

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON COURTS AND LEGAL
SERVICES

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HELD AT: Committee Room - City Hall

B E F O R E:

RORY I. LANCMAN
Chairperson

COUNCIL MEMBERS:

Andrew Cohen
Paul A. Vallone
Barry S. Grodenchik
Vanessa Gibson
Carlos Menchaca
Helen Rosenthal
Ben Kallos

A P P E A R A N C E S (CONTINUED)

Steve Banks
Commissioner of Human Resources
Administration

Jordan Dressler
Civil Justice Coordinator at Office of
Civil Justice

Seymour James, Tina Luongo (SP), Adriene
Holder & Carmen Torres
Legal Aid Society

Lisa Schreibersdorf
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CHAIRPERSON LANCMAN: Good afternoon everyone and welcome to the Committee on Courts and Legal Services hearing on the fiscal 2018 preliminary budget. I'm Council Member Rory Lancman, Chair of the Committee on Courts and Legal Services. We are joined by Council Member Barry Grodenchik and Paul Vallone from Queens, and Andrew Cohen from the Bronx. In keeping with the budget process that is mandated by the city charter and which ultimately will lead to the adoption of the fiscal 2018 budget, today we will discuss indigent defense and civil legal services. We will hear testimony from, among others, Steve Banks, the Commissioner of the Human Resources Administration; Jordan Dressler, the Civil Justice Coordinator at the Office of Civil Justice in the Human Resources Administration and Legal Aid Society and other legal service providers. For indigent defense, the fiscal 2018 preliminary budget includes \$258.1 million, 2.6 million more than its fiscal 2017 adopted budget of \$255.5 million. City tax levy funding accounts for 217.2 million or 84.2 percent of the budget and the remaining 41 million or 15.8 percent is funded by the state. This breaks down as follows: criminal trials \$52.3 million, Legal Aid

Society \$107.2 million, trial level \$50 million, appellate cases \$13 million, family court \$22.4 million and conflict cases \$7.7 million. The Mayor's Office of Criminal Justice manages the contracts for indigent defense. Machay (SP?) is not here to testify today, however, Machay appears before the Council's Public Safety Committee fiscal 2018 preliminary budget hearing a week from today on March 14th to discuss indigent defense and other agencies' programs and initiatives. For civil legal services, the fiscal 2017 preliminary budget, I think that should be fiscal 2018 preliminary budget, includes \$72 million in other than personal services to support a variety of legal services contract in the areas of anti-eviction, anti-harassment, executive action and immigration. In addition, the budget supports four consortium contracts with Civil Legal Service providers totaling \$63.7 million. In 2014, the de Blasio administration consolidated almost all civil legal service contracts into the Human Resources Administration's budget. The consolidation streamlined the contracting process and allowed a more transparent process to identify and address service gaps and evaluate emerging new needs.

Concurrent with that consolidation, the Council and the administration began to increase funding for civil legal services. Today, we will hear testimony from the Office of Civil Justice on the related program areas and contracts that total more than \$135 million. In addition, we will hear from the Legal Aid Society on its indigent defense contracts totaling \$107.2 million. We will also hear from the other public defenders and then the public. We look forward to hearing from these panels and others addressing critical aspects of legal services. Before I turn it over to the civil justice coordinator, Jordan Dressler, and the Commissioner, I would like to thank our Committee staff for all their hard work: Shelia Johnson, the analyst from the finance division, and Casey Addison, our policy analyst. Once again, I thank everyone for being here this afternoon and now I turn to the first panel, the Human Resources Administration. If you would raise your right hand and be sworn in, we can get started.

[OATH ADMINISTERED]

CHAIRPERSON LANCMAN: Thank you and we look forward to your testimony.

STEVEN BANKS: Good afternoon, Chairman Lancman, and members of the Committee. Thank you for inviting us to appear before you today to discuss the work of the Office of Civil Justice at the New York City Human Resources Administration.

[pause]

STEVEN BANKS: Wanted to see whether or not everybody was able to hear. The answer would be no. Okay. We appreciate the opportunity to testify today regarding the work of the Office of Civil Justice and the Human Resource Administration which houses it. My name is Steven Banks, I am the Commissioner of the Department of Social Services and I am joined by Jordan Dressler. The Civil Justice Coordinator, oversees the Office of Civil Justice at HRA and HRA's Executive Deputy Commissioner for Finance, Aaron Valare (SP?). HRA is at the forefront of this administration's efforts to combat poverty and address homelessness and the provision of civil legal services for New Yorkers in need in particular legal services for tenants is a critical element in that fight. We provided you with some extensive testimony for the record. The testimony given today is a streamline version of that. By investing in

these important civil legal services, we are already seeing results. In 2016, 27 percent of tenants facing eviction in Housing Court in New York City, more than one in four had counsel. That is up from just one percent in 2013. At the same time, residential evictions by marshals have declined by about 24 percent. Now, as we announced last month with the Speaker and the Council, we are continuing to build on the administration's ten-fold increased investment and tenant legal services as we implement over the next five years an unprecedented universal access to counsel program for all tenants facing eviction in Housing Court in New York City. With this step, the City of New York becomes the first city in the United States to implement the Universal Access to Counsel Program for tenants in Housing Court. This is another important step this administration has taken in an ongoing fight to address income inequality and level the playing field for all New Yorkers. We are happy to be here today to discuss the work of the Office of Civil Justice and the city's extraordinary investment in civil legal assistance for low income New Yorkers across the city. In 2015, the Mayor and the City Council

amended the city charter with the signing and passage of Local Law 621 which created the Office of Civil Justice. For the first time, New York City has a permanent office to oversee the city's civil justice services and monitor the progress and effectiveness of these programs. The establishment of the Office of Civil Justice was the latest part of the administration's efforts to enhance and coordinate these services to HRA that began at the start of the administration 2014. In addition to consolidating contracts under one roof and establishing the office of Civil Justice at HRA to oversee progress and performance, the city is substantially and steadily increased investments in these programs since 2014 and today New York City is a national leader in providing civil legal services for low income people. In fiscal year 2017, for the first time, the city's overall investment in civil legal services for low income city residents exceeds \$100 million. This fiscal year's mayoral programs exceeding 83 million and City Council awards nearly 28 million fund for legal services for low income New Yorkers across the range of areas including immigration, access to benefits, support for survivors of domestic violence,

assistance for veterans, anti-eviction legal services and other legal assistance for tenants in need. Specifically, the January plan includes base-line funding as follows: 62.2 million for legal services programs for tenants facing eviction, harassment and displacement which includes 28.8 million for eviction defense services for low income tenants in housing court and 33.4 million for anti-harassment displacement legal services as well as administrative staff and support, 11.2 million for immigration legal assistance which includes 3.2 million for legal assistance programs including the immigrant opportunities initiative and 2.1 million in immigration legal programs funded through the community services block grants as well as 5.9 million in legal and navigation services an outreach through the action NYC program operated in partnership with MOIA and CUNY, 21 million for civil legal services for seniors and 1.9 million for legal services related to access to federal benefits such as SSI. In addition to the administration's commitment to supporting civil legal services, I want to again acknowledge of the City Council Speaker, Melissa Mark-Viverito, and the entire Council to

expanding access to justice by funding legal services. In FY17, HRA is overseeing 24.5 million in funding added by the Council for legal services for the working poor, immigration legal defense services for detained individuals, unaccompanied minors and families with children facing deportation, assistance for survivors of domestic violence and veterans, anti-eviction, SRO legal services and general support for civil legal services providers. Together the administration of the Council has invested \$111 million in legal services for low income New Yorkers with civil legal needs. No other city allocates even a small fraction of what New York City has committed to provide access to justice. The city's financial and administrative commitment to these important services has perhaps never been more critical to serving and assisting low income New Yorkers as the federal government reportedly plans to defund entirely the main vehicle for federal funding for civil legal services of the United States, the Legal Services Corporation. Federal funding for civil legal services was dramatically cut over the last two decades including a more than 30 percent cut in 1996 as funding by the city and state judiciary has

increased dramatically in recent years now despite comprising a tiny fraction of the total annual federal budget one-ten-thousandths by some estimates. The loss of LOC funding nationwide and in New York city would be felt acutely by low income litigants in areas including consumer rights, disability access and veterans issues. We continue to monitor this situation and remain in close dialog with our provider partners as we gauge the impact of any cuts to non-city civil legal services funding here in New York City. The provision of quality legal representation for thousands of the city's low income tenants facing eviction and displacement is a key component of our civil legal services initiatives. Mayoral funding for tenant legal services in FY17 is approximately 62 million, ten times the level that was funded in the fiscal year 2013 when it was funded to just over \$6 million. HRA's Homelessness Prevention law Project is the primary vehicle for our anti-eviction legal services. Through this project, HRA contracts with a dozen not for profit legal services providers including both large city-wide providers and smaller community based organizations to provide free legal representation advice to low

income tenants at risk of homelessness because of eviction. The Anti-Harassment and Tenant Protection Legal Services Program was launched at HRA by the de Blasio administration in January 2015 whereas the Anti-Eviction Legal Services Program target tenants who are already involved in Housing Court proceedings. This newer program provides resources for tenant outreach and pre-litigation services with the goal of preventing eviction displacement. In addition to full representation and brief legal assistance for Housing Court and administrative proceedings, this program offers community education, legal landlord-tenant mediation and counsel on cooperative tenant actions and building wide lawsuits. Most recently, we expanded the reach of our anti-harassment legal services by placing legal staff in all of the city's family justice centers to protect survivors of domestic and intimate partner violence and their families by providing housing, legal assistance and representation. The FJC's, Family Justice Centers, are the city's comprehensive resource and support centers for survivors of domestic violence and intimate partner violence, a \$500,000 increase in annual baseline funding for this

program enable our legal provider partners to provide legal intake and advice services at all five of the FJCs five days a week, In partnership with our colleagues in the Mayor's office that combat domestic violence, the Office of Civil Justice is ensuring that survivors have access to trained and skilled legal advocates to assist them to remain in their homes that are safe and stable for them and their families. In total, since January 2014, as the administration's tenant legal services programs were brought under HRA's supervision and the investment and support for these were dramatically increased, over 100,000 low income New Yorkers and 34,000 households have received free legal advice, assistance and representation and these programs are only part of the administration's efforts to preserve and expand the availability of affordable housing for New Yorkers. Affordable housing, a precious resource, is permanently lost to the city when tenants are evicted from rent regulated and rent controlled apartments and rent is increased above affordable levels. Protecting these affordable units throughout New York City for families and seniors and protecting tenants in non-rent regulated buildings is

critical and the financial and human cost we avert when tenants avoid eviction and preserve the tenancies are substantial. Every family that stays in their homes spares the city the expense of emergency shelter services but more importantly spares the family the trauma of homelessness including disruption of education, employment and medical care. Our legal services programs are aimed at keeping these New Yorkers in their homes, preventing displacement and preserving and protecting the city's affordable housing stock. We are already seeing results from our programs to protect tenants. As part of the Office of Civil Justice first annual report this summer, we sought to update the research on availability of legal assistance for tenants facing eviction in Housing Court. We partnered with the state office of court administration to take a new analysis to assess the current prevalence of legal representation among tenants in court for eviction cases and the need for counsel that remains. We found that a substantially higher proportion of tenants in court for eviction cases now have legal representation than ever before. Even before the housing legal assistance programs are fully

implemented this year and the additional expansion for access to counsel program, more than one in four tenants in court facing eviction cases in New York City, 27 percent is now represented by a lawyer, a marked increase compared to the Office of Court Administration's findings in the calendar year 2013 only one percent of tenants in New York City Housing Court represented by attorneys. More than half of the in-court representation for tenants is provided for not for profit legal services organizations for low income New Yorkers. Meanwhile, only one percent of landlords in eviction proceedings appear without counsel. These results suggest we are on the right track with this investment and legal services.

