

LEGAL SERVICES CORPORATION
BOARD OF DIRECTORS

MEETING OF THE
DELIVERY OF LEGAL SERVICES COMMITTEE
OPEN SESSION

Sunday, October 5, 2014

5:39 p.m.

Hilton Albany
40 Lodge Street
Albany, New York 12207

COMMITTEE MEMBERS PRESENT:

Father Pius Pietrzyk, O.P., Co-Chair
Gloria Valencia-Weber, Co-Chair
Victor B. Maddox
Julie A. Reiskin
John G. Levi, ex officio

OTHER BOARD MEMBERS PRESENT:

Robert J. Grey Jr.
Charles N.W. Keckler
Harry J.F. Korrell, III
Laurie Mikva

STAFF AND PUBLIC PRESENT:

James J. Sandman, President

Ronald S. Flagg, Vice President for Legal Affairs,
General Counsel and Corporate Secretary

Stefanie Davis, Assistant General Counsel, Office
of Legal Affairs

Lynn Jennings, Vice President for Grants Management

Cheryl Nolan, Office of Program Performance

Julie Kramer, Program Counsel, Office of Compliance and
Enforcement

Carol Bergman, Director, Office of Government Relations
and Public Affairs

Janet LaBella, Director, Office of Program Performance

Lora Rath, Director, Office of Compliance and
Enforcement

Carl Rauscher, Office of Government Relations and
Public Affairs

Wendy Rhein, Chief Development Officer

David Richardson, Treasurer and Comptroller

Jeff Schanz, Inspector General

Marcos Navarro, Office of Government Relations and
Public Affairs

Bernie Brady, LSC Travel Coordinator

Wendy Long, Executive Assistant, Office of Government
Relations and Public Affairs

Herbert S. Garten, Non-Director Member, Institutional
Advancement Committee

William J. Hawkes, Executive Director, Neighborhood
Legal Services

C. Kenneth Perri, Executive Director, Legal
Assistance of Western New York

Paul J. Lupia, Executive Director, Legal Aid Society
of Mid-New York

Barbara Finkelstein, Executive Director, Legal
Services of the Hudson Valley

Jeff Seigel, Nassau/Suffolk Law Services

Lillian M. Moy, Executive Director, Legal Aid Society
of Northeastern New York

Michele Sleight, Legal Aid Society of Northeastern
New York

Wendy Wahlberg, Legal Aid Society of Northeastern
New York

Deb Collura, Legal Aid Society of Northeastern
New York

Anne Malak, Legal Aid Society of Northeastern
New York

Deanne Grimaldi, Legal Aid Society of Northeastern
New York

Robert Romaker, Legal Aid Society of Northeastern
New York

Robert Magee, Legal Aid Society of Northeastern
New York

Peter Racette, Legal Aid Society of Northeastern
New York

Don Saunders, National Legal Aid and Defenders
Association (NLADA)

Robin C. Murphy, NLADA

Lisa Wood, American Bar Association Standing
Committee on Legal Aid and Indigent Defendants
(SCLAID)

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1 P R O C E E D I N G S

2 (5:39 p.m.)

3 CO-CHAIR FATHER PIUS: As previously
4 announced, this Delivery of Legal Services Committee
5 meeting is hereby opened. And I will begin with an
6 approval of agenda.

7 The first note on that, of course: It's not
8 the agenda in your Board book. It's the agenda that we
9 received this morning. So the only change on that is
10 the addition of Cheryl Nolan. We're glad that Cheryl
11 is here instead of Jim being the moderator, so that's
12 really the only difference.

13 So do I have a motion to approve the agenda?

14 M O T I O N

15 MS. REISKIN: So moved.

16 CO-CHAIR VALENCIA-WEBER: Second.

17 CO-CHAIR FATHER PIUS: All in favor?

18 (A chorus of ayes.)

19 CO-CHAIR FATHER PIUS: Any opposed?

20 (No response.)

21 CO-CHAIR FATHER PIUS: And we have minutes
22 from the last open session back in the July meeting.

1 Are there any comments to that, or would anybody like
2 to move to approve those minutes?

3 M O T I O N

4 CO-CHAIR VALENCIA-WEBER: I'll move to
5 approve.

6 CO-CHAIR FATHER PIUS: Is there a second?

7 MS. REISKIN: Second.

8 CO-CHAIR FATHER PIUS: All in favor?

9 (A chorus of ayes.)

10 CO-CHAIR FATHER PIUS: Any opposed?

11 (No response.)

12 CO-CHAIR FATHER PIUS: Now we'll go right into
13 this panel presentation. I'll just do a few remarks
14 before we begin.

15 I want to say that in many ways, the 40th
16 anniversary event that we had just a few weeks ago was
17 a long Delivery of Legal Services Committee meeting.
18 Much of the discussion that we have in many ways
19 relates to this. So I think a somewhat relaxed
20 schedule for today is in order.

21 But nonetheless, a very important one: One of
22 the things that we realize in our own system, in any

1 civilized system of justice, is that there is a
2 collaboration between the attorneys and the bar. Our
3 system, as opposed to the continental system, is a far
4 more adversarial system, of course, adversarial meant
5 to get at the truth, but not adversarial against the
6 judges.

7 And the judicial branch and the judges who
8 help to run it are the important key and the important
9 factor in the work of justice. And it is the
10 responsibility of all the members of the justice
11 system -- the judges, the attorneys, the court
12 reporters, all those who are involved -- to help
13 promote that cause of justice that's so essential to
14 running a civilized society and is so essential to who
15 we are as Americans.

16 So that leadership from the judiciary, as we
17 have noted, has been an important part in helping to
18 underline and to make known the needs of the poor in
19 the system of justice. And we have had a great amount
20 of help from our point of view, from the legal services
21 point of view, from the National Association of Chief
22 Justices and the like in their support of legal

1 services.

2 And I know that in the individual bars, in the
3 individual communities, those lawyers there have worked
4 with their own judges, their own court systems, to
5 collaborate in a way that can help serve the poor
6 better and help serve the process of justice.

7 I'm pleased that Cheryl Nolan is here. Cheryl
8 is the program counsel for New York. She's brought a
9 number of people here from the area to help talk about
10 this precise issue, the way in which legal services not
11 only can but in fact has been of benefit to the courts
12 and to the judges in helping the legal system, and some
13 of the ways that we can continue to do that, and the
14 absolute essential role that the judiciary plays in
15 access to justice and in the work that legal services
16 do.

17 So I turn it over to Cheryl and ask you to
18 identify and introduce these great people that we have
19 before us.

20 MS. NOLAN: Thank you, Father Pius. You
21 actually did some of my work for me; I appreciate that.

22 Without taking up too much more time, I'd like

1 to introduce my panelists. I'm also extremely pleased
2 to be here. It's been a real great pleasure to work
3 with all of the executive directors in New York State.

4 The state of New York is actually uniquely positioned
5 and a model for other states, and you're going to learn
6 about exactly why today.

7 So to my direct right I have Ken Perri from
8 the Legal Assistance of Western New York. Next to him
9 is Paul Lupia with the Legal Aid Society of Mid-New
10 York. And next to Paul is Barbara Finkelstein with
11 Legal Services of the Hudson Valley. Next to Barbara
12 we have Bill Hawkes with Neighborhood Legal Services,
13 which is in the Buffalo area in Niagara. And at the
14 very end we have Lillian Moy, who is with Legal Aid
15 Society of Northeastern New York.

16 So let's get started with this discussion.
17 The first question I'd like Ken, actually, to address,
18 is how the New York State task force to expand access
19 to the civil legal services has impacted legal services
20 across New York State.

21 MR. PERRI: There's not a word that I could
22 come up with that I wouldn't believe would be an

1 understatement to say what the task force and what the
2 Chief Judge have done for the legal services community
3 and our client communities in New York State.

