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### **Remarks of Kristin Brown for the Chief Judge's Statewide 2019 Civil Legal Services Hearing**

My name is Kristin Brown, and I am President & CEO of Empire Justice Center, a statewide civil legal aid organization with offices in Albany, Rochester, Yonkers, White Plains and Central Islip on Long Island.

I want to first, thank you, Ms. Yarde, for being here and for sharing your story with us. It so clearly illustrates the variety of barriers that were placed in your way by a system that is seemingly designed to make it difficult to access the assistance you and so many others seek on a daily basis. Your story also shows us all how having access to a lawyer can make all the difference in cutting through the confusion and getting meaningful results.

Chief Judge DiFiore, Judge Marx and panel, I want to thank you so much as well, for creating this forum for Ms. Yarde and others with similar experiences to bear witness to the ways in which civil legal aid has made such a significant impact on their own lives. Thank you also, for inviting legal aid providers to talk about how our services help to actively streamline administrative processes, efficiently solve issues well before the Courts need to be involved, work to break down systemic barriers and achieve best or at least better outcomes for hundreds of thousands of New Yorkers through our advocacy.

I want to highlight a few points from the story Ms. Yarde shared because they touch on steps along the continuum of legal aid that the Commission is working to address and underscore the need for continued investment and expansion of a range of resources that help meet the civil legal needs of New Yorkers. Simply put, if these resources were available, she would not have needed court intervention.

1. Continued investment and expansion of Know Your Rights trainings, access to basic information, and holding government agencies accountable for sharing accurate information.
  - With clear and accurate information about the benefits she could access, Ms. Yarde would have known what she needed to do rather than wasting time taking steps that were not helpful, and ultimately she may not have needed any further assistance.
2. Continued investment in closing the “justice gap” so that providers can serve more people.
  - If Legal Aid had had capacity, they could have accepted Ms. Yarde’s case when she first realized she needed a lawyer and her case would have been resolved at an earlier stage.
3. Continued investment in support for pro se litigants.

- While it's ideal to have a lawyer by your side, providing guidance for individuals who must represent themselves is an important way to achieve better outcomes. Ms. Yarde did a great job representing herself, but ultimately, she still needed Empire Justice Center's assistance.

Ultimately, when she was referred to us, thanks to the support of our Judiciary Civil Legal Services funding, we were able to help, but at each point in her journey, Ms. Yarde's case got more complex. She and her family had to face avoidable stress and financial uncertainty along the way that could and should have been avoided. And certainly, the court's time used could have been used elsewhere.

### **Research Supports the Essential Role Civil Legal Aid Plays in Sustaining Stability**

Providing access to justice, access to legal aid, helps not only with the immediate legal need, but has lasting impacts in the stability provided to those served.

A recent study by the Center for Community Solutions analyzing the impact of Legal Aid of Cleveland and Community Legal Aid, the two major programs serving 13 counties in Northeast Ohio including the cities of Akron, Cleveland and Youngstown, highlights this Stability/Instability dynamic. The researchers found two compelling impacts of providing legal aid:

1. Providing legal assistance has immediate, intermediate and long-term impacts on individuals and families with some changes still at play ten years after the services were provided. Furthermore, the impact cuts across significant areas of "intersectional stability" for those served. For example, those helped with financial issues (wages, income supports, consumer debt) not only reported an increase in financial stability ten years after the initial legal need was handled, they also reported greater stability in their health (health stability meaning that their health is more predictable, implying the proper conditions are in place to manage health).
2. In the specific area of Family Law, where clients like Ms. Yarde receive assistance in issues ranging from foster care, adoption and guardianship to domestic violence and divorce, the report found that not only did the majority of clients report a positive impact in Family Stability (consistent routines, reduced uncertainty in living arrangements) but they also reported improvements in health stability and financial stability. In fact, a greater percentage of clients reported more financial stability in 2-5 years and 6-10 years after receiving legal assistance than did those reporting an immediate impact.

Civil legal aid is a fundamental force in building family and community stability as well as providing cost effective services, leveraging an estimated \$10 for every \$1 invested.

### **The Cost of Doing Business Continues to Rise**

We are all incredibly proud that New York continues to lead the nation in its commitment to funding civil legal aid. The Judiciary Civil Legal Services (JCLS) funding has been a game changer, moving the needle in meeting the civil legal needs of low income New Yorkers from just 20% to an estimated 37%. That said, the JCLS funding has remained at the same level since the 2016-17 state fiscal year, so that we are now in the fourth consecutive year of unchanged JCLS funding and providers are at risk of losing ground in our ability to provide services as costs continue to grow.

Each year as the rent increases, the cost of health care rises, typically by double digit percentages, our employee's salaries go up and the overall cost of doing business continues to rise, making it increasingly difficult to balance the needs of our clients and our staff.

Thus while the significant investment of JCLS funding has allowed New York to make real progress, now is the time to take steps to ensure that we do not lose momentum in closing the justice gap. This is particularly critical because we still have so much more to do, with over 60% of the legal needs of low income households still unmet.

### **New, Emerging and Evolving Needs**

As critical policies at the federal level buck and break, stripping basic protections from marginalized client communities, Empire Justice Center is proud of our state's efforts to step in and strengthen our own laws. But as the federal laws change and new state laws are enacted, the civil legal aid community has to be able to adapt, learn, be nimble and ultimately, we need the resources to be able to enforce those new laws on behalf of our client communities who are increasingly targeted and at risk. For example:

- The constant changes in immigration policies have created urgent and expansive need for legal assistance for immigrant individuals and families with no end in sight.
- Federal policies put in place to provide rights and protections to communities of color and other marginalized communities, as well as consumers and homeowners are steadily being dismantled. At the same time New York is adopting new laws, expanding anti-discrimination and consumer protections. The new laws will offer new legal remedies, all of which will need to be monitored and enforced, requiring resources for learning, representation and increased vigilance.
- Expanded rights for tenants in eviction proceedings will demand new levels of assistance and legal services across the state will need to be there to challenge, defend and enforce.

Clearly there is much to be done and once again, I want to thank you, Chief Judge DiFiore, for your leadership in this important area. Our community stands ready to do all we can to support you and Permanent Commission in your efforts to close the justice gap and bring us another step closer to meeting the civil legal needs of all New Yorkers.