Furthermore, we see very encouraging signs about making access to legal representation more widely available we are realizing concrete improvement in the courts in the lives of New Yorkers. Residential of evictions by city marshals declined by about 24 percent in 2016 compared to 2013, a period in which New York City substantially increased funding for legal services for low income tenants as well as other rental support programs. During 2015, orders to show cause in the city's housing courts, in other

words motions my tenants to reverse a court's order of eviction, also declined by nearly 14 percent while the volume of residential eviction cases filed remained relatively stable suggesting increased efficiency in the courts with increase in legal representation. The numbers however only tell a part of the story. The legal services we provide to tenants have a real life impact on households in need of quality legal help in acute risk of displacement from their homes and the instability that comes from that. Each of the successes represents a victory for the households who now have leases, rental protections, but the victory extends beyond the individual household through longer lasting impacts as a result of our investments. Buildings full of families can remain in their homes and avoid the disruptive impacts of displacement or homelessness, apartment units are restored or preserved as affordable and while harder to quantify or measure, there was a positive impact for other tenants in court facing eviction when there is a critical mass of housing attorneys zealously advocating for their clients bringing and often winning motions and proceedings and helping to develop the law around

landlord-tenant issues. All of these factors help to level the playing field between landlords and tenants in New York City. Now building on these results, we will be expanding our tenant legal services program in the coming years to reach a historic goal. In partnership with the City Council lead by Speaker Mark-Viverito and Council Members Levine and Gibson, we will for the first time provide universal access to legal services for tenants facing eviction in New York City Housing Court. New investments will be implemented and phased in over the next five years starting with \$15 million in FY18 that will be reflected in the executive budget to reach 93 million by FY22. At full implementation, the city's investment and tenant legal services will total \$155 million, by far the largest commitment to legal services to tenants in need than any city in the United States. Universal access will provide free legal representation in court to New Yorkers with household incomes below roughly \$50,000 or 200 percent of the federal poverty level for a family of four and legal advice and counseling to those earning more. At full implementation in five years, we estimate that 400,000 New Yorkers will be served

under the program annually. New York City is the first city in the nation to implement the program to provide all tenants facing eviction with a lawyer to help them and we are honored to oversee and implement this program with our provider partners and we are pleased to be working with the City Council to create the legislation to implement this groundbreaking initiative. I want to touch also on immigration legal services. HRA also oversees an array of legal services programs for immigrant New Yorkers in need of legal advice, assistance and representation. We work in close partnership with our colleagues at the Mayor's Office of Immigrant Affairs and the legal services providers and community based organizations to understand the legal needs experienced by immigrant New Yorkers and the fastest and most effective service responses to those needs. In FY17, the administration baselined 3.2 million in funding for the Immigrant Opportunities Initiative, IOI, to IOI networks of legal providers and CBOs which were selected through a competitive bidding process conduct outreach in immigrant communities across the city and provide legal assistance to low income immigrant New Yorkers in matters ranging from

citizenship, lawful permanent residency applications to more complex immigration matters including asylum applications and deportation defense work. In FY17, in recognition for the acute need for quality legal representation for immigrant New Yorkers in more complicated cases, IOI providers received supplemental mayoral funding of 2.7 million to provide representation in 1,000 complex immigration cases. The Council similarly added 2.6 million to support immigration legal providers as part of IOI. In total, IOI is funded in this fiscal year approximately 8.5 million and is expected to serve approximately 5,000 New Yorkers in need of immigration, legal advice and representation. So far this year, IOI's legal service providers have provided over 3,800 immigrant New Yorkers with legal assistance including 450 immigrant New Yorkers who have received legal representation in complex immigration matters. In addition to IOI, HRA oversees immigration legal services programs funded through the community services block grants administered by HRA in partnership with DOICD. Through CSBG, 2.5 million funds city-wide and community based legal services organizations are

funded to provide a range of services such as legal assistance to help immigrant adults and youth obtain citizenship and lawful immigration status, legal and social services for immigrants and survivors of domestic violence and human trafficking and services designed to provide information, education, advocacy and legal services to protect low wage immigrants from exploitation and violations of their employment rights. These services are expected to serve approximately 2,000 individuals in FY17. HRA and the Office of Civil Justice also oversees immigration and legal services programs funded through the council through discretionary grants. The New York Immigration Family Unity Project, is funding by the City Council's Discretionary Grant providing legal representation for detained immigrants in the United States. This is in court legal representation for immigrant New Yorkers in detention facing deportation to assist those who cannot afford an attorney. This project was funded at 6.2 million for FY17. It is expected to serve 1250 individuals in FY17. The Unaccompanied Minor's Initiative, the Immigrant Children's Relief Effort, I Care, UMI developed by the City Council and partners with the Robin Hood

Foundation and the new community trust to provide legal and social services to address the surge of immigrant children living in New York City. The program provides unaccompanied immigrant and refugee children in New York City with counsel the opportunity to apply for relief from removal and the opportunity to receive much needed social and medical and mental health services. With 1.5 million in funding in FY17, the program is expected to serve approximately 600 individuals. Finally, let me touch on reporting and the five year plan. Since we testified last year in regard to the budget, the Office of Civil Justice issued its first annual report which presented a comprehensive summary of public funding for civil legal services in New York City and examined legal services available for tenants and immigrants in unaddressed needs that remain. As we testified before this Committee in September, the Office of Civil Justice will be releasing a second annual report later this year. We expect the expansion of services for tenants in Housing Court will mean even more tenants in need will have the aid of quality legal representation and a more level playing field. We will also present

information about the impact of these investments and at the same time we will be widening our lens to present a broader picture of civil legal assistance in the city and we look forward to sharing our findings with this Committee and with the Council. Also, we expect to present our first five year plan for civil legal services to the Mayor and the City Council this year. We expect this to continue to guide a course for the future for civil legal services in New York City based on sensible policy, making services widely available and ensuring affair level system of civil justice. Thank you for the opportunity to testify today and we look forward to your questions.

CHAIRPERSON LANCMAN: Thank you very much. Let me note, we have been joined by Council Members Vanessa Gibson from the Bronx and Carlos Menchaca from Brooklyn. I know a number of members have questions so let's get right to it. Jordan, you are not giving separate testimony, right?

JORDAN DRESSLER: No.

CHAIRPERSON LANCMAN: So, start with Council Member Vallone.

COUNCIL MEMBER VALLONE: Thank you, Mr. Chair. Thank you, Commissioner, for your testimony. There's a lot going on. I think overall this year with under the leadership of our Chair, we have had a great year in overseeing something for the first time. It is always great to look back on the first year. I know at some point we are going to address but I am always looking at what's happening in the courts. I am happy to see the representation, obviously with the increase in the courts, but where do you find, where does your staff find now the backlog with the courts in relation to providing services that are so needed?

STEVEN BANKS: I think the biggest challenge for the courts that our clients are in is leveling the playing field frankly and that relates to how the court is able to manage eviction cases. We are working very closely with the court in moving forward with the implementation of programs we've already put in place. We found the court very much an important partner of ours in terms of the first two years of implementation where we had been in certain zip codes piloting effectively universal access to counsel in Housing Court proceedings and

they are going to be a critical partner as we move forward with the universal access to counsel. So I think just having lawyers on both sides of the cases will make a big difference and that I think will address what your -- I think your underlying question which is how are things going.

COUNCIL MEMBER VALLONE: Yeah, how are things going and I think we brought up at a previous hearing just now with the additional making the sides fair on both sides you are going to have a natural outgrowth of that is going to be more cases which is a good thing for our tenants to make sure they have their litigation. What I am looking for is to make sure we have enough courtrooms and court offices and I know OCA on a state level so I want to partner with you and the agency as to make that request on a state level to make sure that our judges and our officers and our courtrooms and our court reporters and our secretaries are there in enough so that we don't have backlog of cases so we can have implementation of justice as quickly as possible. As we know, the judges can only do so much and there is quite a backlog in all the counties. So I am looking at

supporting you for any request we can get through Albany to increase the budget for OCA.

STEVEN BANKS: As always, we are happy to partner with the Council but I want to emphasize the judiciary has been a good partner with us and I think we do see declining numbers of eviction cases as a potential impact of having more lawyers. Some of the cases that perhaps shouldn't have been brought in the past won't be brought. But we will be studying that closely and reporting to the Council on what we see.

COUNCIL MEMBER VALLONE: Thank you Mr. Chair. I will let our fellow council members ask some questions also.

CHAIRPERSON LANCMAN: Next, Council Member Garodnick -- Grodenchik?

[laughter]

CHAIRPERSON LANCMAN: I knew who you were.

COUNCIL MEMBER GRODENCHIK: Thank you, Commissioner, for your testimony. Can you tell us you keep statistics on what percentage of tenants, families, single people that are evicted from apartments in New York City go to shelters as opposed

to going to live with a family member or perhaps, you know, wherever they might go?

STEVEN BANKS: We see it from the slightly -- I think we see it from the direction you're asking us to look at it but from a slightly different vantage point we see the percentage of families seeking shelter as a result of eviction and by eviction I mean a court type of eviction and we have been able to drive that percentage down to 11 percent. In the past, there were higher percentages. I know there have been committee reports with higher percentages but we think that with the expansion of legal services, with the expansion of payment of renter arrears with --

COUNCIL MEMBER GRODENCHIK: You're saying that 11 percent of the people that get evicted are going --

STEVEN BANKS: No, the other way. Eleven percent of the entrance to shelter to family shelter are entering shelter as a result of an eviction currently and that is after the implementation so far of the first two years of these initiative.

COUNCIL MEMBER GRODENCHIK: But where are the other 89 percent coming from?

STEVEN BANKS: I think from other hearings, and I know we will have an opportunity later this month --

COUNCIL MEMBER GRODENCHIK: I mean I will see you later in the month.

STEVEN BANKS: -- to talk about it but 30 percent of the family entering shelter come with a history of domestic violence. About a third of those families have domestic violence needs that qualify them from under state statute for domestic violence services but 30 percent are -- have a history of domestic violence, 11 percent as a result of eviction and the others as a result of the realities that we see in the city in terms of the gap between rents and incomes that they are unable to even afford housing in the first instance and end up turning to shelter as a last resort.

COUNCIL MEMBER GRODENCHIK: Can you tell me where those other 59 percent are coming from? I mean that is a big number. You have accounted for 41 percent.