4 The significant funding that's coming to the
5 legal services programs from the Office of Court
6 Administration now started by helping to stabilize us
7 because the advent of that funding coincided with the
8 first in a number of years where there were declines in
9 our funding from the Legal Services Corporation.

10 So the early rounds of funding allowed us to
11 retain staff that otherwise would have had to have been
12 let go because of our position as LSC grantees. And
13 there were significant reductions, especially in the
14 second year, in those years of decline. Now we're at
15 the point where the funding has increased to the point
16 where we are able to expand -- most of our programs
17 have been able to -- and expand quite rapidly.

18 So for my program, as an example, we are in
19 the process now of bringing on about ten new staff
20 attorneys beginning between August and October. I
21 think we'll have hit about ten. We did the same thing
22 last year at this time. And that's out of a total

1 staff of 120. So as a percentage of our staff, it's a
2 significant increase that's happened last year and
3 that's happening this year.

4 We're all differently situated because of
5 other funding with regard to what percentage of our
6 staff is now being paid for by OCA funds. So I asked
7 my colleagues here to send me that information as of
8 the close of our last programmatic reporting period,
9 which was March 31, 2014, at the end of the state
10 fiscal year.

11 So as of then, Judiciary Legal Services
12 funding, JCLS, is now paying for 22 percent of the
13 staff at LAW New York. At Paul's program, it's 7
14 percent of his staff. At Barbara's program, for her
15 attorney staff, at least, it's 34 percent of her
16 attorney staff. Next is Bill; in Bill's program, it's
17 25 percent of his staff. And at Lillian's program,
18 it's 42 percent of her staff.

19 I also asked my colleagues to send me the
20 numbers on cases that they reported to OCA that they
21 served at the end of the reporting period. And I could
22 extrapolate, based on their numbers and the staffing

1 pattern and the percentage of staff that's paid for
2 with JCLS funds, that in that one year alone, from
3 April 1, 2013 to March 31, 2014, just the four programs
4 sitting here at this table -- or five of us, however
5 many we are -- served a little over 14,000 families
6 that would otherwise have not been served.

7 That's what the infusion of these funds to our
8 programs has allowed us to do. I think the number is
9 14,385, and that's cases that were closed during that
10 yearlong reporting period, as well as open pending
11 cases that were still active and being paid for with
12 those funds.

13 So there's not a word, there's not an
14 adjective, that we can pull out of the air to describe
15 in a way that resonates as to what this has meant for
16 our programs, our staff, our clients.

17 MS. NOLAN: Thank you, Ken. I would actually
18 want to point out that all of those numbers came
19 without notes. So that in and of itself is pretty
20 impressive.

21 The JCLS funding has really impacted each
22 program in a significant way, more than just paying for

1 attorneys or maintaining services and increasing
2 services. And I'd like each of my panelists now to
3 discuss a particular project within your program that
4 has been impacted by the JCLS funding. And Ken, you
5 can start.

6 MR. PERRI: The project that comes to mind at
7 LAW New York is a project -- we have a very robust
8 project to serve veterans at LAW New York. It may be
9 the most robust in the state. And so I'll just give
10 you the lay of the land of the project.

11 We have an attorney who pretty much works
12 onsite at a veterans outreach center in Rochester to
13 intake and work with veterans and family members who
14 have problems that may result in homelessness if
15 they're unabated. We have another attorney there who
16 works on other types of problems that won't necessarily
17 involve homelessness prevention issues.

18 We have a 14-county service area. That's our
19 urban center. In our rural counties, we have two
20 attorneys who work closely with two Veterans
21 Administration Medical Centers and the patients and
22 veterans who go there for other supportive services.

1 And in another county where we don't have a VAMC, the
2 Buffalo VAMC and the Erie, Pennsylvania VAMC have
3 satellite centers, and we work closely with veterans
4 there.

5 We have a hotline that's staffed by a
6 paralegal, and we have two VISTA members who do
7 outreach and education and some development work.

8 The numbers for us in 2013: Through this
9 project, we closed cases for I think it was about 560
10 veterans. In 2014 through now, we've closed cases for
11 345 veterans. We've served 400 people on our hotlines
12 from last September to this September. And from
13 January 1st till now, we've done outreach and education
14 that has reached about 825 people.

15 We have funders for this veterans projects. A
16 Department of Veterans Affairs grant for supportive
17 services for veterans provides some funding. The New
18 York Bar Foundation here provides some funding. Equal
19 Justice Works provides funding for fellows. But about
20 50 percent of the work of our veterans project is now
21 underwritten by JCLS funds.

22 So without those funds, that project could not

1 be this robust. And without the project being as
2 robust as it is, frankly, it would be very, very
3 difficult to make inroads into the veteran community
4 because of the culture of veterans and their reluctance
5 to seek services from people who aren't trusted. So
6 it's a successful project that became successful in
7 large measure because of these funds.

8 MR. LUPIA: Hi. I'm Paul Lupia. I'm the
9 executive director of the Legal Aid Society of Mid-New
10 York.

11 We have used our JCLS funds to fund staff on
12 our intake system. We call it the Central New York
13 help line. The genesis for the help line was back in
14 2007, when reconfiguration occurred in New York. There
15 were three Central New York programs; we decided that
16 two of them would continue to exist. We of course are
17 receiving the LSC funding, but there's another entity,
18 Legal Services of Central New York, which is not
19 receiving the LSC funding and is our twin, as we call
20 it.

21 As Ken mentioned, when we were cut several
22 years ago, we had to decide what we were going to do

1 with the help line. Were we going to cut back on the
2 help line or cut back on extended service? The JCLS
3 funds really came to our rescue at that point and
4 allowed us to continue with the intake system as it
5 was. And let me explain what it does.

6 As I said, it's a single point of entry intake
7 system. Anyone could call any of our offices or a
8 toll-free number to get into the system, where they're
9 first screened by an intake worker. Then for certain
10 types of cases, particularly bankruptcies and domestic
11 violence, they are then sent to a paralegal, who
12 gathers more evidence.

13 From there they go into an attorney queue,
14 where one of our dedicated help line attorneys picks up
15 the case. From there it can go to one of three
16 branches. It could either be closed with counsel and
17 advice; it could be referred on to one of the two
18 agencies for extended service; or sometimes we just
19 simply have to close the case with counsel and advice,
20 even though we know that the person could use more
21 extended service.

22 The help line has been, we think, immensely

1 successful. It's closed about 3500 cases over the last
2 two years. And most importantly, it's allowed clients
3 in our most rural counties to have equal access to our
4 services.

5 There's one county, Lewis County -- my wife
6 worked up there for a while, and they were always fond
7 of telling her that there were twice as many cows as
8 people in the county. But people in that county,
9 people in Delaware County, have as much access to our
10 services, even though we don't have an office there, as
11 do people in Syracuse, Utica, or Binghamton.

12 The access then allows them to have access to
13 our extended services. So we think this has been
14 immensely successful, and without the JCLS money, we
15 would not have been able to have it continue at the
16 same pace that it's continued.

17 MS. NOLAN: Thank you, Paul.

18 Barbara, would you like to discuss a related
19 program that you've implemented?

20 MS. FINKELSTEIN: Yes, I would. Hi, everyone.
21 Thanks for inviting us here.

22 I'm the executive director of Legal Services

1 of the Hudson Valley, which is the program immediately
2 below Albany and right above New York City. And it is
3 a very densely populated area. It's seven counties,
4 and we have eight offices and 110 employees, and about
5 31 percent of our funding now comes from JCLS funding.

6 About 13 percent of our funding is from the Legal
7 Services Corporation.

8 So we have a very diversified funding stream,
9 but without the JCLS funding, much of what we've been
10 able to accomplish over the past few years wouldn't
11 have been able to have been accomplished.

12 There are two things I was going to talk
13 about, and one is the expansion of services in all of
14 our offices. One of our counties is Westchester
15 County, which is the county we started in in 1967. And
16 we get a lot of support for that county, and we have a
17 great variety of services.

