



Empire Justice Center

119 Washington Ave. ♦ Albany, NY 12210

Phone 518.462.6831 ♦ Fax 518.462.6687

www.empirejustice.org

**Joint Legislative Public Hearings on
2022-2023 Executive Budget Proposal on**

Public Protection

JANUARY 25, 2022

Prepared by:

**Kristin Brown
President and CEO, Empire Justice Center**

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. I am also on the Executive Committee of the New York Legal Services Coalition and I Chair the Coalition's Steering Committee. 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 began in the 1970's and has developed so that we now also provide training, technical assistance and other support services to a variety of other 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, I am respectfully asking that you support:

- Provide \$15 million in gap funding for Office of Victims Services victims services programs facing a temporary cut in federal funding for these life saving services.
- Allocate the Legal Services Assistance Fund (LSAF) in the same manner as last year, including legal services for victims of domestic violence, and distribution of those funds to provide programmatic stability to legal services organizations throughout the state.
- Dedicate all LSAF dollars to the fund's intended purpose. Do not transfer \$9.8 million to the General Fund to be used for other purposes. Instead, dedicate it to increase the provision of civil legal services in the essentials of life.
- Support the 12.6% compounded cost of living adjustment to the \$ 100 million for civil legal services programs included in the Judiciary budget as submitted by Chief Judge Janet DiFiore.

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, despite many civil matters being crisis points in a person's life. 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 continues to go unmet each year, according to 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 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, divorce and child support, 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.

SUPPORT CONTINUATION AND EXPANSION OF CIVIL LEGAL SERVICES

Provide Gap Funding for Temporary Cut in Crime Victims Services

Just last month, legal service providers who provide life saving legal assistance to crime victims across New York State were notified that their five-year contracts with the Office of Victims Services (OVS) would be cut short one year early. A new Request for Proposals has been issued for ALL crime victim serving programs, including non-legal providers of services to victims of crime, child abuse, intimate partner violence, and family violence. OVS has told providers to expect a 10-15% cut in funding. These actions are the result of a temporary reduction in federal funding, which has been addressed and is expected to last for two to three years and then resolve.

These announcements have already impacted the provision of support services for victims. Some legal service providers have stopped taking on new clients out of fear that they will not be able to represent them through the entirety of their court proceedings. Others are not filling vacant positions and are assessing whether layoffs might be necessary.

At Empire Justice Center, we provide legal assistance to victims from our Long Island, Westchester and Rochester Offices. We have provided assistance to crime victims in 26 different types of crime, including illegal evictions, hate crimes, gender and identity discrimination, and Coronavirus scams. Our attorney positions in Rochester are currently vacant and we are not filling them as a result of the funding uncertainty, leaving victims of crime in the Rochester area with fewer options for legal representation. We are just one of over 100 impacted organizations in the state.

Furthermore, Empire Justice Center runs the Crime Victims Legal Network, which provides a comprehensive website for victims of crime to find accurate information about their rights, how to file a claim and receive a “warm” referral to the statewide network of providers that New York has built over the past five years. Already we are seeing the impact of the early termination of contracts and threat of cuts due to diminished capacity.

During this period of increased crime activity fueled in part by the pandemic, we know that there will continue to be more crime victims in need of the support provided by this community of providers. The state is flush with federal stimulus dollars and a billion dollar surplus. These resources must be used to ensure that New York's crime victims do not go without the help they need.

RECOMMENDATIONS:

- 1) Allocate \$15 million dollars a year for three years to keep Crime Victims Services funded at the same level until the legislative changes at the federal level provide sufficient funding to once again fully fund the programs and services.
- 2) Urge Governor Hochul to extend the current contracts and provide emergency funding so that providers are able to hire vacant positions, begin taking cases again and get back to the business supporting crime victims.

