119 Washington Ave. | Albany, NY 12210
Phone 518.462.6831
www.empirejustice.org

Joint Legislative Public Hearings on 2026 Executive Budget Proposal

Public Protection

February 12, 2026

Prepared by:
Kristin Brown, President and CEO
Alex Dery Snider, Policy and Communications Director

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 President of the New York Legal Services Coalition; the Coalition consists of over 50 member organizations providing essential civil legal services to low-income and disadvantaged individuals throughout New York State. I also serve as a Commissioner for New York State Unified Court System's Permanent Commission on Access to Justice.

Empire Justice Center 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 Telesca Center and Library offices in Rochester, Albany, Yonkers, White Plains, Central Islip, and Hempstead. 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 while federal funding for these services was eliminated during the mid 1990's, we have sustained that work in specific service areas where we continue to provide training, technical assistance and other legal support services to civil legal aid providers as well as 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 asking you to support the following:

1. **Support full appropriation authority of $102.5 million for the Interest on Lawyers Account (IOLA) as directed by IOLA's Board of Trustees to fund civil legal services**
2. **Support of the Office of Court Administration budget as proposed, including the increase and COLA for Judiciary Civil Legal Services**
3. **Support of the Legislature's allocation of the Legal Service Assistance Fund (LSAF)**
4. **Continue to ensure support for Victims of Crime in the Office of Victim Services (OVS)**
5. **Ensure privacy for people with court-ordered name changes**

6. **Reform New York's contracting and payment processes through uniformity, streamlined systems, identifying best practices and efficiencies to be implemented across contracts and agencies**

Ensure full appropriation of $102.5 million for the Interest on Lawyer's Account (IOLA)

We are deeply alarmed to note that the Executive budget includes appropriation of $77.5 million for the Interest on Lawyer's Account (IOLA), not the $102.5 million the IOLA board approved. If this is left to stand, existing contracts with the almost 90 IOLA funded civil legal services providers across the state, covering every legislative district, will be reduced significantly, causing harm to a provider community that is under resourced and under attack and most importantly, diminish access to civil legal assistance at the very time is desperately needed.

New York's Interest on Lawyers Trust Account Fund was established in 1983, as a fiduciary fund, for the sole purpose of funding civil legal assistance. IOLA was one of the first funds of its kind in the United States. Today, every state in the country has an Interest on Lawyers Trust Account, or IOLTA program. Here in New York, each year our IOLA Fund supports essential legal services for low-income New Yorkers with civil legal problems affecting their most basic needs -- top areas of service are housing, immigration, family law, education and health. In 2024, IOLA grantees closed almost 341,000 cases benefiting 11,685,000 New Yorkers.

The IOLA fund is a fiduciary fund Governed by a Board of Trustees who make careful and informed decisions about how to distribute IOLA's funds. Decisions are made by the Board and then non-taxpayer funds must be appropriated in the budget before they can be distributed to civil legal services providers.

Last year, the IOLA Fund conducted a five-year, competitively bid contract process that was designed specifically to provide stability and predictability for civil legal services providers in these incredibly challenging and uncertain times. Speaking as a nonprofit CEO, I was incredibly grateful for this multi-year approach. Knowing how much funding will be available over multiple years makes it possible to plan ahead responsibly to meet growing the demand for services at a time of unprecedented need.

My 2026 budget relies heavily on IOLA funding and includes the 25% increase in funding that was awarded to the organization. It also includes the recently awarded Statewide Training Center contract, which is slated to provide much needed training resources to nonprofit legal staff over the next four years.

Without the appropriation authority requested by IOLA, Empire Justice Center is looking at a $500,000 hole in our 2026 organizational budget. We will be forced to lay off staff and cut services to our client communities – people who are struggling to stay in their homes, put food

on the table, pay their bills, face discrimination every day, will be impacted. Empire Justice Center has already weathered three rounds of layoffs in the last 12 months as a result of federal contract terminations, the federal government shut down, and the incredibly difficult fundraising environment. While I am grateful that we have been able to recall or rehire all but three of the staff we had to lay off during these disruptions thanks to new funding we've worked hard to leverage, the impact on our staff, our organization can't be overlooked.

Looking across the state, without the additional spending authority for the funding that is sitting in IOLA's account, there will be significant job loss fewer services for vulnerable communities, and the potential unraveling of carefully planned investments that were intended to strengthen the civil legal services system for the long term.

Holding back IOLA's spending authority directly undermines the policy goals this budget seeks to advance and would expose vulnerable communities, under attack by the federal government, to needless risk. IOLA funded staff are on the front lines, representing immigrant children and victims of domestic violence, supporting kids facing discrimination and bullying in schools, and helping families stay in their homes.