18 But some of the other counties, it's harder to
19 raise funds. They're more rural or a little more
20 suburban than Westchester County. And with the JCLS
21 money, we've been able to expand services, the extended
22 services, to offices in our six other counties, and

1 it's made an enormous difference for the clients there.

2 Housing has always been our number one area of
3 practice, but we've been able to add housing attorneys
4 in Westchester County but throughout the other
5 counties, as well as domestic violence, family, elder,
6 children's, and disability work. And that's made an
7 enormous difference.

8 With the JCLS money, we've added 25 staff
9 attorneys and seven paralegals. And something else
10 that was very important to us was bringing paralegals
11 into every office to support the work of the staff
12 attorneys.

13 The other accomplishment with the JCLS money
14 is a coordinated intake system, kind of talking about
15 the same thing that Paul spoke about. And for us this
16 is very important in the Hudson Valley because of the
17 density, and the ability of some clients to walk into
18 offices, but the access issue in the more rural areas.

19 We started the coordinated intake system a few years
20 ago. But with the JCLS money, we've been able to
21 enormously expand it.

22 So at this time, over the past three years

1 we've been able to expand the size of the unit. So it
2 now has four paralegals, two attorneys, and one
3 supervising attorney. We've been able to extend hours
4 through lunch hour and until 6:00 p.m. every evening.
5 All of our paralegal staff speak Spanish and English.

6 We've expanded intake in advice in the areas
7 of housing, benefits, and consumer, and that's an
8 enormous need for our client population because we do
9 so much extended service, and now we're able to also
10 provide the advice and brief service that so many
11 clients need. We're expecting to open 15,000 cases
12 this year through our coordinated intake unit, with a
13 wait time of about two minutes for each time.

14 MS. NOLAN: That's outstanding, Barbara.

15 One of the things I'd like to highlight for
16 you is just what difference the funding has made in
17 terms of intake. Nationwide, programs are struggling
18 with implementing coordinated intake systems. And many
19 times, in the face of funding shortages or even just
20 the face of cases coming in, the natural desire is to
21 send those cases to attorneys. And it's really
22 difficult for directors to fund intake systems.

1 And so I think what's really remarkable about
2 what you've seen here with Barbara and Paul's programs
3 is what they've done with the intake system and how
4 it's actually benefitted the whole system overall,
5 creating a real positive synergy.

6 Bill, can you now talk about how JCLS has
7 impacted your program?

8 MR. HAWKES: Yes. First, thank you for
9 inviting us to participate today. My name is Bill
10 Hawkes. I am the director at Neighborhood Legal
11 Services, which serves the five counties in the
12 northwest portion of the state bordered by Lake Erie
13 and Lake Ontario. It's Erie, Niagara, Orleans,
14 Genesee, and Wyoming Counties.

15 The impact of Judge Lippman's civil legal
16 services funding initiatives has been nothing short of
17 miraculous for our program. But we're a different
18 story. I'm not going to talk about expanding. We're
19 going to be talking about, due to the circumstances of
20 our particular funding mix, how we've been able to
21 preserve services and expand them slightly.

22 Since 2010, NLS has been able to maintain a

1 consistent level of services in light of cuts from LSC,
2 HUD, Homeless Prevention and Rapid Re-Housing funding,
3 TANF or Temporary Assistance to Needy Families funding,
4 New York State Office of Temporary and Disability
5 Assistance, and other lesser sources of funding, which
6 have simply been cut due to budgets and grant natural
7 terminations.

8 And unlike some of the colleagues here today,
9 in my Western New York LSC service area we compete with
10 an additional five legal providers in the regional pool
11 of New York State IOLTA and Office of Court
12 Administration funding. As a result, our regional
13 share of that funding is by necessity divided and
14 shared with many more agencies than, say, in
15 Westchester or Nassau/Suffolk or even here in Albany.

16 NLS also made a decision five years ago not to
17 do foreclosure work because there were three other
18 programs in our locale who were doing that work. They
19 did not do public benefits, SSI, housing, and
20 homelessness prevention, and we did not want to compete
21 with them for those dollars in the foreclosure market,
22 so we stepped away from that.

1 So in addition to the great infusion of OCA
2 funding, many of the legal services programs' budgets
3 in the state have been bolstered by the increasing
4 supply of foreclosure prevention money, which has
5 flowed from the Attorney General's settlements against
6 the large financial institutions that were selling
7 subprime mortgages.

8 Thus, LSC cuts since 2010 have been
9 disproportionately impacting NLS. Between 2010 and
10 2014, our funding from LSC was reduced by 24.5 percent,
11 and our grant is down from a million five to a
12 1,169,000 this year.

13 This amounts to a \$378,514 reduction from LSC
14 this year compared to what we were receiving in 2010.
15 Unfortunately, based on information gleaned from the
16 interim reapplication process, we're anticipating at
17 least another \$100,000 reduction this year.

18 And I would note that during this same
19 five-year period, our fringe and salary costs went up
20 almost a half a million dollars. And just five days
21 ago, we suffered a \$570,000 reduction in funding that
22 we'd had for 35 years from the Protection and Advocacy

1 system being restructured in New York State. We're a
2 big Protection and Advocacy-funded agency.

3 So what we have done with these dollars, with
4 the OCA dollars, is really to backfill the holes that
5 have been created through cuts in order to maintain
6 staff levels. We're hoping in the coming year that we
7 will be able to begin much more of an expansion with
8 the OCA dollars.

9 So as a result of the increased funding from
10 OCA, NLS has been able to maintain client services at a
11 pretty high level, and with case statistics which
12 demonstrate an extended service level which actually
13 exceeds the national LSC case averages by a factor of
14 almost 2X. And also, the national median for closed
15 cases per 10,000 people we exceed by 2X.

16 So but for the OCA dollars, but for this
17 infusion of resources over the last several years, I
18 would be telling a very distinctly different story
19 today, which would be that of having laid off probably
20 a quarter of the staff as a result of the cuts.

21 So we are hopeful in the future to be able to
22 do the expansion and increase the mix of services that

1 we'll be providing with increased OCA funding. Thank
2 you.

3 MS. NOLAN: Thank you, Bill.

4 Lillian, would you like to bring us back
5 towards expansion in your region?

6 MS. MOY: Expansion. It's true. Well, first
7 I want to welcome you to Albany, my home town. Every
8 day in Albany the sun shines as it did this morning.

9 (Whereupon, at 6:00 p.m., the Committee
10 continued in evening session.)

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1 E V E N I N G S E S S I O N

2 MS. MOY: Oh, Father, forgive me. I may have
3 exaggerated.

4 (Laughter.)

5 MS. MOY: But it's no exaggeration to agree
6 with my colleague Ken to say that every word would be
7 an understatement with respect to the impact of
8 Judiciary Civil Legal Services. On our own Legal Aid
9 Society, judiciary funding is now 28 percent of this
10 fiscal year's budget. LSC is a very powerful 16
11 percent. And of course, you guys know why you are very
12 powerful on us.

13 JCLS paid much more than just the minimum
14 bills for us in the last state fiscal year; Judiciary
15 Civil Legal Services funding supported over 9,000 cases
16 in whole or in part for low-income residents throughout
17 the service area.

18 And our service area is large. From the
19 Catskills, which you will ride through tomorrow on the
20 way to New York, all the way to the Canadian border is
21 the area that we serve. So it's supported expansion
22 and essential legal services in this rural, urban, and

1 suburban service area.

2 I want to say that Judiciary Civil Legal
3 Services supports all facets of our programming -- our
4 private attorney involvement programming through our
5 Attorney for the Day pro bono project in the Albany
6 City Court, where, by the way, we do do income
7 screening; and also through our VA Medical Center
8 intake biweekly clinic that we do for veterans.