STEVEN BANKS: They are coming because they can't afford rents in New York City and if you -
- I think we put out recently the areas of the city

from which people are coming and we have a pretty good idea what neighborhoods people are coming from and we are looking to increase services to keep people in those neighborhoods.

COUNCIL MEMBER GRODENCHIK: Mr. Chair, I will leave it there but I would appreciate when you come before the General Welfare Committee if you could tell us a breakdown of people entering the homeless system and exactly where they are coming from. Thank you very much.

CHAIRPERSON LANCMAN: Council Member Menchaca?

COUNCIL MEMBER MENCHACA: Thank you, Chair, and welcome Commissioner Banks and your team today. I just have -- I can't say it enough to praise the partnership around the universal access to tenant legal services. This is going to be game changing so thank you again for that partnership and leading the way in some many ways for other cities. I want to concentrate a couple questions on immigration and immigration contracts. I want to start in kind of general terms in just how really we are pricing contracts today. Where you are right now, how are pricing contracts today in terms of our

legal service providers or public defenders and thinking about the complex nature of the cases as they are coming to us? If you start with an immigration case, we figure out there is a criminal component of it, we gotta go to the Housing Court and so just tell us a little bit about how this year you're thinking about the pricing of the contracts for our public defenders.

STEVEN BANKS: Let me focus on the areas that are within our purview which are the housing work and the immigration work as opposed to the criminal court work. In the housing work, we are funding universal access for tenants regardless of immigration status and we have priced that based upon the experience of what we've seen for the last several years in terms of implementation. We know that some cases are -- it's like in a criminal context, some cases are more quickly resolved and other cases take a longer period of time and we have priced expansion based upon what we've seen in terms of services being provided over the last two years. In terms of immigration cases, I know we had a --

COUNCIL MEMBER MENCHACA: Before you go on, sorry to interrupt, to the immigration case, you

said you priced them at x. What is that x and how -- just further define where you have kind of priced that.

STEVEN BANKS: If you look at, you know, we're getting representation for 33,000 cases for \$62 million.

COUNCIL MEMBER MENCHACA: So \$62 million is getting us 33,000 cases. Yep, that's the kind of -- that's the metric. So you were going onto immigration.

STEVEN BANKS: But again, if you simply say this is how much a particular case costs, I think that would miss the nuances between different cases so of which are resolved more quickly and others are not. Some of them are advice and advice is gonna take a certain amount of time versus a case that goes to trial. So we, we have evaluated structure and the funding for the universal access reflects that. In terms of immigration services, I think as you know, we reached an agreement with Council to put a certain amount of additional funds in for a thousand additional cases at \$2.7 million and those dollars reflected, I think, an agreed upon approach between the Council and the administration about to evaluate

representation in a thousand complex cases and I think we'll know a lot more as we get to the executive budget and moving forward about what we're seeing and what we think the needs are. Obviously immigration, as you know, and I know your committee is focusing on this, is a fast changing area and making determination about need and cost is something that we are very much focused on but clearly when we released a preliminary budget it was before many things that have occurred subsequent to the release of the preliminary budget.

COUNCIL MEMBER MENCHACA: So we agreed that area of immigration work is changing rapidly in front of our eyes and so can you tell us a little bit about how you are going to be accessing that change.

STEVEN BANKS: Well here is the complexity. There was one executive order that was litigated and blocked, now there is another one just this week and I think that we are trying to be very focused on understanding what changes may be down the pipe as opposed to the change of the moment. There may well be challenges I read in the paper to the order that was just issued. So we are very much following events in partnership with MOIA about what

we see happening on the ground and we will make those judgements as we get to the executive budget and as we found last year this will continue the partnership with you in your capacity to take a continued look at what the needs are. But it is a fast changing area.

COUNCIL MEMBER MENCHACA: Okay. It is.

I think that is both a concern and really the opportunity to take on some of the larger conversations we've been having in the last three years with the City Council with this administration in trying to get to that sweet spot where we are fueling the -- our public defenders with a fair contract and fair pricing but being able to be mobile enough or responsive enough to the times that we find ourselves in so I am hoping this executive budget really handles that. So let's go really quick, the numbers that came back for the 33,000 cases for the 6.2 million in dollars, anyway it comes down to about 1,878 per case so it would be good to hear from the advocates when they get on to talk a little bit about that. Let's talk about NYFUP --

UNIDENTIFIED SPEAKER: I want to caution you to do that because a chunk of those 34,000 cases are straight advice cases.

STEVEN BANKS: Straight advice, right.

So the range -- that's the complexity of the complexity conversation but it is still we have to talk about it somehow and this is where that sweet spot might want to change to be fair and fuel our public defender system to do their work. So let's talk about NYFUP real quick. NYFUP has seen --

COUNCIL MEMBER MENCHACA: Before you go into that, I just also wanted to say that evaluating the need for flexibility in the immigration area, remember when we RPF'd the services in this area early on, we wanted to build in a contract term that would allow us a vehicle as changes occurred to have providers who could be responsive and so we have that vehicle in place throughout the RFP. We did for IOI and language written into the contract to be able to use as a flexible model for changing services based on what might be happening on the ground. And I understand that as like the consortium model that kind of brings in the heavy-hitter organizations and can really kind of bring in some of the small organizations to do that and we give you great praise for that, that model. I think it's working. We are going to want to hear from the advocates today about

how that's working. Props to that. It think that's a step in that direction. So really quick on NYFUP. NYFUP is also experiencing their own change in times and changing times and going with the winds and how are you thinking about this funding priority as a baseline, possible baseline, and do you see any resistance for the administration this year to end an executive budget that will have a baseline for NYFUP?

STEVEN BANKS: Again, I think the nature of the kinds of cases that the federal government may be bringing or their practices about how they approach deporting people is changing even as we are writing our testimony. So I think we want to take a hard look at where the best deployment resources is ultimately going to be. We are beginning to get now the evaluation of how the project has performed and we will certainly be taking a close look at that and other things that are priorities to address deportations in executive budget process.

COUNCIL MEMBER MENCHACA: As Commissioner, what are you hearing now form the advocates and just from the winds of change about what that needs to be, does it need to be increased, are you hearing an increase in NYFUP baseline, not

just the -- there's two different things. Baseline is one concept and then two is do we need more and what are you hearing right now from the advocates about that price point in dollars.

STEVEN BANKS: I think what we hear, I know one of the advocacy organizations has a hotline, there's Action NYC hotline. I think what we are hearing a lot right now is the need for information and so we are trying to be responsive to that. There are many rumors, some of which turned out to be unfounded but rumors themselves are their own challenge and so I think at this particular point that we very, very focused on information.

COUNCIL MEMBER MENCHACA: So I will report what I'm hearing is that we need a new number, a new number that is coming out is \$12 million and so I don't know if that's -- I was kind of wondering if you had gotten that note about the new number for NYFUP and that defense, in particular three providers who are providing that kind of defense at 12 million so if it first time hearing it lets all just be transparent about what we are hearing two. And then the second thing, and this kind of dovetails to the criminal justice pot of money as well kind of

doubling of the 300 million for two years instead of it being 300 million for two years actually having 300 million per year so these --

STEVEN BANKS: Out of the criminal justice budget?

COUNCIL MEMBER MENCHACA: Out of the criminal justice budget.

STEVEN BANKS: As the Commissioner of the Department of Social Services, I know that I have a very broad scope of authority and obligations and responsibilities and that's one that's not in my area.

COUNCIL MEMBER MENCHACA: So other members are going to ask questions. I'll pause here. We will continue it in the Immigration Budget Hearing and I just want to say that a lot of what we are funding out of this work is showing up in spaces like in our homes, in Sunset Park where families are opening up their homes to have Know Your Rights sessions and the intimacy of a home and the privacy of a home and the welcoming of a neighbor and that's happening and we are finding constraints in that finding qualified lawyers to do these Know Your Rights advice so this is all part of the ecosystem of

support that we need to have so thank you Chair for your time on this.

CHAIRPERSON LANCMAN: Council Member Gibson?

COUNCIL MEMBER GIBSON: Thank you, Chair Lancman, and good afternoon Commissioner, Mr. Dressler. It is good to see all of you today. I just have a couple questions. Certainly I want to give credit where credit is due. I was very proud to join the Mayor with all of you, with Council Member Levine in announcing the full support of Universal Right to Counsel. I am incredibly grateful. There has been so much labor that has been put into these conversations over the past year and a half so I am grateful that Intro 214 is on the way to passage and signing it into law and I wanted to ask a couple questions just about implementation because right now one of the zip codes, two of the zip codes I represent is in a zoning area so many of my residents that are living at or below 200 percent of a federal poverty level they are already eligible for civil legal services, 10452, 10453, but I wanted to find out right now before we implement right to counsel, the other zip codes that I represent that are outside

of the zoned areas but still many residents would be eligible. What types of services are they eligible for and can they get help before they get to Housing Court?

STEVEN BANKS: Let me just take a step back. By the way, I want to back at you with the praise. You were a terrific partner along with the rest of the Council to get to this point and we appreciate it.

COUNCIL MEMBER GIBSON: Long journey.

STEVEN BANKS: Yeah. Also good to talk to you here during the day. We frequently talk late at night so I appreciate the opportunity to talk to you here. The implementation so far has been to increase resources for legal services in designated areas of the city in all five boroughs. Some of that has happened through the rezoning funding and some of that -- and the rezoning communities through the anti-harassment funding and some of that has happened in an earlier incarnation of essentially expanding anti-eviction legal services and in some zip codes we are functionally providing universal access already. As we move forward with implementation, we are going to be looking to work with the court and will

certainly brief you about areas that we can get the most expeditious way to move forward quickly. So we have an ambitious plan each year to be adding and adding and adding. We have already in the first two years gone from about 200 lawyers to 500 lawyers at the legal services programs and so that is a tremendous amount of expansion in a two year period of time and then think about how much more expansion we are going to need over a five year period of time to have the providers have the training, the supervisions and the structures in place that are needed so we can certainly sit down with you and any other council members and go through what available services are there outside of existing zip codes and then how we are going to proceed to extend those services to the full breath of the city, community by community in order to work with the courts in a way in which the court can handle this expansion. Stepping back, the court has been a very good partner but of course they are moving from a world in which the operations of the system didn't have this kind of assignment of counsel if you will and so we are really building this from the ground up. The zip codes that you are in now where you're in the areas

where we have the anti-harassment programs that has full coverage already but we are going to expand to include any coverage for anyone over 200 percent of poverty for the advice. Remember, we have two parts of the program: advice and counsel for people over 200 percent of poverty, full representation for below so we will be working with you as we implement that in your existing zip code areas and then as we look to expand we are looking at prioritizing around the city places where there are high shelter entry rates, which goes back to Council Member Grodenchik's question to me, and also areas where there are significant numbers of rent regulated apartments at risk and we see data that shows us that there are significant eviction pressures. But, we will certainly be continuing to brief and make sure when we move forward that it is in an effective, rational way that everybody can be accountable of how it is happening over five years.

