

**TESTIMONY OF THE PUERTO RICAN BAR ASSOCIATION TO THE
SENATE STANDING COMMITTEE ON THE JUDICIARY
SENATE STANDING COMMITTEE ON CODES
SENATE STANDING COMMITTEE ON HOUSING, CONSTRUCTION**

August 21, 2020

Good morning. My name is Sergio Villaverde, and I am a practicing Attorney and a Board Member of the Puerto Rican Bar Association (PRBA). I have been in practice more than 23 years, have served 32 years in the United States Coast Guard Reserve retiring at the rank of Commander. I volunteer on my local Community Board in the Bronx and am retired from the New York City Police Department.

The PRBA is one of the oldest and largest not-for-profit minority bar associations in the United States. The PRBA has served the community and the legal profession since 1957. The PRBA delivers support to the legal system by advocating for the community, veterans, members and has been combating systemic racism since our inception.

While we are involved in all aspects of the legal profession (aspiring law student to Judges) we will focus our testimony on:

- I. The inequities of online access to communities of color in general is heightened when legal rights are in jeopardy , and
- II. The disproportionate impact on small and solo law firms (such entities employ a large portion of our membership).

- I. The technological divide:

It has been well documented that communities of color do not have broadband at the same rate as other communities.

The NYC Comptroller reported (July 2019):

“About 30 percent of Hispanic and Black New Yorkers lack broadband internet access, compared to 20 percent of White New Yorkers and 22 percent of Asian residents.”

This particularly affects the ability of certain communities to access virtual court services. As consumers with housing, monetary, property and liberty interests at stake, communities of color are particularly at a disadvantage. Court administrators are directing the use of online platforms that do not take into account the ability of a citizen to access the Court System. Taken to its logical conclusion, this will cause constitutional infirmities that will have to be addressed by long term legislation and rule making.

II. Impacts on small and solo firms.

The membership of the PRBA is made in large part of small and solo law firm practitioners. The challenges of breaking institutional glass ceilings still exists and leads many of our members to “hang out a shingle” and go it alone as small business owners.

The reopening of courts and use of technology is of particular importance to small business owners. When 5 attorneys at a 500 person firm get sick it is bad. When “THE ATTORNEY” at a solo firm gets sick it is catastrophic. A rush to return is a concern to all court users. For small firms the risk of contracting COVID-19 is existential.

The court system does not particularly make things easier for small firms.

The use of technology and the cost of same are also a challenge for the small or solo practitioner. It is difficult for many of us to imagine a computer problem that is harder to solve than a call to the IT department. Imagine your entity works and does everything that you do yet IT is you.

The technical aspects are challenges that small firms also need to contend with.

Solutions until courts open and after:

1. Funding community based organizations to maintain COVID-19 safe computer facilities specifically for Court Access. This would spread out the population of court users and ensure more equal access to justice.
2. Innovative uses of court calendars to permit appearances by counsel from solo or small firms.
3. State funding or tax incentives for technology upgrades for small firms in order to be able to access all courts and court services.
4. Increasing electronic filing and access to Court records.

The technological upgrades can serve as efficiencies after the present crisis subsides. We can use some of the technology implemented during COVID-19 to make the court system more accessible on a permanent basis.