9 Similarly, Judiciary Civil Legal Services
10 funding has supported tremendously important staff
11 initiatives -- a similar Attorney for the Day project
12 out in Schenectady City Court; a new consumer law
13 project that's allowed us to create a consumer law
14 clinic to provide information and advice to low-income
15 debtors and refer them for either extended services of
16 possibly a pro bono bankruptcy.

17 It's allowed us to fill the gaps where we
18 haven't been able to get specific grants to do housing
19 work, or domestic violence work, or domestic violence
20 immigration work. And most recently, it's caused us to
21 really reevaluate how we're using this money, which has
22 gone to \$2.8 million for us.

1 And while all of the work we have done with
2 Judiciary Civil Legal Services funding is tremendous,
3 we also want to be using it very intentionally. And so
4 we are using this funding to create a small access to
5 justice unit that will allow us to really begin to look
6 at the kinds of more systemic work that we can do that
7 will also help our clients fulfill their essential
8 needs.

9 Three minutes. Cheryl's got us on a tight
10 watch here.

11 MS. NOLAN: Thank you, Lillian.

12 MS. MOY: You're welcome.

13 MS. NOLAN: One of the things that we haven't
14 mentioned yet with regards to thought JCLS funding is
15 the impactful work and the guidance of the Task Force
16 to Expand Access to Justice and Legal Services that has
17 guided the whole process. And all of the directors in
18 New York State have played their part in that process.

19 One small piece of that incredible effort are
20 the hearings that have been held across the state to
21 inform the task force. And so Lillian, I'd like you to
22 pick up on that discussion and share with us how the

1 task force hearings have impacted your program.

2 MS. MOY: Yes. And first, I also want to say
3 thank you to the Board and to Jim for that incredible
4 party in Washington, D.C. celebrating your 40th
5 anniversary. So much of the broad-based support that
6 you were able to demonstrate during the 40th
7 anniversary is exactly the kind of thing the hearings
8 have allowed us to do for the last several years.

9 So amazing testimony from business leaders,
10 from bankers, from the general counsel of Citicorp
11 saying he preferred when the homeowner was represented
12 in a mortgage foreclosure proceeding, to the local
13 director of our Albany housing authority speaking about
14 how important it is that low-income tenants be
15 represented in an eviction case.

16 Religious leaders -- and I have to say that
17 when Cardinal Timothy Dolan testified at our New York
18 City hearing a couple of years ago, well, we never got
19 more press than that. Okay? Incredible testimony from
20 judges, just as you had in Washington, D.C., speaking
21 about the impact of the lack of representation on the
22 operation of the court system.

1 And political leaders -- our Attorney General,
2 and just last year the New York State Comptroller,
3 Thomas DiNapoli, who really hammered home the fact that
4 providing civil legal services provides enormous
5 economic benefits to New Yorkers of all income and all
6 races and all locations throughout the state.

7 He noted the economic experts who were brought
8 on a pro bono basis to calculate the economic savings
9 from our work in representing victims of domestic
10 violence, people who are risk of homelessness, mothers
11 receiving child support, even individuals receiving
12 advice and brief service.

13 And finally, of course, the biggest fight of
14 this is the federal benefits that are brought into the
15 state of New York as a result of our civil legal
16 representation. Last year the task force, through the
17 assistance of pro bono economic experts, was able to
18 show that for every dollar in funding New York legal
19 services programs receive, we return six dollars in
20 economic benefits to New York communities.

21 MS. NOLAN: Thank you, Lillian.

22 So we've talked a lot about the money that has

1 been generated by JCLS as well as the impact of the
2 hearings. But it doesn't stop there. In fact, Judge
3 Lippman has been relentless in expanding access to
4 justice in many other fronts. And I'd like Barbara to
5 run through some of those that are affecting your
6 program as well as all of the programs in the state.

7 MS. FINKELSTEIN: Right. Well, you know that
8 Judge Lippman is really our champion. And in addition
9 to the funding, he's undertaken so many non-financial
10 initiatives. And the task force has really been the
11 incubator for that. But he's really unstoppable.

12 There are so many initiatives, I'm going to
13 try and go over some of them. I have to look at my
14 notes because no one could ever remember them all. I'm
15 going to try and group them. And some of them are quite
16 unique.

17 The first grouping is under pro bono, and I
18 think most of you know that there is now a 50-hour rule
19 in New York State so that any law student or
20 prospective attorney who wants to practice law, wants
21 to get a license in New York, must perform 50 hours of
22 pro bono work as a requirement for admission to

1 practice.

2 And the Chief Judge believes that not only
3 would this help close the access to justice gap, but it
4 will also teach law students about the important work
5 of representing low-income people. And he's very
6 adamant about this.

7 One of the other pro bono initiatives is a pro
8 bono reporting, and this was pursuant to a task force
9 recommendation in 2013 where the rules were changed,
10 the New York Code of Rules and Regulations were
11 changed, to require all New York attorneys to report
12 the number of hours that they voluntarily spend on pro
13 bono services. And they also have to report the amount
14 of voluntary contributions.

15 This has been somewhat controversial in New
16 York, and there's been a lot of discussion about it
17 over the past year. But I think the Chief Judge feels
18 very strongly that in those states where there is
19 mandatory reporting, that the amount of pro bono has
20 increased.

21 And the purpose here really is to try and
22 quantify how much pro bono is being done, and encourage

1 attorneys to perform pro bono service. And there is a
2 compromise now being worked out so that the reporting
3 will remain anonymous and will probably be reported in
4 the aggregate. But it is not mandatory pro bono.

5 Then there's a very, very innovative program
6 that the Chief Judge just announced this year, and
7 that's the Pro Bono Scholars program. And this is a
8 program that will allow students in their final year of
9 law school to devote their last semester of study to
10 performing pro bono service for the poor through an
11 approved externship, law school clinic, legal services
12 provider, law firm, or corporation. The pro bono
13 service must be full-time, and it's going to be 12
14 weeks. And it also has to have a supervisory component
15 at the law school.

16 Right now, it will start in 2015, and all New
17 York law schools are participating. As of October,
18 there's expected 110 scholars will be placed. And
19 we're still working on it.

20 Another very, very important initiative, and
21 this was something that the task force examined for a
22 couple of years and made a recommendation about last

1 year, is the use of non-lawyer advocates. Now, there's
2 always --

3 (Pause, telephone ringing)

4 MS. FINKELSTEIN: That's okay. There's
5 paralegals that perform work under the supervision of
6 an attorney, but we wanted to do something a little
7 more innovative. And so what the Chief Judge proposed
8 in 2014 in his State of the Judiciary is two pilot
9 projects.

10 One of them is the launch of court
11 navigators -- that's what we're calling them, court
12 navigators -- to help unrepresented litigants in
13 housing court cases in Brooklyn and consumer debt cases
14 in the Bronx and Brooklyn.

15 Now, these specially trained volunteers will
16 not be able to practice law, and they won't be able to
17 speak in the court. But if the judge asks them
18 questions, they'll be able to answer.

19 And they'll be able to help the unrepresented
20 litigant go through papers, and talk about the case
21 before they get into court, and help them navigate the
22 system. And we're hoping that this can be expanded

1 beyond New York City. Everything seems to kind of get
2 started in New York City, and then they bring it up.

3 The Chief Judge also announced a similar
4 project to provide legal informational assistance to
5 seniors, including the homebound. And this will be a
6 collaboration between Albany Law School and SUNY Albany
7 School of Social Welfare.

8 Technology is another area that we're very
9 interested in, and we're following through -- we're
10 looking at the LSC recommendations. And a couple of
11 years ago the task force did a survey, and so we're
12 looking at the state of technology of all providers in
13 New York State and really trying to help them upgrade
14 the technology and provide support to them, and again,
15 looking at LSC technology requirements.

16 Limited scope representation is something that
17 we're looking at now. And that's something that is
18 also known as unbundled or discrete legal services, and
19 that's where an attorney can only take one portion of a
20 case. And that's kind of tricky in New York State
21 because there's really no statutes or ethics decisions
22 that allow it.