Additionally, because these are not taxpayer dollars, they help to reduce the strain on taxpayer funded sources. If our communities and clients can't access these resources, the need does not go away and will likely fall on the Legislature and the Governor to fund these services directly.

As you recall, two years ago, the Executive Budget included a $100 million sweep from IOLA to the General Fund. That was rescinded in the 30-day amendments after broad outcry from attorneys across the state. However, the final budget included a last-minute $55 million sweep to fund foreclosure prevention and eviction legal services. While these are important programs, we are strongly opposed to any attempts to utilize or direct IOLA funds for purpose. The IOLA staff know the civil legal landscape, the community and client needs well and they do an incredible job making sure that grantees are able to respond to emerging client needs, manage organizational challenges such as the current recruitment and retention crisis. Together with the Board of Trustees they have made and continue to make careful investments that will help strengthen the delivery of civil legal services to client communities for years to come.

In closing it is absolutely crucial that IOLA be given the full appropriation authority requested. We have asked the Governor to do this in her 30-day amendments, and we are hopeful that it will be resolved. However, if it is not, we ask that the legislature ensures that IOLA has full appropriations of $102.5 million in the final budget.

> **ASK: If not addressed in the Governor's 30-day amendments, ensure full appropriations of $102.5 million for the Interest on Lawyers Account (IOLA) Fund**

Support the Office of Court Administration budget as proposed, including the increase to civil legal services

We are deeply grateful that the New York Unified Court System continues to increase its investment in Judiciary Civil Legal Services (JCLS) in their budget submission for SFY 2027[1] in response to the clear and ongoing need to fill what is dubbed the civil justice gap, which is now coming to be known as the justice chasm.

That term refers to the difference between the civil legal needs of low-income individuals and the resources available to meet them. In 2024, the Permanent Commission on Access to Justice estimated that an additional $ 1 billion dollars was necessary to fill New York's civil justice chasm.

At the same time, civil legal aid programs face a significant challenge in recruiting and retaining attorneys to do this important work. This is largely due to the lack of resources that drives low salaries for the attorneys that are necessary to deliver our services.

I am incredibly grateful to our Chief Judge, Rowan Wilson, and the Office of Court Administration leadership, who have recognized this challenge. Indeed, at the most recent annual hearing on civil legal services[2] at the New York State Court of Appeals this last September, Chief Judge Wilson stated, "the legal service providers in this state do a terrific job with way too few resources. The most important thing that I think we can try to do over the next couple years is to bring you to pay parity with governmental lawyers who are essentially doing the same kinds of things" as civil legal service providers.

Our community needs adequate funding to attract and retain our talented staff, and we are grateful for the Chief Judge's leadership in moving the needle on this issue.

The increased investment in JCLS will be essential in our efforts to increase salaries and stabilize our infrastructure. It will also be incredibly helpful in adapting to anticipated changes in funding that are likely to occur at the federal level. New Yorkers need a stable legal services system to help them navigate crises including domestic violence, eviction, foreclosure, and access to benefits they are entitled to. We respectfully ask both houses of the legislature to support this critical investment in their one houses and in the final budget.

> **ASK: Support JCLS funding at an additional $25 million, which includes a cost of living adjustment, in OCA's budget for a total of $179.5 million.**

[1] New York State Unified Court System Budget Fiscal Year 2027. https://www.nycourts.gov/LegacyPDFS/admin/financialops/FPCM-PDFs/V2_jdbgt/FY2027_FINAL-JudiciaryBudget.pdf

[2] The Chief Judge's Hearing on Civil Legal Services in New York https://www.nycourts.gov/ctapps/civil.html

Support of the Legislature's Legal Service Assistance Fund (LSAF)

Legislative funding provided via the Legal Services Assistance Fund 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 she proposes to direct to civil legal services, among other things. The civil legal services portion of the LSAF, which includes direct grants to agencies is a meaningful funding source that allows agencies to allocate funds to pressing needs in their region. At Empire Justice Center, the funds support our 360 degree approach to providing individual legal representation in immigration, employment and civil rights, trainings for attorneys and advocates in emerging areas of poverty and family law and legal analysis in pursuit of systems change. We also use funds to provide training and technical assistance to attorneys and advocates working with victims of domestic violence.

> **ASK: Restore last year's LSAF funding allocations for civil legal services of $2.83 million, including funds for DV legal services from the Governor's proposed $4.2 million LSAF allocation, and restore Empire Justice's funding at the same level as last year.**

Continue to ensure support for Victims of Crime

Empire Justice Center is very much in favor of the Governor's proposal in the Executive Budget to support services for crime victims through the continuation of a multi-year state funding commitment for victim assistance programs through the Office of Victim Services. This funding offsets longstanding federal funding shortfalls and we urge the legislature to support it as well.

