



119 Washington Ave. ♦ Albany, NY 12210

Phone 518.462.6831 ♦ Fax 518.462.6687

[www.empirejustice.org](http://www.empirejustice.org)

### **Remarks of Kristin Brown for the for the Chief Judge's Statewide 2020 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. Empire Justice Center seeks to focus on areas of law where we can have the most impact, with a goal of addressing the root causes of injustice through a blend of direct services, targeted legal training and systems change advocacy.

Chief Judge DiFiore, Judge Marks, Presiding Justices and New York State Bar President Karsen, I want to thank you all for your ongoing support of our civil legal services provider community and clients we serve. Without Judiciary Civil Legal Services funding, particularly this year, as Covid-19 has devastated our client communities, the essential services we provide – access to housing, food, health care, and other benefits would not have been available to folks in their time of need.

Ms. Southwell, thank you for taking time off to share the story of your family and your mother. Your experience is a powerful example why funding civil legal services truly matters. Our involvement in people's lives is the difference between having inadequate care and being able to age at home with dignity.

#### **Civil Legal Services are Essential to Keeping Elderly and Disabled New Yorkers Safely in their Homes During the Pandemic**

Ms. Southwell's mother's story shows just how difficult it is to navigate the healthcare system, even with someone who knows the system well and dedicated family members who are willing and able to put in the time and effort to make it work.

As it stands now, the Managed Long Term Care system is set up to fail people at every turn for the sake of cost savings; even when such savings are unjustified; even when lives are at stake. Just last month, Alexia Mickles, who represented Ms. Southwell's mother, and is here with us today, testified at a joint legislative hearing making the point that stable funding for civil legal services is an absolute necessity for people in long-term care settings who need to fight against systemic unfairness. Without attorneys who can help people with the complicated appeals process, it is close to impossible for anyone to navigate the complexity, timeline, and arguments necessary to survive the process. This has become even more pronounced during the pandemic when families who lose home care hours must move their loved ones into institutional settings where they cannot visit, are unable to monitor the care provided, and fear

exposure to the virus through other residents and health care providers. In these cases, civil legal services advocates who are supporting families in keeping their loved ones safely cared for at home, are literally saving lives. We need to keep it that way.

### **Judiciary Civil Legal Services Funds Helping with Responding to the Pandemic**

During the pandemic, the Judiciary Civil Legal Services funding has provided stability and has allowed Empire Justice the flexibility to shift gears and provide the services that are needed by our client communities, when they are needed. At the onset of Covid-19 Empire Justice received Crisis funding from the United Way of Greater Rochester and the Rochester Area Community Foundation that enabled us to quickly launch an unemployment and Family and Medical Leave Act hotline. We used these funds, along with our Judiciary Civil Legal Services funding to run the hotline and to produce a series of 18 different resources in English, Spanish, Korean and Chinese that are helping people cope with anything from job loss, to food insecurity to questions related to accessing health care.

During the pandemic, we have received hundreds of phone calls from people from every corner of the state on the helpline and our online resources have been accessed by over 106,000 people. The most utilized resources related to Unemployment Insurance (over 75,000) followed by stimulus checks and child support (6,600) and paid leave (6,300). Thanks to the Judiciary Civil Legal Services funds we were able to keep our hotline open once the crisis funding ran out. Without this flexibility and stability we would have had to shut the hotline down and at least 150 families to date would not have been helped.

### **Contracting Challenges Now and Ahead**

This leads to my final point; Judiciary Civil Legal Services and other contracts with the state allow legal services organizations like Empire Justice Center to perform an essential function during times of crisis. Currently over 75 percent of our funding comes through contracts with New York State. We have contractual obligations with almost a dozen state agencies. However, due to the financial challenges New York is facing, not for profit providers like us are currently facing a 20 percent funding cut for services already rendered on some contracts, some even going back to the previous state fiscal year. At the same time we are all dealing with significant delays in payment for those services and significant insecurity, not knowing the fate of long-standing contracts. In many of these contracts, consistent with the decades long practice of providing services in anticipation of forthcoming state contracts, we have maintained services to clients in low income communities. This means that although we have already done the work, and incurred the full cost, we face being reimbursed for only 80 percent of what we have spent.

We are exceedingly grateful that the Judiciary Civil Legal Services funds have not been subject to these delays and retroactive reductions – this has allowed us to maintain our cash flow and services as we manage through all of these dynamics with our other contracts during these incredibly challenging times.

The level of uncertainty facing the civil legal services and not for profit provider communities cannot be understated. Nor can the need. The Permanent Commission has done an amazing job documenting why civil legal aid is a good investment and is essential to assuring that those without financial resources do not go without justice. Today we stand in a position where New York could move backward in its nationally recognized gains in closing the justice gap. Providers like Empire Justice face cutting staff and

services at the moment when they are needed most, particularly in the Black and Brown communities that have been hit hardest by the pandemic.

This pandemic has shown the two Americas we live in today, one where those that have the most see the pandemic as a safe investment opportunity to scoop up deals, while those that have the least risk daily exposure to a deadly virus while they work and still can't make enough money to put food on the table or stay in their homes. The pandemic has also clearly shown that legal services organizations perform an essential function by mitigating and helping people cope with unemployment, eviction, and illness. Reduced funding to these organizations would result in loss of jobs and services, perpetuating a dismal cycle of instability and loss of accountability, leading to further marginalization of people in low income and underserved communities.

I'll end my testimony by stressing just how devastating the consequences can be for people like Ms. Southwell's mother, Catherine and others in our client communities if they do not have access to a lawyer. The courts and legal services organizations remain one of the most effective structures in fighting back against systemic inequities. Here in New York, where we are a beacon of justice, we must do all we can to keep it that way.

Thank you for time.