COUNCIL MEMBER GIBSON: Right. So I guess the issue I wanted to raise is, you know, understanding that we have to prioritize as we phase in universal right to counsel. Looking at the date of the shelter rates, where families are coming from,

I am looking at trends and, you know, there is a pattern I know we have seen in particular in my particular area that I will be speaking to you about to find out why the only family intake is in the Bronx's so every homeless family in this city goes through the Bronx before they are dispersed to other places, right? So we have the saturation already so I know that no matter what factors and indicators we're looking at for implementation, my district is going to get it just because I have the numbers. What my concern is, is in light of, you know, this environment that we're living in unfortunately and what Council Member Menchaca speaks about in his capacity as Chair of Immigration, I want to be preventative more than I am reactive so we know the cases that are going to Housing Court. I represent Housing Court too. We see those cases but we know that there are a lot of families that are living in darkness and in a silo right now that want to come but their immigration status may be the issue that is holding them back. So as we further implement Right to Counsel, I would love to understand what our plan is on promotion and outreach. We have to reach families and touch them where they are. They are not

all going to Housing Court. Their children are in our schools so we have to be a little bit more creative because I do feel like there are many cases that are not documented that we simply don't know about. There is harassment going on and in order for us to identify those cases, we can't assume they are going to Housing Court. We need to get them before they go to Housing Court and because of the climate, again that we are working in, a lot of families are much more resistant to coming forward. I mean that's what I have seen in the Bronx as I speak to many families. People are very worried. They are very, very scared. So it means that they are going to live in squalor conditions, substandard housing. They are going to deal with harassment because they feel like they can't come forward. So have you seen that and if so, what is our plan because our plan needs to be a little bit more creative now?

STEVEN BANKS: Right. We certainly want to work with you and with our other partners in the provider community to make sure there is enough information out there about where people can get help. It is one of the reasons that in the early phases of implementation we were piloting this with

other programs that we put more HRA workers in the courthouses or put more HRA workers in the homebased offices and we now have got the Tenant Services Unit to be out literally knocking on doors in neighborhoods to tell people that legal services are available. So we will work with you and make sure that people know that help is available. We want to prevent any preventable evictions and not have people miss out on key helping hands here that could keep the roof over their heads.

COUNCIL MEMBER GIBSON: Absolutely. And please know you have our support. I know many of my colleagues we have the Tenant Support Unit. I am starting it in my office this month. We have civil legal service providers that are using our office just to get walk-in cases. I mean whatever we can do to attract the residents and the population to make sure they get the help they need. I shared with one of my friends that just last week I came across two residents that came to me at an event that were already evicted. The locks were changed and it was really hard to get them assistance because they weren't aware of what was out there. So I know that those cases were out there because I hear from

residents after the fact, post-eviction is what we are trying to do. So I would love to further talk to you about that and then I also want to make sure with Universal Right to Counsel that we are going to cover residents that live in public housing and seniors are going to be covered as well.

STEVEN BANKS: Yes.

COUNCIL MEMBER GIBSON: Yes and yes?

STEVEN BANKS: Yes and yes.

COUNCIL MEMBER GIBSON: Yes and yes, okay, great. Other than that, I thank you for your work. There is a lot to always talk about but I want to let me colleagues ask other questions but my sincere gratitude to you for your incredible leadership and your commitment on Right to Counsel. I think it is a game changer and we are going to be the largest municipality in this country to implement that. I have said so many times representing thousands of residents in my district, representing all of the courts that access to a lawyer should be a right and not a privilege. The amount of money you have in your pocket should not determine if you have a roof over your head. I fully believe that because I represent a lot of families that are in need every

day. I recognize that they always remind me of their challenges but I think in light of this environment that we're working in, domestic violence, immigration, civil legal services, housing issues are all interrelated so I am talking to our district attorney, I am talking to Mark Jay, the Mayor's Office to Combat DV because this is all interrelated. Many families that are victims of DV also have a housing issue and also have an immigration issues as well so it is multi-faceted.

STEVEN BANKS: Absolutely. It is one of the reasons why the Mayor wanted us to put housing lawyers in the Family Justice Centers in order to make sure no stone is unturned in terms of keeping people with a roof over their head if it is safe to do so.

COUNCIL MEMBER GIBSON: Thank you very much. Thank you, Mr. Chair.

CHAIRPERSON LANCMAN: Council Member Cohen?

COUNCIL MEMBER COHEN: Thank you, Chair Lancman. Thank you Commissioner for your testimony. I also want to go on the record and thank you publically for coming to my district and taking

questions from my constituents as part of the Mayor's Town Hall a couple weeks ago. I thought that was very, very informative.

STEVEN BANKS: A great Town Hall. Thank you for hosting it. It went very well.

COUNCIL MEMBER COHEN: I have been going to Housing Court on behalf of tenants since I was a law student and so I do know firsthand about the scales really are tipped in favor of landlords in terms of representations. I have seen tenants enter stipulations that you are like why did you bother coming to Housing Court if you were going to enter into a stipulation like that. So crazy things I have seen in Housing Court so I am a very firm believer in anti-eviction legal services. I think not only will they help stand the tide of eviction but also to ensure that some justice takes place in Housing Court. I would also say and I think as my office has developed a reputation for helping tenants, directing them to legal services, we've gotten more and more. We are sort of a victim of our own success as more and more people come. I have property on the worst landlords list and it has become a real -- takes up a significant amount of our constituent services

helping tenants with landlord-tenant issues. I am curious in terms of the connection between anti-eviction and keeping people out of shelter because that is part of the motivation why I support those initiatives is I am hoping we can try to stem the tide and turn the tide in terms of people entering the shelter system and although you talked about the number of -- the reduction in the number of marshals [inaudible 00:52:29] people, the reduction in the number of OSC's. That doesn't seem to correlate to the number of people entering into shelter. I wonder what your thoughts are on that and how we can --

STEVEN BANKS: Eviction by landlord historically was a high percentage of shelter entries. Currently it is 11 percent. So the combination of these investments and legal services and the provision of renter arrears payments, you know, 161,000 households got renter arrears payments since we reformed the system in 2014. So it's been increased renter arrears payments being made and also increase availability of counsel. All those things are having an impact on the numbers of evictions, the percentage of people that enter shelter as a result of eviction and, you know, if we can drive the 11

percent down further that would be terrific but on the other hand every preventable eviction we should prevent but getting it to zero is probably not an achievable number but I know working with the providers we will keep working to drive it down further.

COUNCIL MEMBER COHEN: And I mean in the plan just announced in terms of the shelter plan, I mean the Mayor articulated concededly, maybe in concession by himself, that they were modest goals in terms of reducing the number of people entering the shelter system. Why do you think this is not -- this would not have a greater impact on that number?

STEVEN BANKS: I think there are two factors at work here. One, we have to plan to meet our obligations to provide shelter and not project things that may or may not occur. I think I said this publically before when I was at the Legal Aid Society and my bookshelf was full of plans that never actually achieved anything going back over 30 plus years. So this is a realistic, concrete, truth telling plan about what is achievable. As I said, we have been able to drive down eviction as eviction through Housing Court as a reason for homelessness

down to 11 percent. If we can drive it down further that would have obviously a positive effect for the individuals that --

COUNCIL MEMBER COHEN: That number has been higher historically?

STEVEN BANKS: Yeah, historically it was higher. So it has been driven down to this number and we hope working with the providers we can drive it down further. That would also obviously have an impact but it is not an impact that we can count on so the plan is what are the known things that are the realities that we have to confront and let's level with New Yorkers about with the known things what's achievable and that's where that number comes from. On the other hand, we are here today to say we are implementing over five years an unprecedented commitment to access the council and if that 11 percent comes down further that's great.

COUNCIL MEMBER COHEN: Thank you very much. Thank you, Chair.

CHAIRPERSON LANCMAN: Council Member Helen Rosenthal?

COUNCIL MEMBER ROSENTHAL: Thank you so much, Chair. Commissioner, it is always great to see

you. Thank you for your hard work. So let me see if I have this right, all of your offices of legal services, all the lawyers, do you have any that are on staff who provide the legal aid work or are those all contracts?

STEVEN BANKS: All contracts.

COUNCIL MEMBER ROSENTHAL: Okay. So one of the things I've been working on is making sure that contracts are fully funded and when I asked the Commissioner of the Department of Design and Construction whether or not when he has a project to build a bridge, fix a road, build a library, whether or not it is full funded, he said definitely yes and as a whole in the human services sector, we are realizing that they are not at all even close to being fully funded and it is the reason that some of these non-profits are actually going under and of course there are a million reason why and I don't want to get into one contract did this, one contract did that but a beacon program for example just closed its doors because it wasn't full funded. Do you believe the legal aid providers, is that the right term of our legal aid provider because that is also the name of a placed you used to work, right?

STEVEN BANKS: I think it would be great to ask as legal services providers. That would be the way to put it.

COUNCIL MEMBER ROSENTHAL: Right. SO do you believe that the contracts for legal services are full funded so that these legal service providers can do the work we're really asking them to do?

STEVEN BANKS: So in fairness we do know each other well so let me just put on the record something that I know you know about me that I think is relevant to my answer. So I used to run the Legal Aid Society.

COUNCIL MEMBER ROSENTHAL: I referred to that.

STEVEN BANKS: Yeah, I thought you did but I used to run the Legal Aid Society and I think I became head of it when it was about a half a second away from going bankrupt so I learned a lot about not for profit management and contract pricing through that experience and working together with the managers and the United Auto Workers, Association of Legal Aid Attorneys and 1199 and the Board of Directors, an important institution in the city was saved --

COUNCIL MEMBER ROSENTHAL: Yeah. Thank you for doing that on behalf of all New Yorkers.

STEVEN BANKS: -- to avoid it from disappearing on my watch and other's watch. So I think when we approach the funding of the legal services' contract, we approached it from a perspective of some cases, and as I was answering to Council Member Menchaca, some cases require less work, some cases require more work and how could we appropriately price the full range of work. So we have had two years of implementation of the initial expansion programs and how further expansion coming and I think one of the things we're blessed with is great not for profit managers in the legal services field who can and do appropriately price the things that they do whether it is in the criminal defense area, whether it is in the civil legal services area they bid, they successfully win contracts and they do that in part by taking an assessment of certain cases that are over more quickly and certain cases take a longer period of time. In fact, we increased the rate that we pay for the anti-eviction cases from the rate that the prior administration was paying and we did that based upon evaluating what we thought the

rates would be and the anti-harassment program we also priced that at a higher level than what the providers had been paid per case or overall from what they were paying previously. So we already went through a process when we were given the programs by the Mayor to evaluate what the prior administration was paying was sufficient and we increased those rates.

COUNCIL MEMBER ROSENTHAL: And there is no doubt in my mind that on all the human service contracts this administration has done, you know, a lot to improve the situation of the non-profits with, you know, wage increases for the first time up to \$15 an hour in these human service contracts which is really poverty wages but, you know, where the state has not even put that funding in. You know the city has done that. I understand this administration and what you're doing is extraordinary but I also understand that the base you're coming from is six feet under. And I -- so I am going to ask you again if you feel that given the fact that some cases are complex and some case aren't, maybe the way to phrase the question is why are we paying on a per case basis? Shouldn't we just fund to keep the doors open

so that administrative overhead is contemplated, the cost of legal fees is contemplated, the cost of rent going up every year is contemplated? You know, again when we pay for a bridge, if there are cost overruns we pay for the cost overruns.

