federal poverty line.

With the ongoing support of the legislative funding, the grant-making of the IOLA fund and the stable and significant funding from the judiciary, civil legal aid providers have been able to reduce New York's justice gap to an estimated 63% -- meaning we are now meeting approximately 37% of the civil legal needs of low and moderate income households.

The impact on the courts has been significant; reducing the number of unrepresented litigants in civil cases from 2.3 million in 2009 to an estimated 1.8 million in 2017.

The number of cases handled by legal services providers has increased steadily, rising from 384,974 in 2013 to 547,392 in 2018-19.

Legal services organizations are also major employers in the state, employing 4,000 attorneys, paralegals, and other administrative and support staff according to IOLA's 2019 report. As a community, legal services organizations facilitated close to a million volunteer hours in providing legal assistance to those in need in 2019.

Investing in civil legal services saves New York State money. For every \$1 New York State spends on civil legal aid, \$10 in economic benefit is generated. This benefit is

realized through decreased court and social services costs. Increased representation also ensures the efficient and smooth functioning of the courts and reduces court time in assisting pro se litigants.

### ***Substantial Positive Economic Impact***

Civil legal services funding generates substantial positive economic impact on low income New Yorkers. In 2019, clients of legal service providers and their families obtained benefits resulting in an estimated total economic impact of nearly \$4.2 billion. This comes to New York in the form of Medicare and Medicaid benefits, Supplemental Security Income (SSI), Social Security Disability (SSD) awards, and other federal benefits. These benefits for clients, in turn, help the state's economy and create thousands of jobs.

In looking at the economic impact of investing in legal services, the New York State Permanent Commission on Access to Justice has engaged the help of leading research and accounting firms to undertake targeted analysis. For the past four years, Stout Risius Ross, LLC (Stout), a global financial advisory firm, reviewed and updated key data points. In 2019, the firm's researcher, Neil Steinkamp, analyzed data on the benefits received by low-income New Yorkers due to the provision of civil legal services.

The following review of these economic impacts is taken from the 2019 Permanent Commission of Access to Justice report which can be found at

[https://www.nycourts.gov/LegacyPDFS/19\\_ATJ-Comission\\_Report.pdf](https://www.nycourts.gov/LegacyPDFS/19_ATJ-Comission_Report.pdf)

- **Total Estimated Cost Saving from the Avoidance of Emergency Shelter Increased to \$718.5 Million** In 2013, using state and local data from 2012 on the cost of providing shelter in New York State, as well as 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. In 2014, IOLA analyzed updated data and estimated such annual savings had increased to more than \$220 million. In 2015, annual savings had increased to more than \$345 million. In 2016, annual savings had increased to more than \$397 million. In 2018, based on cost savings from brief representation cases (an estimated \$95.9 million) and extended representation cases (an estimated \$622.6 million), Mr. Steinkamp estimated cost savings to the government increased in aggregate to \$718.5 million, corresponding to shelter avoidance for approximately 38,807 individuals.
- **Present Value of Wage Increases Due to Work Authorization Assistance and Citizenship for Immigrants Was Estimated to Be \$95.6 Million and \$73.0 Million, Respectively.** With the assistance of civil legal services providers, approximately 8,611 immigrant clients, applying for green cards, U visas, T visas, Violence Against Women Act (VAWA) self-petitions, or other long-term status, successfully achieved work authorization in 2018. Work authorization provides a significant wage increase to immigrants, amounting to an average increase of approximately \$1,499 per year for women and \$1,683 per year for men. Of the individuals who received work authorization

under the green card, Deferred Action for Childhood Arrivals (DACA), or Deferred Action for Parents of Americans (DAPA) programs in 2018, 51% were estimated to be women.<sup>37</sup> For VAWA cases, 85% were estimated to be women.<sup>38</sup> The total net present value of wage impacts because of work authorization, assuming work authorization will continue for two-, four- and ten-year terms dependent upon the type of legal assistance provided to obtain work authorization, was estimated to be \$95.6 million for cases closed in 2018. Additionally, approximately 4,809 clients of civil legal services providers attained citizenship in 2018. Citizenship provides a wage increase for former immigrants, amounting to an average increase of approximately \$862 per year for women and \$965 per year for men. Of the individuals who became citizens in 2018, 51% were estimated to be women.<sup>39</sup> As a result of attaining citizenship, annual wages of former immigrants were estimated in aggregate to increase by \$1.25 million for women and \$1.91 million for men in 2018. The total value of such wage impacts owing to citizenship in cases closed in 2018 was estimated to be \$73.0 million.

