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Joint Legislative Public Hearings on 2020-2021 Executive Budget Proposal on

Public Protection

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INTRODUCTION

Thank you for the opportunity to testify on this year's Executive Budget. My name is Kristin Brown and I am President and CEO of Empire Justice Center. Empire Justice is a statewide, multi-issue, multi-strategy not-for-profit civil legal aid provider focused on changing the complex systems impacting low income and marginalized New Yorkers. With a focus on poverty law, Empire Justice takes a 360 degree approach to the areas of law we practice in, providing individual legal representation, policy research and analysis, training and technical assistance as well as impact litigation. Our work cuts across all significant areas of poverty law and involves three inter-related services:

We practice the law: Empire Justice Center provides a range of legal assistance from our offices in Rochester, Albany, Yonkers, White Plains and Central Islip. We provide one on one representation and undertake impact litigation to address systemic issues impacting low income and marginalized communities.

We teach the law: Our history as a backup center for civil legal services providers has developed so that we also provide training, technical assistance and other support services to a variety of community based organizations, keeping them apprised of changes in the law and regulations.

We change the law: In order to ensure that the needs of low income families are heard within the state's policy making processes, we engage in both legislative and administrative advocacy on a range of issues impacting our clients and we do the same as needed at the local and federal levels.

In today's testimony, we are respectfully asking that you support:

- Provide full Legislative support for a total of \$100 million in the proposed budget of the Unified Court System, including:
 - \$85 million for Judiciary Civil Legal Services
 - \$15 million for IOLA to maintain their grantmaking ability at a consistent level.
- Restore the Legal Services Assistance Fund (LSAF) including legal services for victims of domestic violence, and distribution of those funds in a way that maintains current grant levels and provides programmatic stability to legal services organizations throughout the state.
- Join together to allocate \$5 million additional dollars from the increase in funds included in the LSAF by the Governor, to ensure at least half of those funds go towards civil legal services, which is the intended purpose of the LSAF.

WHY INVEST IN CIVIL LEGAL SERVICES?

As a matter of fairness and equity, no one should enter a court of law unrepresented unless they choose to. As a society, we believe that access to justice should not be a matter of the ability to pay. In criminal cases, defendants have a constitutional right to be represented by an attorney if the person cannot afford one, but in all but a handful of civil matters, this is not the case. Instead, here in New York, we have a network of dedicated not-for-profit civil legal services providers that are funded by the state to provide no cost legal services to low income residents in critical areas such as housing, immigration, and public assistance.

Thanks to the groundbreaking funding provided by the Office of Court Administration (OCA) and the LSAF funds provided by the state legislature, New York has been the national leader in funding civil legal services. However, the demand for legal services remains daunting. In 2019, 58 % of civil legal needs of low to moderate income New Yorkers continue to go unmet each year, according to reports from OCA. In addition, older reports from OCA indicate that in *pro se* civil cases where New Yorkers represented themselves without an attorney, 70% of the cases dealt with core issues such as family, consumer credit and housing.

These issues touch on the essentials of life: the roof over one's head and the health, safety and economic security of one's family. Below are the most common civil legal issue areas confronting low and moderate income New Yorkers:

- Economic Supports, Education and Employment
- Housing and Homelessness Prevention
- Immigration
- Health Care
- Consumer Issues
- Domestic Violence

Studies have shown that 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. 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, 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 individuals 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.

NEW, EMERGING AND EVOLVING NEEDS

Federal government's erosion or dismantlement of existing rights and protections for marginalized people has been a troubling trend in the past three years. Meanwhile, New York State has responded with laws that protect immigrants, tenants, and consumers. Legal services organizations, including Empire Justice Center, have worked hard to adapt and cope. Ultimately, we need resources in order to provide effective services, and vigorously advocate on behalf of client communities. 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 advocacy.
- Expanded rights for tenants in eviction proceedings will demand new levels of assistance for all legal service providers across the state.

MAINTAIN AND INCREASE YOUR INVESTMENT

New York must continue to lead the nation in its commitment to funding civil legal aid. There is no question that the Judiciary Civil Legal Services (JCLS) funding has been a game changer. That said, the JCLS funding has remained at the same level since the 2016-17 state fiscal year. 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 of doing business continue to rise, often in double digit percentages for items such as rent and employee healthcare.

Legislative funding provided via the LSAF for civil legal services has remained at the same level since the fund was created in 2009-10. This year, the Governor has allocated \$19.9 million in the LSAF for a variety of purposes, including \$4.2 million that he proposes to direct to civil

legal services, among other things. This is a \$9 million increase over last year's LSAF funding level and the first significant increase in the LSAF since its inception.

RECOMMENDATION

- Support OCA's allocation of \$100 million for JCLS and IOLA funding.
- Restore last year's funding for civil legal services, including for DV legal services from the Governor's proposed \$4.2 million LSAF allocation.
- Join together to allocate \$5 million additional dollars from the increase in funds included in the LSAF by the Governor, to ensure at least half of those funds go towards civil legal services, which is the intended purpose of the LSAF.