STEVEN BANKS: Right, but again, when we expanded these services in 2015 we increased the rate that was being paid in before 2015 and then in -- I'm sorry, in 2014 we increased the rate that was being paid in 2013 and then when we expanded to the anti-harassment program which was much larger than our first program we increased the rate yet again. So in our programs we have been increasing what we are paying for these services.

COUNCIL MEMBER ROSENTHAL: I don't question that. This is not about that nor is it about the exemplary work you're doing or the policy that this administration has agreed to take on which is beyond exceptional. I am very simply saying that perhaps we should rethink the way we provide services -- the way we pay for these contracts so that we don't have to cut corners and instead you are fully funding the contract and they are doing the work that they have to do.

STEVEN BANKS: By the way, I should just make it clear, we are paying on a line item contract as opposed to by the case but how much a case -- how many cases are being done is a factor in considering that but it is a line item reimbursement contract.

COUNCIL MEMBER ROSENTHAL: Okay. So I am going to leave it at I look forward to talking with you about switching this over to a budget contract that are fully funded by changing the way we fund them to fund the entire the administrative costs, sort of the whole running of the program. You know, it is really easy if you are paying \$1500 per case, it is really easy, and I speak from personal experience, to say hey let's -- we need a little savings, let's shave that down to \$1400 per case and they will figure it, they have philanthropy and, you know, I don't want to undermine the good work that you're doing and it would be great to think about how we could make sure that these contracts are fully funded.

STEVEN BANKS: I appreciate that. I appreciate your focus on this issue and as you know the administration, the Mayor's Office and the Office of Management and Budget and Mayor's Office of

Contracts is very much focused with, I guess, a task force, if you will, of not for profits on resiliency for the sector and those are larger city-wide policy issues that will have an impact on our contracts ultimately.

COUNCIL MEMBER ROSENTHAL: Thank you so much.

STEVEN BANKS: Sure.

CHAIRPERSON LANCMAN: Thank you. We have been joined by Council Member Ben Kallos from Manhattan who has questions.

COUNCIL MEMBER KALLOS: Good afternoon. How are you doing this rainy day?

STEVEN BANKS: Good to see you.

COUNCIL MEMBER KALLOS: Good to see you too. I just wanted to follow-up on the eviction services that are currently being funded through HRA great to know that we effectively have a Right to Counsel here in the city in this coming budget. So I guess -- and we have talked about this -- I had a quick question about customer service. So right now a person's being evicted or facing eviction or having trouble with their landlord so they reach out to a council office and so previously we would refer them

to a legal service provider. What would be the new way in which that somebody can access their right to counsel under the proposed budget?

STEVEN BANKS: It's a five year phase-in so that means in the first year we want to level set people's expectations that it is not going to be full, universally access to counsel, continuing to work with your local legal services providers. We have a terrific network of legal services providers is probably the best thing to do in the first year. We will be as we put in place the implementation plan and begin to phase it in, there will be different areas of the city that will begin to experience universal access so it will be important for us to access and so it will be important for us to work with council members to make sure that if your area is in year one or year two depending on which part of your district we're talking about that you have full knowledge of what's available and could make referrals because depending on where we are in the implementation process it may be more expeditious and effective and seamless to make referrals through the court or through 311 or continue to do what you've been doing which is through the legal services

providers. As in any implementation there will be complexities which is, you know, this person has something, I don't yet have it but they are going to have it over the course of the five years and we want to make sure that is a transparent information that you've got that you can provide to constituents.

COUNCIL MEMBER KALLOS: Sure. I think just to be clear, I think one of the challenges we are facing is a lot of the organizations that we fund to assist local constituents though member items funding now have a much larger pot through the city which is the right way to do this but as a result there we are becoming a victim of our own success where they are trying to scale so they may not be able to provide the same assistance so I guess I wanted to have a commitment that rather than having to after we have done an intake with somebody be bureaucratic and say no, no, now you have got to home base and give that same information to somebody else that we can make your referral directly into one of the legal service providers funded through HRA.

STEVEN BANKS: We will work out the details with you but it is certainly not going to be bureaucratic.

COUNCIL MEMBER KALLOS: Great. In terms of the payments, in your testimony you indicated that it is an average of 3400. Is that limited in terms of those one shot payments to help people with rent to folks who have specific income or future incomes?

STEVEN BANKS: At or about the poverty level is the focus but we apply that standard flexibly as long as you've got future ability to pay and you meet the other standards of how you got into arrears. It is we provide renters based upon a state regulation and state statute that constrains who we help and when we can help them but we have been very focused on preventing preventable evictions.

COUNCIL MEMBER KALLOS: So I guess one of my questions is just so you've got somebody in a home but they -- we've talked about this and your office has done everything you can for some of our constituents and we appreciate it. So you've got a constituent. They are being forced out of their place, part of the reason that they can't really afford it is because the rent has gone up, they are on a fixed income and can't really afford it so they fall behind a hundred dollars a month at a time until they've got huge arrears and the landlord is trying

to evict them. At that point, we really don't have access to one shot at which point they become -- they go from HRA, which is one agency managed to being a DHS problem at which point DHS has a link voucher for them that can pay for a portion of their rent but they can't get into units because they're facing the tenant blacklist, the fact they are going to have bad credit and so the link vouchers are difficult to use. Is it possible to offer, whether it is link voucher or another voucher system to keep somebody in their unit and pay their one shot because now the city is stepping in because it is still cheaper than putting them in a shelter system.

STEVEN BANKS: So for families with children, the city had been running a program, a hundred percent of the city dollars, CITYFEPS, and now as a result of a court settlement with the state and there is some city contributions still, for families with children we can certainly do that. For single adults, the city is also in the same position as we used to be with families with children where we have some targeted programs, one is called SEPS, Special Eviction Prevention Supplement, and of course as we have said publically there is a proposal

[inaudible 01:09:09] has to make rental systems more broadly available that the Mayor has testified about in Albany and I know the Council was supporting as well. So there are some potential solutions on the horizon for single adults as well as for families with children. That solution is already at hand.

COUNCIL MEMBER KALLOS: I think just to round out with regard to the immigration legal services, does that have the funding that it needs for everything that is potentially going to be happening, is there an opportunity to take a proactive step of reaching out to folks who are immigrants who have committed a misdemeanor of some sort ten or 20 years ago or however long ago and we could prevent something bad from happening to them if we only had folks reach out and proactively assist them in clearing up their records and making sure that they could stay in this country regardless of what the federal may choose to do.

STEVEN BANKS: I know that the Mayor's Office of Immigrant Affairs, MOIA, has widely distributed the hotline number for action NYC that immigrants under fear should call and they can be

connected with different kinds of services such as the one you described.

UNIDENTIFIED SPEAKER: I have just a few. Part of the rationale for creating the Office of Civil Justice was to consolidate contracts and provide better oversight. So could you talk just a little bit about what systems you have put into place to evaluate whether or not the civil legal services providers are doing the job that they are paid to do and whether they are doing it well and hopefully giving them some guidance and best practices and feedback as to how they can do them better

STEVEN BANKS: Jordan is going to give you a more [inaudible 01:11:18] answer but I am going to say we think they are doing it well.

JORDAN DRESSLER: We do think they are doing well, both as far as our baseline programs go in terms of our tenant legal services as well as the immigration legal services.

UNIDENTIFIED SPEAKER: I can't hear. Sorry.

[pause]

UNIDENTIFIED SPEAKER: Just kind of speak up for me, okay?

JORDAN DRESSLER: Okay. We think our providers are doing a good job. We know this and it begins with the data that we collect with our baseline programs, the tenant legal services, the immigration legal services that we administer. We started from the beginning by collecting case level data that contains a lot of detail about the cases they handle, always very respectful of attorney-client confidentiality in both areas but being sure to get the kind of granular detail at the case level to allow us the ability to analyze that data at the provider level, at the court level and in terms of the kinds of cases so that gives us the kind of insight that we need to see how folks are doing in terms of the contract performance, in terms of effectiveness and we expect to provide a bit more information about that in our upcoming annual report. At another level, having the aux of civil justice allows us to be a go-between between the courts and the other administering agencies and the providers and we get feedback, mostly good, sometimes constructive and we do report back to the providers about what we're hearing say from the Housing Courts or from other city partners or state partners and

coordinate responses if they are needed but certainly keep those lines of communication open.

UNIDENTIFIED SPEAKER: Isn't the case that for each provider and each provider provides a different type of service to a different population that there is some metric in place for evaluating whether or not they are providing those services well, efficiently other than they serve x number of clients in this calendar year of this fiscal year?

JORDAN DRESSLER: There is and it is in some ways a work in progress. It is hard to, it's hard to identify specifically what a win looks like in Housing Court, for example. Certainly avoiding eviction is important but prolonging eviction is also important. If that is the difference between find another option for someone to find a place to live and shelter that is an extraordinary victory and we certainly encourage that on the part of our providers and that in many ways is what they are doing in the courts. Quantifying that, studying that and analyzing that is something that we are looking at in partnership with our partners and again we will be looking forward to sharing some of those results with you at the next annual report.

UNIDENTIFIED SPEAKER: When is the report going to come out?

JORDAN DRESSLER: Late Spring.

UNIDENTIFIED SPEAKER: Next month?

JORDAN DRESSLER: Late Spring.

UNIDENTIFIED SPEAKER: Oh, late Spring.

Okay. Can you tell us what, if anything, the city is doing in terms of meeting these civil legal services needs of mid-income, middle class clients, families? It has been identified as a gaping hole in our legal services structure.

UNIDENTIFIED SPEAKER: And that was why one of the important components of the Mayor's and the speakers announcement is that legal help will be available to people in Housing Court regardless of income and full representation will be provided for people below the poverty level but that evaluation of a case, counseling, advice will be available to everyone who comes into Housing Court and we think that will certainly help people who, as you've indicated, may not have had access to competent counsel previously and that is a unique step forward that no city has tried to do.

UNIDENTIFIED SPEAKER: In the Housing Court setting, I have always thought if at least someone can get help with drafting a response that includes all the defenses they can assert and reasonable answers the landlords claims, that is half the battle and if you have a conscientious judge they've at least got in front of them some framework for what is this dispute and what could be a resolution.

UNIDENTIFIED SPEAKER: I mean we envision this as the tenant who is not below 200 percent poverty is explaining their situation and a competent attorney or a member of the legal staff is evaluating it, providing advice and guidance, advising them for example that there may be a repair defense or there is no defense, simply no defense might be helpful to know as you and I both know sometimes people who are caught up in the moment of a situation feel very strongly that a particular set of facts are really important but actually have no legal significance so simply having a trained member of the staff of one of the providers analyze the situation and give someone that kind of advice and perhaps the best advice is you know the judge is going to be focused on x, y and

z, not a, b and c that you're focused on and you do have things to say about x, y and z, say those things. So I think it is a new approach, is an important step forward of addressing that legal need that you are describing.