- **Additional Economic Benefit from Child and Spousal Support Payments to Recipients of Those Benefits and Their Families Was Estimated to Be \$44 Million in 2018.** For 2018, IOLA data indicates retroactive awards of child and spousal support at approximately \$2.76 million and monthly payment awards at nearly \$579,500. The net present value of the monthly payments, based on a payment stream of nine years,<sup>40</sup> is approximately \$62.6 million. Thus, the total value of the child and spousal support awards for 2018 is approximately \$65.4 million. After deducting the estimated value of support payments not actually received, the estimated value of actual child and spousal support payments is approximately \$44.4 million.
- **Additional Economic Benefit from Affirmative Litigation of Disputes Against Other Individuals, Companies or Employers Was Estimated to Be \$88.1 Million** For 2018, IOLA data indicates awards obtained through affirmative litigation of civil disputes, including equitable distribution of assets in matrimonial matters and judgments in landlord/ tenant and employment matters, to be approximately \$88.1 million

### ***Continued Unmet Need***

The funding made available through the Judiciary Civil Legal Services has clearly had a significant impact on access to justice in New York State with the number of unrepresented litigants in civil matters dropping from 2.3 million in 2009 to 1.8 in the most recent estimates. OCA estimates that 63% of the civil legal needs of low-income New Yorkers still remain unmet. According to the American Census Bureau, an estimated 5.84 million New Yorkers, or almost one third of the State's population, are living below 200% of the federal poverty level.

Chief Judge Janet DiFiore expressed her concern during the 2019 public hearing on Access to Justice:

*“We still have a long road ahead of us. The gap between the number of people who are in need of legal services and the resources available to meet their needs remains enormous.”*

The coalition is proud of the long-standing collaboration of member organizations. Current priorities of the organization include protecting and increasing funding so that civil legal services for the poor are not jeopardized. We urge full restoration and an increase of \$5million in funding through the Legal Services Assistance Fund and on-going support for the OCA budget including full funding for the Judiciary Civil Legal Services funding so that we can continue to make strides toward access to justice for all New Yorkers.





## **Member Organizations**

The Bronx Defenders  
Brooklyn Defender Services  
Brooklyn Legal Services Corporation A  
Brooklyn Volunteer Lawyers Project  
CAMBA, Inc.  
Catholic Charities, NY  
Catholic Migration Services  
Center for Elder Law & Justice  
City Bar Justice Center  
Community Legal Advocates of New York  
Empire Justice Center  
Erie County Bar Association Volunteer Lawyers Project  
The Family Center  
Goddard Riverside Community Center  
Her Justice  
Hiscock Legal Aid Society  
Housing Conservation Coordinators, Inc.  
Hudson Valley Justice Center  
Jewish Association Serving the Aging  
Journey's End  
Legal Aid Bureau of Buffalo  
The Legal Project  
The Legal Aid Society  
Legal Aid Society of Mid New York  
Legal Aid Society of Northeastern New York  
Legal Aid Society of Rochester  
Legal Assistance of Western New York  
Legal Services of Central New York  
Legal Services of NYC  
Legal Services of the Hudson Valley  
Lenox Hill Neighborhood House  
Long Island Advocacy Center  
Make the Road NY  
Mobilization for Justice  
Nassau Suffolk Law Services  
Neighborhood Defender Service of Harlem  
Neighborhood Legal Services  
New York County Lawyers Association  
New York Lawyers for the Public Interest  
New York Legal Assistance Group  
Northern Manhattan Improvement Corporation  
Pro Bono Net  
Queens Volunteer Lawyers Project  
Rural Law Center of New York  
Urban Justice Center  
Volunteer Lawyers Project of Onondaga County  
Volunteer Legal Services Project of Monroe County  
Volunteers of Legal Service  
Western New York Law Center

Association of New York State Legal Services Organizations, Inc. is the 501(c)3 registered nonprofit organization.

The Association has filed a DBA certificate for the use of the name New York Legal Services Coalition.