1 But Judge Fern Fisher, the Deputy Chief
2 Administrative Judge of the Courts of the City of New
3 York, is really a leader in this. And she's on our
4 task force, and she really feels that this is going to
5 be very, very helpful to unrepresented litigants. And
6 they are paving the way for these programs in New York
7 City with the Lawyer for the Day programs and
8 short-term limited legal services programs.

9 Simplification of court processes: This is
10 something that the courts are undertaking. They've
11 upgraded their website, putting out more information
12 for pro se litigants. And also, they've completed
13 family court and landlord/tenant forms to make it
14 easier for unrepresented litigants to be able to
15 utilize them in court.

16 Lastly, the alternate dispute resolution,
17 which includes mediation, arbitration, and
18 collaborative law. And now we're trying to move
19 towards a pilot project for online dispute resolution,
20 and that's being led by some people on the task force.
21 And what we're hoping to do is make a recommendation to
22 have online dispute resolution in the area of consumer

1 debt.

2 MS. NOLAN: Thank you, Barbara.

3 One of the things I'd actually like to turn
4 now to is the fact that with all of this going on in
5 New York State, both the increase and influx of
6 funding, the expansion of services, new projects, and
7 all these exciting projects with the courts and pro
8 bono and pro se, I think a lot of it would not be
9 implemented as successfully were it not for the
10 strength and the collaborations among the programs.

11 And so, Lillian, I'd like you to start first
12 and talk about some of the examples of how the
13 collaborative process works among your programs.
14 What's a particular project that you could speak to?

15 MS. MOY: Well, I always like to start by
16 saying that here in New York, we say that collaboration
17 is not for the faint of heart. But no one here at the
18 table or otherwise is faint of heart, so no worries.
19 Right?

20 MS. NOLAN: Right.

21 MS. MOY: You asked me to speak about the
22 Legal Services Funding Alliance, which is a relatively

1 recent collaboration of the core comprehensive civil
2 legal services providers outside of New York City. And
3 here in New York, we're referred to as "rest of state."

4 (Laughter.)

5 MS. FINKELSTEIN: Because of Long Island.

6 MS. MOY: It's loving, though. It's a very
7 loving reference, "rest of state."

8 So here in rest of state, as I said, the major
9 civil legal services providers, LSC and non-LSC, banded
10 together. And we got together and we named ourselves
11 the Legal Services Funding Alliance. And the reason we
12 did that is because we wanted to be well-known to our
13 local and state legislator, funders, supporters, as the
14 go-to agencies.

15 If they had a low-income consumer in need of
16 civil representation, we wanted to be speed dial on
17 your constituent services person's desk. We also
18 wanted our funders and supporters and legislators to
19 know about our subject matter expertise.

20 We wanted them to know that we are the experts
21 in domestic violence. We wanted them to know that we
22 are every day in the landlord/tenant courts, which are

1 non-lawyer courts throughout most of rest of state, and
2 that we have that expertise.

3 We wanted them to know that we knew what the
4 low-income consumer debtor was facing in those very
5 same -- maybe they call them justice of the peace
6 courts where you are; we call them town and village
7 courts. And they are very alike in terms of the
8 challenges for low-income citizens.

9 So we banded together to go through that
10 branding process. We worked together to coordinate our
11 information; that was the hardest part, collecting our
12 data. We branded ourselves. And we coordinated our
13 advocacy efforts together. And it was a really
14 positive experience, one that I think will really give
15 us roots as we engage in future collaborations.

16 MS. NOLAN: Thank you.

17 And Barbara, can you actually add to that and
18 talk about the other statewide collaboration?

19 MS. FINKELSTEIN: Yes. So something like
20 Legal Services Funding Alliance is morphing into
21 something now called the Association of New York State
22 Legal Services Organizations. In addition to the

1 funding alliance, there are other coalitions around the
2 state, in New York City, and in other parts of rest of
3 state. And for many, many years, we've been talking
4 about all banding together and forming one association
5 where we would advocate as one.

6 That has finally come to pass, and it's called
7 the Association of New York State Legal Services
8 Organizations. And we are a separate 501(c)(3)
9 organizations, and I'm one of the vice presidents.
10 Lillian's on the board. And there are board members
11 from New York City and from all over the state.

12 We had our first board meeting in September in
13 Albany at the partnership conference, where we had 50
14 organizations come who had paid a nominal fee to be
15 involved. And we're very excited. We're very hopeful.

16 We think that these 50 organizations are going to come
17 together, and what we're hoping that the association
18 can do is speak with one voice and eliminate some of
19 the separation between New York City and the rest of
20 the state.

21 And we want to advocate together. We want to
22 talk about funding together. We want to educate

1 together. And we want to engage in best practices and
2 teach each other what we know. So we have a dues
3 structure, a membership structure, and we're going to
4 hold our first members meeting in January at the state
5 bar conference.

6 MS. NOLAN: Thank you, Barbara.

7 Paul, can you please talk to us about the
8 collaborations with regards to DAP Works and the HOPP
9 funding, and explain what those acronyms are, too?

10 MR. LUPIA: Yes. The DAP Works -- DAP stands
11 for Disability Advocacy Project. It's a state funding
12 stream which provides us with funds to represent
13 individuals who have been terminated from or have been
14 denied Social Security disability or Supplemental
15 Security Income, SSI, benefits.

16 DAP was funded in New York at 5.26 million
17 during the 2013/2014 fiscal year. And so we came
18 together, and all seven New York LSC programs -- in
19 fact, there were 26 civil legal services programs came
20 together -- and formed something that we call DAP
21 Works.

22 The point of it was to try to have a

1 coordinated effort to get the message across to our
2 legislators, to the executive branch, about the
3 importance of that funding stream, the importance of
4 the work that's done under it, and to try to get that
5 funding stream increased.

6 The goal was to get it increased from 5.26
7 million to 7 million, and we were successful. Seven
8 million was granted by the state legislature. That
9 went into effect April 1st and continues until March
10 31st of 2015.

11 The DAP Works is not done. It's going to be
12 continuing. Next year we're going to try to increase
13 it even more. The increase in funding has made a
14 profound impact. In my agency, I can tell you that we
15 went from a grant of 396,000 to a grant of 527,000, a
16 33 percent increase. We've added DAP staff. We expect
17 a corresponding increase in the number of clients
18 served.

19 The importance of doing this work is profound
20 upon the clients who we end up representing. We end up
21 increasing their monthly income, of course. But really
22 what we're doing is we're providing financial

1 stability. We're preventing homelessness. And we are
2 strengthening the families of the individuals who we
3 end up serving and being successful for.

4 Another state funding stream is called HOPP,
5 H-O-P-P, and that is the Home Ownership Protection
6 Program. That had its genesis, unfortunately, in the
7 foreclosure crisis. There were funds, of course,
8 coming to all the states, and in New York funds came
9 through the National Mortgage Servicing Settlement, was
10 coming to the state attorney general's office, and
11 that's Eric Schneiderman.

12 What we did was in late 2011/early 2012, the
13 same group of people got together to do a lobbying
14 effort to try to get the message across both to the
15 legislature and to the governor's office and to the
16 attorney general's office about the need for
17 foreclosure funding.

18 The attorney general set aside \$60 million,
19 and that was both for civil legal services funding and
20 for housing counseling funding. Now, that funding has
21 resulted in over 34,000 families being served by both
22 the legal services agencies that received the money and

1 housing counseling, and over 11,000 homes have received
2 home mods to their mortgages as a result.

3 This funding is all supposed to end on
4 September 30, 2015. But there was continuing lobbying
5 throughout these past two years. I can tell you that a
6 week ago yesterday, Attorney General Schneiderman was
7 in Utica. He asked to meet with both me and the
8 executive director of the local housing counseling
9 agency.