UNIDENTIFIED SPEAKER: So in addition to people losing their homes which are apartments in Housing Court, in Queens in particular we have people losing their homes, their houses in foreclosure proceedings. I know sprinkled throughout the legal services budget there are providers who assist people. Was any thought given and can any thought be given to including within those class of people who are eligible for counsel at risk of losing their homes, individuals who are at risk of losing their houses or co-ops, condos in foreclosure?

STEVEN BANKS: We are going to look at that issue in our next report. We had indicated in the report last year that we would do that. I think it is important to to remember that as a background issue here the Attorney General has put substantial funding into foreclosure defense work and so -- and there is funding through the chief judges, funding that people are using for foreclosure defense work so

I think it is important for us to take a look at what the need is and what the other funding structures are in constructing some of the priorities that we have been looking at what other people are funding to see how we could have an impact beyond simply what others are doing.

UNIDENTIFIED SPEAKER: Lastly, could you just give us a quick roadmap or picture of, for want of a better title, the way that Donald Trump can hurt us when it comes to legal services funding that trickles down or comes to New York City?

STEVEN BANKS: I think that Dean Fulahan (SP?) explained well how we are evaluating everything when he testified about the overall city budget. I think for this hearing and in this context we raise an issue that will affect legal services which is the potential elimination of the Federal Legal Services Corporation. There is one grantee in New York City, currently Legal Services NYC, and the loss of dollars there will have an impact and we are monitoring it closely and I am sure that Legal Services NYC will provide you the latest information but that is a concern that we have.

UNIDENTIFIED SPEAKER: Are there any other federal funding streams as it relates to the provision of civil legal services other than that?

STEVEN BANKS: Well the funds that I think, as Council Member Menchaca knows, that we are using for some of our assistance is the community development block grant funds and depending on what the outcome there is that is a concern as well.

UNIDENTIFIED SPEAKER: Carlos, you have anything else? Thank you very much. I look forward to continuing to work with you and we look forward to your report.

STEVEN BANKS: Thank you very much.

CHAIRPERSON LANCMAN: All right. Next panel we will have from the Legal Aid Society, Seymour James, Tina Luongo (SP), Adriene Holder and Carmen Torres. In the interest of time, it would be good if we could have Lisa Schreibersdorf from Brooklyn Defenders and Justine Alderman from Bronx Defenders. Come on up.

[pause]

CHAIRPERSON LANCMAN: Let's try to keep it five to seven minutes and if we could all raise our right hand and be sworn in.

[OATH ADMINISTERED]

CHAIRPERSON LANCMAN: If you would lead it off.

SEYMOUR JAMES: Thank you, Chair Lancman. We really appreciate the opportunity to come before the Committee on Courts and Legal Services to discuss the impact of the budget on the Legal Aid Society. This Council and this Committee have played an important role in expanding access to justice and ensuring that organizations like Legal Aid are able to provide high quality service to their clients. We really want to thank you for your leadership and support. You have our written testimony so we are not going to expound upon that and I know you said you wanted us to limit our testimony so I will try to be brief. I will discuss generally the funding issues, some of the history that has applied to the Legal Aid Society and then I will have a representative from 1199 who will discuss some of the work they do and my colleagues, Adriene Holder, the attorney in charge of civil practice, and Tina Luongo, the attorney in charge of the criminal practice, will elaborate on some of the issues that we think are important. In the criminal arena, this

council was very supportive in providing supplemental funding for a number of years. Although to address the increase in case load that arose as a result of the arrest by the New York City Police Department. However, our salaries for all staff were stagnating over that period of time. From 2009 to 2013, there were no increases [inaudible 01:23:42] provided to our staff and as a result, we continued to lose experienced staff who were unable to afford the high cost of living in New York City. The administration has not been as generous with the human services providers as they have been with their own unions. There was a caller (??) provided to the human services providers including the Legal Aid Society for fiscal year 2016. There was no [inaudible 01:24:13] this year and --

CHAIRPERSON LANCMAN: You mean the municipal unions?

SEYMOUR JAMES: Municipal unions, right. The city municipal unions, yes. There is an RFP to provide indigent defense services beginning in 2018. Unfortunately, we don't believe that the amount provided in that RFP is really adequate to fund the services that are necessary for indigent defense for

all the providers in the city. The amount of 316 million for two years we think pails in what necessary to actually provide quality service with all the facets that are necessary, increased social workers, increased investigators, civil legal services including immigration, government benefits, housing. So we have submitted a bid. We are waiting for the city's response and we will then negotiate with the city over what they believe will be the appropriate amount. I think Tina and the other defendants will elaborate a little on the provision of indigent defense services. With respect to the civil programs, as you know, this Council provides funding for a number of programs for the Society and we really appreciate the Council's commitment to addressing incoming inequality and access to justice. Through efforts of the Council, we have been able to expand legal services to low income New Yorkers in a wide array of legal problems and we really applaud the administration and the Council and the Chair for its commitment to universal access to legal representation in the Housing Court and Council Member Gibson has left but Council Member Gibson and Levine really were leaders in that effort and we

really appreciate their efforts. As a new initiative, and Council Member Rosenthal discussed this with Commissioner Banks, we believe it is absolutely essential that these programs be fully funded. Many of the programs that the Legal Aid Society has with the city do not full fund all aspects of the services that are provided. So supplemental funding is needed from our private resources. We know what happens when funding is inadequate. In criminal aspect, criminal representation, lack of funding really compromises the effectiveness of counsel and it renders it in many instances ineffective. So we really -- we are concerned that this new program ensure that the providers have adequate funds to cover all their expenses particularly in light of the fact that these additional programs are going to need substantially more staff. We will have to rent additional space in a city where commercial rents are skyrocketing that has to be taken into account and the number of staff that are necessary to provide the services. We really believe that an extensive initiative like this, whereas if you have a smaller program, sometimes you can get some supplemental funding to

assist with it but when you're talking about 15 million and 1 the first year and 55 million over five years additional funds, there is no way that any of the providers are going to be able to supplement those funds in order to meet the necessary --

CHAIRPERSON LANCMAN: Just to be clear, do you believe that the funding that has been contemplated matches the services that have been promised? Will providers be able to deliver the services that have been promised on the funding that has been proposed?

SEYMOUR JAMES: I think it is difficult to make that assessment at this time. We are somewhat concerned that it may not be sufficient but there is no real evaluation that has been done but my colleague, Adriene Holder, can probably speak more authoritatively about the issue.

CHAIRPERSON LANCMAN: Okay.

ADRIENE HOLDER: I mean --

CHAIRPERSON LANCMAN: I don't want to interrupt your spiel.

ADRIENE HOLDER: Well then we will go ahead and let the spiel go but yes. There is still -
- we are very excited about universal access as a

provider community and we are very grateful that it is through the leadership of this City Council and in particular your colleagues, Levine and Gibson, that have pushed this through with the Mayor and speaker being very supportive. We are concerned I think as a provider community but I will speak as the Legal Aid Society for all the reasons that Seymour has stated which is that so many other city programs that we have have not been fully funded and I just want to add that, you know, sitting in an organization where I have colleagues with Tina Luongo and Tammy Stekler (SP) who runs our juvenile rights practice, you know, I see my colleagues having to run legally mandated programs and I also saw what happened when those programs weren't properly funded. It was wonderful the advocacy that we were able to do as an organization at the state level to get case caps for the criminal defense practice based off of many types of studies but there were a lot of painful years before that legislation was passed and the same thing in terms of client caps in the realm of child protective and proceedings involving children in family court who have been accused of crimes. I don't want to see as providers that we have to go down that

road when we actually have lessons to be learned.

What I would like to see because, you know, this is historic and we are at this very historic moment here in the city. What I would like to see is I would like to see further partnering, the idea that it's a City Council and I'm glad that you all are concerned about how this program is going to be rolled out and that is client centered and that it takes into consideration issues around how the courts are going to be responding, how the providers can provide those services and what it is that we need to do with the community to let them know that those services are available. But, of course, always looking at the cost. I think that when we partner with the City Council, when we partner with HRA and as providers all of us understanding and having an idea of what the best practices are and what the challenges are in trying to have an expansion like this that we talk about the way in which expansion should go and that we make sure that we are speaking to one another and that we are working with OCA and others to make sure that it is an expansion that is really going to meet the need and also be sensitive of course to the capacity and the cost. I really, sincerely believe

that when we look at issues about how cases are coming into court, looking at predicate notices, looking at other ways that we can actually get to folks before they actually have a housing case so as to keep the numbers lower. All of those type things and thinking creatively about those types of things and actually at which point you join counsel, to a tenant or a family, all of those things can have a great impact on the cost and the effectiveness of the program and again it is something that involves planning for all the stakeholders to come together.

UNIDENTIFIED SPEAKER: Are all the stakeholders being brought to the table to be able to have that conversation?

ADRIENE HOLDER: I think that --

UNIDENTIFIED SPEAKER: And implicit in what you're saying is they are not so --

ADRIENE HOLDER: No, I think implicit in what I'm saying is that it has been very early so there has been announcements but there has not been a lot of detail and what we need to do over the next period of time is we need to get everyone together. I think as providers, as providers we have already started the conversations. A lot of us have been

dreaming about this for many -- I have been at the Legal Aid Society for 25 years. I have been dreaming about this for a long time. I sat on the [Inaudible 01:32:48] Guidelines Board for almost 12 years. So I appreciate where we are in the history of our city and actually in terms of serving as a model of what can happen in this nation where gentrification and housing costs can be, you know, the real factor as to whether families can stay together.

UNIDENTIFIED SPEAKER: Oh, I think you --

ADRIENE HOLDER: I think it is early and I think -- excuse me, I am sorry, Council Member, I think it is early and I think that if all the different stakeholders and I think that we have always planned that we would get together and talk about it but if we actually have a true partnership with the courts, with the council and with HRA, I think the providers are ready for that conversation and can put together a program that would be successful.

UNIDENTIFIED SPEAKER: I would suggest and I don't know if you think this is the best course of action, but I would suggest that you and the other folks who would be providing these services should

come up with what the mousetrap should look like and do it proactively and as soon as possible so that we in the Council can measure the administration's performance against that rather than a role -- you've been doing this a while; I've been doing this a while too. Rather than rolling disappointments and constantly trying to push here or there, if you could come up with a template for this is how it should look with the funding that has been contemplated and this is how we get to where then it is easy for us to question Commissioner Banks or Jordan or whomever, like well have you met with these people yet, has this task force that has been set up has this committee, whatever the process would be. I really urge you to do that and give us the opportunity to be your advocates for delivering this service that we are all so deeply committed to. Were you done, Mr. James?

SEYMOUR JAMES: Yes, I'm finished.

UNIDENTIFIED SPEAKER: Excellent.