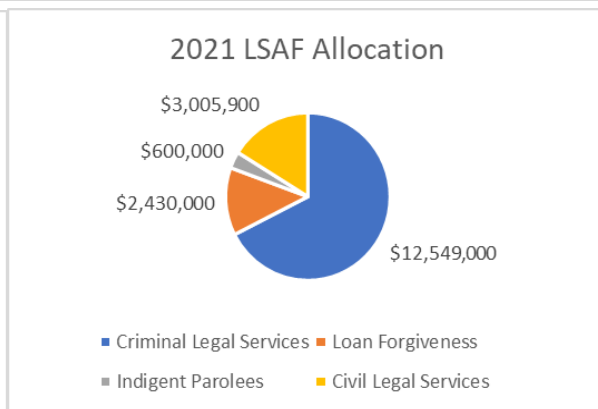
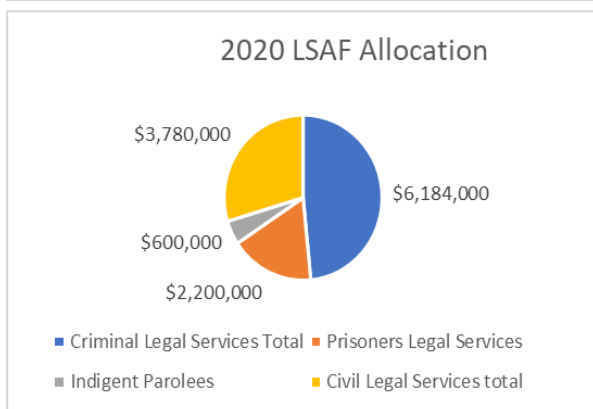
Equalize Civil Legal Services Support in Legal Services Assistance Fund

In 2009, New York created the Legal Services Assistance Fund to generate funding for criminal and civil legal services. Since its creation, more than half the money it generated was transferred to the General Fund and used as a slush fund for other purposes unrelated the fund's original intent. Last year, a series of changes were made that allowed the criminal portion of the fund to receive and retain a greater share than previous years, increasing it to \$12.6 million, while the civil legal services portion was \$3 million. The amount of funding transferred to the General Fund was reduced to \$9.8 million.

New York must continue to make progress in closing the justice gap in all civil matters that affect the family and individuals ability to thrive. According to the Office of Court Administration (OCA), more that 60% of the civil legal needs of New Yorkers continue to go unmet. Progress has been made in the area of eviction prevention with the allocation of \$25 million in federal dollars for legal services last year. However, significant legal needs remain in the areas of unemployment and health insurance, family law, disability and human rights, education and many others.

RECOMMENDATIONS:

- 1) To help expand access to civil legal assistance in these areas, the Governor and Legislature should commit to dedicating all the money generated by the LSAF toward its intended purpose, providing the remaining \$9.8 million dollars that is currently scheduled to get transferred to the General Fund for civil legal services. This will bring the total funding for civil legal services to \$12.834 million.
- 2) To provide stability to providers of civil legal services, LSAF allocations from previous should be continued at the same levels.



Support Judiciary Civil Legal Services Cost of Living Adjustment

There is no question that the Judiciary Civil Legal Services (JCLS) funding has been a game changer in allowing more civil legal needs to be met in our client communities. That said, the JCLS funding has remained at the same level since 2016. Over the past eight years, the cost of doing business, salaries, health insurance and other fringe benefits, overhead, including rent and utilities have increased significantly. To cover those increased costs, legal services providers like Empire Justice Center have had to find other sources of funding to cover those increasing costs – often looking to donations and other hard to come by sources of unrestricted funding to subsidize the costs that are no longer covered by our JCLS contracts.

That is why we are incredibly grateful to Chief Judge Janet DiFiore for recognizing this and including a compounded cost of living increase, going back to 2016, in the Judiciary budget. This 12.6% increase will allow us to utilize our unrestricted funding elsewhere.

RECOMMENDATION:

- 1) Support the 12.6% compounded cost of living adjustment to the \$ 100 million for civil legal services programs included in the Judiciary budget as submitted by Chief Judge Janet DiFiore.

Thank you for the opportunity to testify today.