10 We met with him, and we each brought a client
11 with us, and we talked about the need to continue this
12 funding beyond September 30, 2015. And I think there
13 was already something in the works because on Monday he
14 announced that \$40 million of the J.P. Morgan
15 settlement is going to be set aside now to continue
16 this HOPP funding for another two years.

17 It's obvious that we're doing excellent work
18 with this money, saving homes for people. And again,
19 this is a funding stream separate and apart from the
20 JCLS money. We're very fortunate in New York that we
21 have the support of the attorney general and of the
22 legislature to continue these funds.

1 MS. NOLAN: Thank you, Paul.

2 So we're coming to the end of our panel here.

3 Bill, would you just take a couple minutes and discuss
4 the statewide technology work that's happening? And
5 then we'll end with Ken.

6 MR. LEVI: We won't end. Then we'll have
7 questions.

8 MS. NOLAN: Correct. Yes. Our side will end.

9 MR. HAWKES: One of the side benefits of Judge
10 Lippman's inordinate work on our behalf is that he
11 gathers information. He wants to be able to support
12 the claims that he makes for increased funding with
13 input from the public.

14 And one of the expanded focuses of that Chief
15 Judge's Task Force to Expand Civil Legal Services was
16 technology. He created a technology work group which
17 in November of 2013, just about a year ago, put out a
18 report after a substantial study making recommendations
19 to the state about what technology needs and support
20 services would need to be implemented in order to bring
21 the programs within the state up to a modern standard
22 of technology use.

1 One of the offshoots of this group was the
2 creation of something that we now call the statewide
3 technology work group. And this is what I would
4 consider to be the most technologically competent,
5 advanced systems thinkers in the statewide delivery
6 system, people who are doing things at a very high
7 level. And they're basically operating on an ad hoc
8 basis, looking at bringing technology improvements to
9 the delivery system.

10 One of those improvements is going to be we're
11 planning a statewide technology conference for spring
12 of 2015. So at our partnership conference, the New
13 York State Bar partnership conference, which was held
14 in Albany last month, they presented not only the
15 report but the need for technology improvements, and
16 solicited planning members for this conference.

17 So it's just one of the many offshoots of the
18 great work that Judge Lippman has done, that now we
19 will bring what would not have been brought by anyone's
20 hand, individual program's hand, to the broader
21 community so that people like myself, who are less
22 technologically competent, can be exposed to those new

1 advances in intake systems, in software, and in other
2 practical use of devices to increase and improve the
3 efficiency of legal services.

4 MS. NOLAN: Thank you, Bill.

5 Ken, would you like to build on that?

6 MR. PERRI: Yes. There are two or three other
7 things that we've done collaboratively somewhat related
8 to technology that I thought should be brought to your
9 attention.

10 The most broad-based, probably, and longest
11 collaboration that we've had, at least the group at
12 this table, has been with the LawHelp consortium. I
13 think you've had presentations probably on LawHelp
14 before. In New York, it is a very robust website where
15 low-income people can log on and figure out how to find
16 a legal aid program or organization near them that
17 provides services with the type of legal problem they
18 have.

19 It is very robust, with informational
20 materials about your clients' rights in almost all of
21 our practice areas. I think there's 14 topic areas
22 with numerous sub-topic areas.

1 There's a live chat feature, so we have law
2 students, under the supervision of an attorney, who can
3 direct you, the users, to where they need to go on the
4 site if they're having difficulty finding their
5 information. There's document assembly programs, and
6 there's links to the document assembly programs on the
7 court's website, CourtHelp.

8 So we all play -- well, most of our programs
9 play roles in the LawHelp consortium. Legal Services
10 NYC, your New York City-based grantee, is a leader on
11 that consortium as well. And there are non-LSC-funded
12 programs who serve on the consortium.

13 What we do is that basically the consortium
14 has set up three committees: an executive committee,
15 which works with the consortium in terms of development
16 and strategic planning and management issues; a content
17 committee, where we provide staff to make sure that the
18 content on the website is kept current and that new
19 content is developed as the need for new content
20 arises; and then an outreach committee, that works on
21 making sure that low-income people throughout the state
22 know about this resource and utilize it.

1 On a couple of other more micro things, three
2 of our programs, Barbara's, Lillian's, and myself, we
3 about two years ago independently made decisions to
4 convert our case management systems. We all needed
5 something that was more robust in part because of the
6 infusion of new funds and the need for additional
7 reports to have to be generated.

8 So we found out that we were each considering
9 changing our case management systems, and decided to
10 work on that together. We issued a request for
11 proposal to vendors, which was a request for all three
12 of our programs. All three of our programs
13 participated in selecting the vendor that was
14 ultimately selected.

15 But probably as importantly as all that, over
16 the next year after that decision was made I think on a
17 weekly basis, we had meetings of our technologists and
18 our front-line intake workers who did the -- and I'm
19 not going to say this right -- but the mapping and the
20 logic flows and whatever it is that technologists do to
21 make sure that the data that we collect properly
22 populates the reports that we need to generate to our

1 funders, and tracks outcomes, and gives us all the
2 benefits that making the switch would do.

3 Another quick project was also related to
4 LawHelp. Lillian's program received a TIG grant from
5 LSC to develop the Spanish language mirror site at the
6 Pro Bono Net portal, more or less. And our program was
7 involved in New York State with doing outreach and
8 education to low-income people on the existence of that
9 site.

10 So the LawHelp numbers -- I just saw a report
11 through September 30th for a six-month period. The
12 numbers are that there were 655,000 page views in six
13 months from 155,000 visits, from 115,000 unique
14 visitors. So it's safe to say that over a 12-month
15 period, it's probably about twice that. So those have
16 been successful collaborations.

17 The one I am most excited about right at the
18 minute is thanks in part to you because of your Legal
19 Services Pro Bono Innovation Fund RFP process, and
20 thanks in major part to Judge Lippman. We've talked
21 about his non-monetary initiatives, which include the
22 50-hour rule.

1 But also, prior to the task force, I believe,
2 he had set up an Attorney Emeritus program to try to
3 bring into the pro bono world not just private
4 attorneys but attorneys who have in essence retired.
5 It's broader than that, but senior attorneys who are no
6 longer practicing.

7 Those are just two of his -- he's been an
8 innovator, and he's been proactive, and he's been very
9 creative. And the existence of those two initiatives
10 in New York led us collectively, together with our
11 colleague on Long Island -- Jeff Seigel, who is back
12 here -- so the entire rest of state, all of the
13 grantees outside of New York City, submitted an
14 application to LSC to set up a statewide pro bono
15 practice group.

16 Nothing like that has ever been done in New
17 York before, where we were all working this way
18 together in a formal way. The resources LSC is
19 providing will allow us to each bring on a .5 FTE
20 attorney, so three attorneys around the state, together
21 with a project manager, that will work on recruiting,
22 training, placing, and matching law students and

1 emeritus attorneys with projects and with clients
2 throughout the state.

3 So cumulatively, our programs outside of the
4 five boroughs provide services to every urban and every
5 suburban and every rural county in New York State. We
6 have 33 offices around the state, and we also have
7 promises of close collaboration from the law schools.

8 Every law school outside of New York City
9 endorsed this project and will work closely with us in
10 helping to ensure its success. And within New York
11 City, some of the law schools are collaborating as
12 well.

13 Among them, at Fordham Law School, Fordham Law
14 School has its Feerick Center, which has been staffing
15 for the Office of Court Administration, the attorney
16 emeritus program. They have had one person who is able
17 to work with the 57 counties outside of New York City.

18 I think that's how many we are. So they're very
19 thrilled to have these additional resources come in to
20 try to make this program more robust in the rest of the
21 state.

22 And we also have the ear of Judge Fern Fisher,

1 who was mentioned earlier, the director of the access
2 to justice component of the Unified Court System.
3 She's agreed to serve as a sounding board. She wants
4 to hear from us as we have successes. She wants to
5 hear from us as we have challenges. And she's promised
6 to help guide us to make our successes even more
7 successful and to help abate the challenges that we may
8 encounter.