TINA LUONGO: Good afternoon. I am Tina Luongo. I am the attorney in charge of the criminal defense practice at Legal Aid Society and I know that my colleague, Carmen Torres, will talk about sort of

the value added of our staff that right now, more than ever, we have said this a few times in history. After Sandy, we said we were the first responders in our communities and here we are really being on the forefront of building our own wall to protect people. I think the reality of the situation and why sort of today as we talk about this intersectionality of the criminal practice and what we do and my colleagues in the civil practice and what they do is now is an unprecedented time where we need to look at that intersectionality and look at it fully funded. So I am going to say and Seymour raised this and I saw your sort of eyebrow go up, Chairman, about when he said that we believe that as public defenders in the criminal justice system that our funding pool is not enough. So when the announcement for the RFP, the concept came out, the concept letter, it said \$316 million and all of my colleagues who are here -- some of the them here today, Brooklyn Defenders, Bronx Defenders that does this work, New York County Defenders, Neighborhood Defender Service of Harlem and Queens Legal Services, all of us who have done this work and struggle with trying to make it work, work having our staff stretched to the limit either

because the cases or lack of resources or simply caring so much that you do so much, we were pretty excited because we thought it meant 316 million for a year. Because we have watched actually in another committee not where the DAs report their budget went up every single year including this year, this last year. Some of those offices got enormous bumps in their budgets to bring on more staff, to take on the opioid addiction as if we didn't have a role and we were really disappointed in the fact that our budget actually didn't mean one year it meant that you took \$316 million, you divided it by two so it was \$158 million per year and they added homicides. Okay. So we believe it actually should be \$316 million a year because if you take six organizations that actually right now are not only doing criminal justice system but my staff from the community justice unit and prisoner's rights that are really being funded by the way almost exclusively by this Council and our paralegals that are staffing our hotlines for Ryker's and out immigration hotline that went live in 12 hours. We went from concept when people were getting swept up, we went from concept at Legal Aid to Adriene and I talking about a hotline to actually

running a hotline 12 hours later, 24 hours and you know who did that? It was the staff of the community justice unit and our paralegals at 1199. So to sort of sit here and say when Mark Jay is not in the room to actually explain to you why it is they capped us at \$150 million per year, why the DAs are getting bumps, why we are looking at that and why the public defenders who are on the frontlines doing our work aren't getting that, I am a little disappointed they aren't here, but that being said you're here and I really know that you all have sort of looked at reform as being really us being the key players to push against wrong information that might be out there particularly on immigration and sweeps and raids, pushing against broken windows, policing that has caused our clients enormous damage, pushing against sort of I think more and more policies that are going to be coming down the pipe that are going to go to the fundamental core value of what I think of this city as being a real sanctuary city so that is my -- I know my colleagues have other things to say but I sort of wanted to sort of paint that picture of DAs getting more money and us staying baselined and ask this Council to continue to help us

press for the fact that that is completely fundamentally unfair.

CARMEN TORRES: Thank you, Tina. Good morning, Chairman Lancman and members of the committee. Thank you for this opportunity to testify on behalf of Legal Aid. My name is Carmen Torres and I am a paralegal to criminal defense with the Legal Aid Society. Today I am here to discuss additional funding for the Legal Aid Society in order to bring us up to the average standard of living. Our role is criminal defense division has not just changed due to *Padilla v. Commonwealth of Kentucky*, 559US356. Effective representation requires that we examine each client's case individually and access all of their needs, not just a criminal matter. We get to the root of the client's criminal justice involvement by concentrating on the client as a whole in order to be able to deduce the level of legal and social services needed. The Legal Aid Society is unique in that once we take on a client that client continues to get assistance and support even when their case is finished. These services include assisting them in sealing old cases in order to obtain better employment opportunities that enhance the families

quality of life to providing the client a plethora of resources needed to ensure that they are successful in reintegrating back into society. Thus reducing their recidivism rate and contact with the criminal justice system. The Legal Aid Society's unique value is the ability to go beyond any one case to create more equitable outcomes for individuals and broader, more powerful systematic change for society as a whole. When President Donald Trump decided to change the immigration policy, Legal Aid immediately sprang into action and created a deportation hotline in order to help ease mass hysteria among the immigration communities. Our paralegals and attorneys became swamped with hundreds and hundreds of phone calls from frantic and fearful immigrants who needed to talk about their immigration status. Legal Aid worked continuously to inform the immigrant communities of their legal rights, concerns about deferred action for childhood arrivals, temporary protected status and their rights as undocumented and documented immigrants. In addition, the Paralegals II who work at Ryker's Island are committed to addressing the needs of more than 5,000 inmates per year. They act as the liaison between the

incarcerated individuals, their attorneys, criminal justice agencies, social services and health care agencies. The Paralegal IIs also facilitate in calculating an incarcerated person's jail time in order to ensure their correct release date. In closing, I am honored to be part of the Legal Aid Society's commitment and mission to defend, represent and aid the underprivileged, low income, disenfranchised, immigrant and LGBT individuals. I just want to say thank you for the opportunity to testify today. I am happy to answer any questions the committee may have.

CHAIRPERSON LANCMAN: Thank you.

JUSTINE ALDERMAN: Good afternoon, I am Justine --

CHAIRPERSON LANCMAN: Just a --

JUSTINE ALDERMAN: Yeah, thanks. I am Justine Alderman. I am the Managing Director of the Bronx Defenders. As many of you know, the Bronx Defenders is a holistic public defender office in the heart of the south Bronx and what that means is that we address the range of both civil, criminal, family and immigration legal and non-legal needs that our clients have. We do so in a way that mirrors our

client population and it brings me to something that Tina had just mentioned in that I it is important to inform all the discussions that we are having about contracts and funding which is the intersectionality of our clients' legal and non-legal needs. So when we talk about these different contracts and sometimes even the panels that we have before the council are divided into practice area but the experience of our clients is not divided so you might have a client who actually has legal needs in different forms in different venues but those -- that is not random, that is not isolated. That is not happenstance. There is an intersectionality that is causal there. So a client who has a criminal case that is going to actually trigger a Housing Court case. It is going to trigger an immigration case. It can trigger a family defense case. So I think when we look at these contracts and the funding streams, it is really important to remember that there is -- there is a play in between them so that when we are looking at possible expanding funding for one area of practice that it's going to have a triggering effect in other areas as well and if New York City really wants to be on the forefront as a progressive city in addressing

the multi-faceted needs of New Yorkers involved in the criminal, family, civil justice systems that we need to also look at funding streams in that intersectional way. There are a couple different points that I actually want to respond to that were made by council members, Council Member Menchaca and Rosenthal, that I think are really important to highlight and I was so happy to hear you talk about them. One is flexibility and the other is structure of our contracts. So speaking first to the issue of flexibility. We find this all the time in you're seeing it, you're picking up on it here as you're listening and asking questions. This is a changing landscape in every practice area that we experience. So whether we are talking about immigration and filings increasing and our inability to meet the needs of the population that is coming through our detention facilities, our NYFUP on all the providers are in a position now where we are going to meet our contract numbers before the expiration of our contract. Changing landscape both in the terms of complexity of the cases, the nature of them and the numbers. Family court, we haven't spoken about that yet here today but filings are through the roof. We

are seeing filings going up that's a response to what is happening in the political, you know, climate in terms of what's getting reported in the papers and we are at a disadvantage in trying to play catch-up. We are constantly -- we are monitoring the numbers and saying where are we in terms of our contract, do we have enough money to actually continue to stay in intake, do we have the staffing that we need. There are mechanisms in place to go back and to ask for new leads but I will tell you this is just from the Bronx Defenders' perspective, new needs were granted for family defense. New needs were not granted this year for criminal defense. Even though the nature of the work is changing and the complexity of the work is changing and our ability to meet those needs is changing, the city is not necessarily responding even though there are structural mechanisms to do so. Seymour James mentioned rent cost. I literally went from door to door over the past six months begging for money for rent because we needed more space so funding streams came in but they didn't adequately compensate us for the OTPS costs that are also changing and we were at a place where we actually had some money to hire some staff in some of our programs

but no one was giving us money to actually put them into office spaces so they could do the critical work. And sort of that flexibility issue and the need to be responsive to the changing needs of our client population also goes to Council Member Rosenthal your comment about the structure of our contracts. We were grateful for the first, well maybe not for the first time, Lisa can speak historically to this but we did see in the RFP an invitation to seek a different form of funding but you are absolutely right, the cost per case, that structure, is part of fundamental problem why we are constantly playing catch-up because it doesn't adequately fund what it costs to run a program. Just as an example in terms of right now for our anti-eviction contract, for the first time HRA is saying you need to go to an intake model which we've never had before. Now that is to reach our contract numbers, the ones that we were originally contemplated to get. It is to help us connect to the clients. That's great. But there is a cost to doing intake, to having to staff a court part or in our case two court parts for an entire day where each court part has anywhere between 50 and 90 cases. The

staffing required for that, that's not contemplated in our contracts nor is there currently an adjustment for it. So I really appreciated hearing reflected back what has been a discussion among all of the providers which is that the structure of the contracts is also problematic so you're talking about the overall pool of money, is there enough allocated for these different programs, you know, I echo Tina in saying no, not just for criminal but for lots of different programs as well but that there are other issues that we should be looking at and I appreciated the council's attention to those, namely the flexibility to adjust to the changing needs of our client population and some of the structural impediments that we really need to look at very critically and see are there different structures that we can come up with that will enable us to not constantly be playing catch-up to going door to door with outstretched arms for, you know, whatever additional funding we can get and actually insure that the providers can indeed meet the needs of New Yorkers in this very sort of complex time. Thank you.

LISA SCHREIBERSDORF: I am Lisa Schreibersdorf, Executive Director of Brooklyn Defender Services. I guess [inaudible 01:49:57] I am the oldest one on the panel here. I will say that prior to the Bloomberg Administration, we did not have cost per case contracts. We had what at that time was called cost reimbursement contracts and we had to show what we spent and of course there is a relationship between how many cases you do and also the nature of the cases and how much money you need to run your program but it was seen as obvious that they needed to fund the project itself so it could run and if you needed something and if they gave you more money to do more cases, for example, in our second years when the quality of life cases started going up and there were a lot more of them but they were relatively low level cases at that time but we needed a few more staff, they just gave us what do you need for more staff and we would do it. If we needed more space, we'd go and ask them for that. It was a much more nimble system. The biggest problem is it switched to cost per case which by the way everybody knows that all we do is back into that number anyway. We figure out what we need to run it

and we divide it by how many cases we're saying we're gonna do and then you're right, of course, they try to reduce it a little bit and fair enough. I think it is not so much the actual structure of it because I don't think our budgets are any different than they would be. It is the way we talk about it that has really fundamentally changed under the cost per case system which is what we already came up with kind of what it costs for a case so if you need an increase in your budget, you're kind of saying it will cost you more per case to do it and in reality that's not what's true. It's doesn't really cost you more per case, it's that your rent went up and all of your expenses went up and because the city does generally not increase your cost per case, during the six years of your contract under one RFP, you have to go in and basically say it's a new need. Well it really isn't a new need because if you'd have asked me when I wrote that original proposal what it was going to look like in four years I could have told you that my rent was going up because I have a ten year lease. So I think that we -- I think many of us in the criminal RFP which is outstanding right now. We are waiting to hear back about it, many of us have made