In addition to other critical services, these funds support critical legal services that help victims of domestic violence rebuild their lives, including obtaining divorces and orders of protection, secure the safety and custody of their children, legally terminate joint leases, and assisting in maintaining employment while victims address their immediate needs.

Empire Justice Center receives a portion of these funds to represent immigrant victims of crime in our Westchester and Long Island offices. While our funding under this program was cut by 60% under the last RFP and we had to close our Long Island practice, we were able to re-open it when the new contracts were rescinded. We are re-applying now and are hopeful that we will be funded at a level that will al be able to keep the practice open utilizes these funds to run the Crime Victim Legal Assistance Network, a statewide program that provides training, legal resources, support and legal research to legal services organizations representing crime victims and acts as a warm referral source for crime victims. This program was also reduced under the last RFP.

Going forward it will be crucial to continue to invest state resources for crime victim services, including civil legal services. This is the only funding source that focuses on supporting victims of crime. New York must ensure that federal shortfalls do not short victims of crime in our communities. We look forward to working with the Governor, OVS and the legislature to pursue long term solutions that will provide continuity and stability to crime survivor serving organizations, including adequate funding.

> **ASK: Support Governor Hochul's allocation of $100 million for Victims of Crime Act (VOCA) contracts through 2028**

Ensuring privacy in court-ordered name changes

While all other types of name changes – such as for marriage, divorce, or adoption – have categorical privacy, court-ordered name changes do not. This poses a safety and privacy concern for all petitioners, and particularly for transgender, and nonbinary people, and those who are victims of domestic violence. The Office of Court Administration implemented a new rule last year, which is a positive step, however, OCA can only go as far as the law allows. We must change the law to treat name changes in court the same way as all other name changes, and we must provide a path to privacy for people who had name changes before the new rule took effect. There is no reason for New York state to allow confidential information – including home addresses, birth certificates, birth dates and medical records – available to the public. Especially considering that online filings are scraped and data is re-published online, and changes at the federal level, this is of utmost urgency.

> **ASK: Include the Privacy in Name Changes bill (S.XXXX Krueger /A.3925 Lavine) in the one-house and final budgets.**

Reform New York's contracting and payment processes through uniformity, streamlined systems, identifying best practices and efficiencies to be implemented across contracts and agencies

Legal services providers are a critical part of New York's social safety net. Empire Justice Center is funded by the state to provide civil legal services to low income and marginalized New Yorkers facing homelessness, hunger, loss of income and much more. This is important work, and we are grateful to do it at the state's direction, however, contracting delays and inconsistencies make it difficult. Most nonprofit contracts are reimbursement based, meaning we front the money and the state pays us back. Unfortunately, it is not uncommon to work for six months or more without having an executed contract – meaning we can't get paid for the work we have done and must continue to do. When this happens across multiple contracts it

becomes a crisis – pushing organizations into debt while they are owed hundreds of thousands and often, millions of dollars.

We currently have a contract that remains unexecuted after a full year and several that are well beyond the first quarter, which has caused us to once again have to draw on our line of credit to ensure we have enough cash to cover costs until some payments come in. These delays in contract execution and payment cause undue stress and anxiety for myself and my finance team who are responsible for ensuring that funds are available to pay our staff, rent, health insurance and all the other costs associated with doing business, while our legal teams focus on serving vulnerable client communities.

The state contracting and payment challenges are exacerbated by what's happening at the federal level as our federal funding is incredibly uncertain. We have a contract serving unaccompanied minors – truly some of our most vulnerable clients. This contract has been terminated, reinstated, and is now being re-evaluated every three months, as it has been for a year. Every three months we hold our breath, hoping it is continued – so far it has been each time. This is just one example. With these difficulties in contracting with the federal government, it is we need the state to provide stability wherever possible, otherwise there will be fewer organizations offering critical services and New Yorkers will in need will be harmed. not have the people they need in their corner.

Because of all of this I am grateful to the legislature, especially Senator Mayer and Assemblymember Paulin, for their leadership on this issue and was deeply disappointed by the veto of their contracting reform bill in December. My colleagues and I remain dedicated to addressing these ongoing challenges with nonprofit contracting through every avenue available. As such, we look forward to working with the Governor and the legislature to find a solution that solves this problem – or at least mitigates it so nonprofits like Empire Justice Center can focus on doing the work the state is looking to us to do.

> **ASK: Reform New York's contracting and payment processes through uniformity, streamlined systems, identifying best practices and efficiencies to be implemented across contracts and agencies.**

Thank you for the opportunity to testify today and for your ongoing support for civil legal services.