9 So this is just getting underway. The project
10 officially starts on November 1st. We thank LSC for
11 the funding. We thank the Chief Judge for laying the
12 groundwork for these initiatives, and look forward to
13 rolling up our sleeves and doing the work now.

14 MS. NOLAN: Thank you, Ken.

15 So there's a lot of exciting projects
16 happening in New York State. We're now open to your
17 questions and comments.

18 CO-CHAIR FATHER PIUS: First of all, I wanted
19 to begin by just thanking you all for the time for
20 coming here. It's a little late on a Sunday, so I
21 appreciate all of your presence here. And it's good
22 for us. It's very helpful for us to hear all the

1 different projects and the different issues that are
2 going on, especially its involvement with the judicial
3 branch here in New York.

4 I was just fascinated by the task force. The
5 technical name is the Task Force to Expand Access to
6 Legal Services in New York. I can see why you just
7 refer to it as the task force. But of course Helaine
8 Barnett, our own Helaine Barnett, is the chairman of
9 that task force, and she's been very involved. We'll
10 see her tomorrow as well.

11 And if anybody hasn't seen, they put out an
12 annual report. I was wondering about that and checked
13 online, and they put out an annual report with their
14 findings and the way in which they are meeting some of
15 the initiatives set forth by the Chief Justice.

16 They seem to be very well done, what I've
17 glanced at, and there are some very good resources, I
18 think, there about what's going on in New York. And
19 that might be extended to other states.

20 And then I was fascinated to hear about the
21 financing. Is that mostly judicial fee money? Where
22 does the source of that funding come from? That can't

1 be out of their general budget.

2 MR. PERRI: The Office of Court Administration
3 in the first year of funding secured a legislative
4 appropriation of \$12.5 million, which is housed in the
5 UCS budget. And it was competitively bid, so LSC and
6 non-LSC grantees throughout the state were able to bid
7 on the funding.

8 In year two, that funding went up to \$25
9 million. In year three, it went up to \$40 million.
10 And this is year four, so in the current state fiscal
11 year that we're in, it's up to \$55 million.

12 And that does not include in each of those
13 four years the Chief Judge secured a \$15 million state
14 appropriation that's not housed in the Unified Court
15 System but in the IOLTA fund, the Interest on Lawyer
16 Account fund. So that's happened.

17 And when we analyze the work that we've done
18 with the JCLS money, we're not counting the money that
19 we're also getting through the supplemental allocation
20 of state funds to IOLTA. So it is from the general
21 fund, and it's a component of the Chief Judge's Office
22 of Court Administration budget.

1 CO-CHAIR FATHER PIUS: I don't know. When you
2 hear about state funding, they're either coming usually
3 from fee sources, or especially IOLTA funding seems to
4 be the more prominent way. I'm not sure that I know of
5 any other state that I've heard, or remember hearing of
6 any other state, in which the court itself has secured
7 funding.

8 That is an extraordinarily proactive court
9 that's very interested and that understands the need
10 for providing civil legal services to the poor. That's
11 quite something. It would be nice to see that maybe,
12 perhaps, located in other areas. So again, that's very
13 interesting, very good to hear.

14 If anybody has got any other questions?

15 MS. FINKELSTEIN: I just want to say I think
16 that the hearings play into that. The Chief Judge has
17 hearings every year and educates the legislature.

18 CO-CHAIR FATHER PIUS: Oh, yes.

19 MS. FINKELSTEIN: And gets all these business
20 leaders out and everyone out to support us. And so
21 when he puts it in his budget, it's approved.

22 CO-CHAIR FATHER PIUS: Yes. Hearings are not

1 about just getting information. They're sometimes
2 about giving information, too.

3 Gloria, did you have a question?

4 CO-CHAIR VALENCIA-WEBER: Well, Justice
5 Lippman certainly has been the visible leader, not just
6 in New York, but he was the source of many, many
7 continuing conversations across the United States about
8 how different aspects of the New York initiative meet
9 the needs of the poor.

10 Admiring responses, but also questioning
11 responses, for instance, from law schools that if this
12 is a requirement for law students, are we making those
13 least experienced, least skilled in being able to
14 represent the poor client -- is that the best way to do
15 it?

16 I'm more interested in those of you who have
17 mentioned that you're now doing things, taking in
18 activities, that involve law students. Have there been
19 unforeseen issues or problems that you see taking in,
20 again, those who have not yet become attorneys and
21 maybe have not had the benefit of a clinical experience
22 during the law education?

1 MS. MOY: Well, I wish that I could say that
2 we've been flooded with law students. The fact of the
3 mater is that here in New York, the definition of pro
4 bono that came out of the committee that the Chief
5 Judge appointed to implement the 50-hour admission
6 rule -- and I may be speaking out of both sides of my
7 mouth because I sit on the committee -- but let me just
8 say that the committee adopted a definition that is
9 very, very broad.

10 And I feel like it's a challenge for civil
11 legal aid providers to make a rotation at legal
12 services attractive to law students. It's just as much
13 of a challenge as it always was because they can go
14 down to the DA's office where they can help prosecute a
15 low-income person on a welfare fraud charge, and that's
16 going to count for their 50-hour admission requirement.
17 They can also work at the law school, and a lot of
18 them are choosing to do that, some internships and
19 externships in clinical programs.

20 And I think, just to follow up on what Lillian
21 said, outside of New York City it really is a
22 challenge. There aren't that many law schools. And,

1 for instance, we do have the capacity to oversee and
2 supervise and train law students, and we could use more
3 law students.

4 MR. LUPIA: And that's why the pro bono
5 initiative grant is so important.

6 MR. PERRI: I also just want to mention, with
7 regard to that grant, that I want to thank LSC for
8 showing confidence in us to set up a service delivery
9 system that incorporates law students that we hope will
10 be successful and will be able to be replicated in
11 other parts of the state as things like the 50-hour
12 rule and the attorney emeritus program start to take
13 footing in other parts of the country.

14 I think there may be one or two other states
15 that now also have, or are rapidly moving toward,
16 something equivalent to the 50-hour rule for law
17 students. So thank you for that.

18 CO-CHAIR FATHER PIUS: Julie?

19 MS. REISKIN: Thank you. What I was trying to
20 look up when my computer started yelling is I had heard
21 Judge Fisher, probably about six months ago, talk about
22 the non-attorney project, and particularly in housing

1 courts. And that has not started yet, or has it?

2 MS. FINKELSTEIN: In New York City. In Bronx
3 and Brooklyn.

4 MS. REISKIN: And does anyone know how it's
5 going? That's fascinating to me because eviction is
6 the biggest problem, and often people can't even get
7 through an intake process in time.

8 MS. FINKELSTEIN: I think it's going well.
9 And I know they're going to do an evaluation after the
10 first year.

11 MS. MOY: And she's going to be on your panel
12 tomorrow.

13 CO-CHAIR FATHER PIUS: Any other questions
14 from the Board? John?

15 MR. LEVI: I just want to first of all
16 apologize for missing particularly Ken's presentation.
17 I can only say that the combination of Yom Kippur and
18 the Aurora FAA mess -- if you've been following what
19 happened in Chicago -- has created a real crazy
20 situation with O'Hare and Midway airports. So I
21 apologize for that.

22 But my first law-related job was in Rochester,

1 New York. I was a student at the university, and I
2 worked on Main Street in a small firm, and I have great
3 affection for what I used to call Upstate New York.
4 Maybe it wasn't the rest, but the most important part
5 of New York.

6 But I have a question about -- and it's huge.

7 So first of all, just as you were talking about your
8 great expanse, how are you reaching the far reaches of
9 your areas? And judicial civil legal -- I have
10 actually three questions, so I'll put them out there.
11 Judicial civil legal services funding, I heard
12 competitive.

13 You have to actually -- so what is that all
14 about? How is that -- maybe you already told everybody
15 that. But if you didn't, I'd like to know, how's that
16 being managed, and what happens when Judge Lippman is
17 no longer the Chief Judge? So that's question number
18 two. And then number three --

19 CO-CHAIR FATHER PIUS: Do that in less than
20 five minutes, please.

21 MR. LEVI: -- is the association of New York
22 legal aid providers, the 50 organizations. Is that

1 everybody, or is that self-selected? How did you pick
2 the 50 or did they select themselves? What are your
3 ground rules? And is it helping? And how do they
4 relate to the 26 that I heard about who are doing that
5 work? Are they part of your 50, or are they a
6 different group? So those are my questions.

7 MS. MOY: Let me take a stab at the large
8 service area question, though I'm far from the only
9 director of a large service area.

10 We have five strategically placed offices
11 throughout the area, including two rural offices just
12 below the Canadian border, an office out west, and an
13 office in Saratoga Springs. And we do that also with
14 toll-free telephone intake, so that's how -- we have a
15 technology aspect, including a website and
16 participation in LawHelp.

17 So we do the best we can. Right? But it's a
18 combination of on the ground and online. And Ken's
19 also got a huge rural area.

20 MR. PERRI: We have a 14-county service area.
21 That's about 10,000 square miles, so it's bigger than
22 five states and the District of Columbia. And we also

1 have strategically placed offices, so we have a total
2 of seven offices to serve the 14 counties.

3 And many, many, many years ago, we converted
4 to a telephone intake system to alleviate the need for
5 people to travel to come to our offices to be screened
6 for eligibility and to have a substantive interview
7 conducted.

8 In each of the countries where we don't have a
9 staffed office, we also have space where we can meet
10 privately with clients that we either pay rent for or
11 is donated to us but that's available to us whenever we
12 want it.

13 So we have large expense voucher requests from
14 people for their mileage because they're always in the
15 car driving around. But we get out to the clients as
16 best we can.

17 MR. LUPIA: Likewise, we have a 12,500 square
18 mile area, seven offices. And we have our intake
19 system, which is designed to allow people no matter
20 where they are to access our services. And as Ken
21 said, we have staff who travel a lot, both to court and
22 to meet with clients. And we'll meet with clients.

1 And they will meet with clients at local social service
2 agencies.

3 MS. MOY: We probably have the smallest
4 service area but the greatest number of eligible
5 clients on this panel. We think it's a rather large
6 service area. But we do the same thing that my
7 colleagues on the panel do.

8 We also have gotten funding through different
9 member item initiatives for something we call mobile
10 units, the laptops and the printers, and we go out a
11 lot. But our coordinated intake system has really
12 helped a lot with access, and then we send people out
13 to the various locations.

14 CO-CHAIR FATHER PIUS: And do you want
15 to -- maybe if we could answer the second part of his
16 question, then? I think that was --

17 MS. MOY: Yes. I can answer the JCLS
18 question. There is an oversight board, which is
19 comprised of three people, Helaine Barnett, a
20 representative of the judiciary, and the chair of the
21 board of the IOLTA fund. And so they review all of the
22 applications.

1 The request for proposal comes out from the
2 judiciary. The judiciary has taken this under their
3 wing so that they have now become a funder and learned
4 out to do it. And then all of the applications are
5 vetted.

6 But the main criteria is it has to be direct
7 service in the essentials of life. So the provider has
8 to be a direct service provider, providing services to
9 low-income individuals in the essentials such as
10 housing, benefits, domestic violence, family, consumer,
11 et cetera.

12 CO-CHAIR FATHER PIUS: So what's the
13 name -- there's a broad-based advocacy group. Could
14 you just give me the name of that again? I just don't
15 remember the name. You had just formed a new group.
16 It had like ten words in it.

17 MS. MOY: The Association of New York State
18 Legal Services Organizations, Inc.

19 MR. LEVI: Fifty organizations is what you
20 said?

21 MS. MOY: Yes. That was somewhat
22 self-selected because we are the entire state and we're

1 all putting the word out. People are very, very
2 enthusiastic about joining together and really speaking
3 with one voice. And we're hoping to get more people
4 involved in this association.

5 MR. LEVI: Are you sharing best practices
6 among one another as well?

7 MS. MOY: We hope to. That's one of the
8 goals. But right now we are seeking members, and then
9 we have a deadline of November 30th to pay your dues.
10 And then we're going to have our first meeting in
11 January, and at that time we're really going to decide
12 what our top priorities should be. But best practices
13 is definitely one of them.

14 CO-CHAIR FATHER PIUS: Is the primary goal
15 advocacy to the greater New York governmental system?

16 MS. MOY: Funding.

17 CO-CHAIR FATHER PIUS: Funding?

18 MS. MOY: Right.

19 CO-CHAIR FATHER PIUS: Get more money. Okay.
20 Got it.

21 MS. MOY: And best practices, and -- but in a
22 very general way, not in any kind of specific way. And

1 that can also maybe help us when Chief Judge Lippman
2 steps down.

3 But we are hoping, obviously, that he will
4 still be involved, and that whoever takes over as chief
5 judge will continue the funding, and that it will be so
6 embedded and so much a part of the judiciary budget
7 that -- and he's done such an amazing job with these
8 hearings, and really, every segment of society has been
9 involved talking about the importance of it -- that it
10 will continue.

11 CO-CHAIR FATHER PIUS: Yes. I was impressed
12 by how broad-based some of the discussions have been,
13 the people involved with that have been.

14 Any other questions? Noting the lateness of
15 the hour.

16 (No response.)

17 CO-CHAIR FATHER PIUS: All right. Good.

18 I just wanted again to offer my final thanks
19 to Cheryl for all her great work in the state of New
20 York and with bringing these representatives from the
21 various legal services providers here. Thank you again
22 for your time. This has been very informative and very

1 helpful for us, so thank you. And thank you for the
2 hospitality.

3 (Applause)

4 CO-CHAIR FATHER PIUS: I will open it up at
5 this point to public comment. Is there any public
6 comment that anyone wants to offer to the Committee?

7 (No response.)

8 CO-CHAIR FATHER PIUS: Seeing none, I'll see
9 if there's any other business that we should act upon
10 or consider. Seeing none -- oh, yes, Julie? I'm
11 sorry.

12 MS. REISKIN: What's going to happen? Are we
13 going to continue to talk about the performance
14 criteria or --

15 CO-CHAIR FATHER PIUS: Yes. Just not at this
16 meeting.

17 MS. REISKIN: Okay. I was just surprised. So
18 is there going to be a schedule or something?

19 CO-CHAIR FATHER PIUS: Yes. We'll talk about
20 it more, I think, in between. I think that we just did
21 so much with regards to these precise issues at the
22 50th (sic) anniversary and it was so close that we

1 didn't want to schedule, I think, too much.

2 So we will definitely be going back to that,
3 and we can talk about the schedule. We'll arrange at
4 some point a Committee meeting before the January
5 meeting and we'll talk about at that time at that
6 point. I'm sorry. I meant to raise that, and thank
7 you for mentioning it. Anybody else? Anything else?

8 (No response.)

9 CO-CHAIR FATHER PIUS: All right. Then I
10 would entertain a motion that we adjourn.

11 M O T I O N

12 CO-CHAIR VALENCIA-WEBER: Move.

13 CO-CHAIR FATHER PIUS: Any second?

14 MR. MADDOX: Second.

15 CO-CHAIR FATHER PIUS: All in favor?

16 (A chorus of ayes.)

17 CO-CHAIR FATHER PIUS: Opposed?

18 (No response.)

19 CO-CHAIR FATHER PIUS: We are adjourned.

20 Thank you all.

21 (Whereupon, at 6:50 p.m., the Committee was

22 adjourned.) * * * * *