other suggestions about a different way to fund it and just to be specific in that contract, we believe that if we were funded to do a percentage of cases versus a number of cases that we would have consistency in our contract and just to make it really simple, let's say Brooklyn Defenders and Legal Aid are the two providers in Brooklyn, let's say we each did, I don't know, 50 percent to make it easy to understand then if the number of cases went up, if the number of cases went down a little bit we wouldn't all be scrambling to worry about that. We would just do our 50 percent and maybe look to the following year whether the funding was adequate. So I would just like to put that out there. I also want to touch on NYFUP, which we are also one of the three providers sitting up here. We did ask for a big increase in NYFUP and I wanted to make really clear that that's primarily because the number of cases has just gone up extraordinarily and Adriene pointed out to me earlier that we don't even know if we've seen the Trump increase yet. We are still dealing with a two month -- it takes two months for somebody to get picked up, potentially in a court building which is now a big occurrence or on the street, get detained,

they don't get in front of a judge for two months and that's when they get an attorney. So because of that which, you know, generously as you all know, the first nation and maybe the only one in the nation that really tries to fund all, we are funded in a way that we think we will max out if we state an intake. By the way, they have added an intake date in March so now there's three weeks instead of two and of course we all want to fund. I think the things you have heard the most is that our offices want to be there for the people that we serve so we want to staff that additional shift but it will escalate the point at which we will max out on our caseloads which by the way was already arranged and the top of that range was already really pushing it. We were hoping not to go to the top of that range because all of our staffs are very overwhelmed already and we still have however many we have left which will probably be in April if we fully staff. So what I want to make sure is because I think my colleagues have done a very good job of expressing is that the budget for the criminal RFP is insufficient, that the process by which we get more money when we need it, for example in the family sphere, we have -- [inaudible 01:54:45]

is very receptive on family defense. We represent parents in family court but the process is so long and so difficult that by the time we find out what we're getting we've already lost the opportunity to actually expand our staff and meet the need but when it comes to the NYFUP, one of the big impediments and I just want to push is the fact that it is not baselined and that we have to worry every single year. Now we were good with that because we knew that as a pilot project that it takes a while to figure out really what resources are needed but what we have learned about NYFUP is that it is unpredictable and there has to be a system by which we have some predictability and some longevity in that contract because the minute that we get close to meeting our -- by the time we have a contract, we haven't even signed our contract for NYFUP for this year and we are already worried that we are going to hit the max number that we've agreed to but haven't signed a contract for and we are trying to approach the city council to help us fund the remainder of this year while we try to predict what we need for next year which is a big increase and requires a lot of advocacy on our part which we are happy to do. I

just want to put that out. Councilman Menchaca, I just want to, you know, while we are all here our desires to stay and keep doing the cases. By the way, even at the number that we max out at, which is the same cost per case that we had last year, we are still not doing all of the people that are detained. We are still not doing people -- certain cases like if the person is not indigent on the first calendar call, miss the calendar call, and they have a private attorney and then they no longer have money, we are not doing those cases but we think we should and [audio skip 01:56:34] people that need us the most. They used every penny they had to try to protect themselves and they run out of money and they no longer have an attorney so my point is we are trying to get to a place where we can provide those services. We have developed an expertise that is unparalleled. If you go outside of New York City, I was just in New Orleans at a conference, they talk about New York City as the gold standard for immigration work. They talk about New York City like we are a shining beacon and we want to keep doing that. I just wanted to reinforce our needs and I know baselining is its own political issues and I

also fear, as all of us do, that even if it gets baselined it won't be sufficient funding but I would ask you to please review our funding for this year and next year and the sooner we know the faster we can hire people and keep going.

CHAIRPERSON LANCMAN: Thank you.

Questions?

UNIDENTIFIED SPEAKER: Thank you all so much for following up on the contracts questions. It is something we're working very closely on in the human services sector. Just as an aside, Justine, are you a lawyer?

JUSTINE ALDERMAN: I am.

UNIDENTIFIED SPEAKER: Okay. If I ever get in trouble, will you, you know, protect me?

JUSTINE ALDERMAN: Absolutely. I will give you my card before I leave.

UNIDENTIFIED SPEAKER: Thanks. I really appreciate it. I mean I don't plan on getting in trouble but you'd be the woman I'd want. So, you know, the way I would phrase it is it sounds like we need to right size the legal services contracts which is the argument we are making on the human services side as well. I am curious for -- I hadn't realized

1199 -- Adriene or Tina you spoke about the 1199 workers. How much do they get paid? Is it an hourly wage?

SEYMOUR JAMES: They receive an annual salary.

UNIDENTIFIED SPEAKER: Is it a living wage?

SEYMOUR JAMES: Well we actually have a member of 1199 right here.

UNIDENTIFIED SPEAKER: I mean the definition of a living wage is the tiniest amount that you need to just get by. I mean \$15 an hour is considered poverty wage. That's why I was asking per hour but, you know, anything less for a family of four I think is \$34,000 is, you know, subsistence living but a living wage.

SEYMOUR JAMES: We have -- there is subsistence, a little above subsistence.

UNIDENTIFIED SPEAKER: Okay. Does the state pitch in at all on legal service funding or is this all a hundred percent city funded or the Federal Government do they pitch in at all?

SEYMOUR JAMES: For the Legal Aid Society, the Federal Government does not pitch in

because we chose in 1996 to discontinue accepting legal services corporation funds because of the limitations placed on providers. The state does contribute. They have the Chief Judges Legal Fund, I guess is 100 million statewide.

UNIDENTIFIED SPEAKER: -- Fund is sort of this is what we have to offer you, right? It's not funding the cost of the service?

SEYMOUR JAMES: No. And for the -- in the criminal contract the state does provide case cap funding but that --

UNIDENTIFIED SPEAKER: I didn't hear the word, case cap?

SEYMOUR JAMES: There was a law passed in 2009 to limit the cases of indigent defenders in New York City at a level set by the Chief Administrative Judge. That level was set and then the state provided funding over the next four years, it was phased-in over four years, to reduce the caseloads but that money has now been held at a stagnant level and actually last year it was reduced a little bit for us and it does not enable us to provide increases in salaries and cover our health care and seniority increases.

UNIDENTIFIED SPEAKER: As we are going through the state budget as well, is this something you are talking to the state about for fully funding those contracts?

SEYMOUR JAMES: We are having discussions with the state although we have been told that the civil legal services funding is flat and there will be no changes in that this year.

[cross talk]

UNIDENTIFIED SPEAKER: So they are making an active decision not to fully fund your work. I mean could you then not take some cases, right?

SEYMOUR JAMES: In the criminal -- we don't --

UNIDENTIFIED SPEAKER: I'm not a lawyer.

SEYMOUR JAMES: In the criminal field we accept all the cases that come in because there is a right to counsel. In the civil arena, we do not take all cases that are --

UNIDENTIFIED SPEAKER: But the right to counsel is a state law, right, for criminal cases?

SEYMOUR JAMES: For criminal case, yes.

UNIDENTIFIED SPEAKER: But is the law right to counsel regardless of how much counsel is paid?

SEYMOUR JAMES: Yes.

UNIDENTIFIED SPEAKER: So this is sort of a national problem if you look at it and certainly we have tried to and have fought very hard in New York State to make the case that our entire public defense system in the state is unfunded as you know it was called Justice Equality Act that was introduced. It had by the way both Assembly and Senate unilateral, unanimous approval rather unanimous approval from the Senate and the Assembly. Pausing a moment for that. And then was vetoed by the governor so there was a big push for state to ensure that the state take on from the counties sort of the full cost of what it really does to represent somebody. It will be a long haul. Here in New York -- and the state by which Seymour is talking about, the money for case cap was to bring in in all of our organizations new staff to bring down caseloads. But, the position of the state has been we've done that. Many of you are under your annualized cap, which by the way is high, it helped us in the moment. It is actually not -- it is an

annualized not a pending caseload and as an attorney I will tell you, as a public defender, it was not my annualized caseload that caused me to potential triage, it was the clients I represented in the moment. So we have made ongoing conversations both with the city and the state that what really drives quality representation is your pending case load and that has remained flat and in fact here in many of our offices, the number of felony caseloads trend upward because they are serious and you have to take the sufficient time to ensure that you are fully representing a client. In many misdemeanor cases, while lower reform efforts have seen a reduction in some of the things that shouldn't have been in the criminal justice system in the first place because they are quality of live offences. There are other cases that remain that are misdemeanors that do -- people require a full representations. So we have made these arguments to the state and the city and will continue to do so but again to answer your question, the reality is when you take all of that and take a group of people who came to this work to service our clients it is really hard to tell somebody we're gonna shutoff representing people

because we're just not and that's a good thing for us to, by the way, to say to you all and say to our funders but the stark reality is it stretches us to the limits as Justine says. And by the way, I often say I want Justine to represent me. Eloquent -- that's right.

UNIDENTIFIED SPEAKER: I appreciate that and I guess the last thing I will say is more of a question and Shelia maybe you can help with this or Regina. You know there is a big push that the administration step-up and fully fund the human service contracts and as a stop gap measure that is a value of \$500 million a year. As each provider would renegotiate their contract to be fully funded, we know that 500 million would cover most of that and what I would like to figure out is whether or not the legal services providers are a part of that contract push. I think they are but I think that MOCJ is in the pot as is HRA but I would like to confirm that and work with you that if you are not part of it we are going to need to be asking for more and if you are part of it, if you could join us in our quest for fully funding our contracted providers. These are services, as you say, the state mans us to do, the

city mandates us to do, we want to do, we contract for the work, you know, when we contract to build a bridge we pay the cost of building a bridge. We would never say to a construction firm, okay, you're telling us it costs a 100 million, we will give you 80 and you just cross subsidize with your private sector jobs or get philanthropy. We wouldn't do that. It costs 100, here's a 100. You're working along and there's a scope change and it's we need 20 million more, here's 20 million more. So the disconnect is so apparent and I would love to ask that your voice be part of this dialog as we try to right-size all of these contracts. Thank you.

UNIDENTIFIED SPEAKER: Thank you, Chair, and again thank you to this incredible panel. Before Helen Rosenthal, Council Member, leaves we were just talking about how incredible that a majority, significant majority of this panel are incredible women that are fighting this good fight on the ground and I want to say thank you for that. And, Helen has been fighting that good fight on so many different levels. I would like to see that represented on the council side. Just putting it out there that we need more women on the city council to keep fighting this

good fight. I want to say -- we have to, we have to, we have to say thank you for that 12 hour turnaround. I know Tina at 1199, Ms. Carmen Torres who represents the efforts that came together, we have to say thank you over and over again. We can't not do that.

Because the things that are on their way will continue to push us in ways that we are talking about today but also inspire us to keep responding in the way that we need to do it. I think today's budget hearing really shows us how the city can actually structurally change the conversation, bring the concepts of intersectionality in and actually full fund what we're doing so thank you, thank you, thank you. This can't happen and look, 1199 is another force of nature here. It is labor. It is labor that brings a kind of commitment but also worker empowerment and so this question that we are talking about , fully funding, this is labor, this is labor movement. How do we fully fund what we are doing so that we're not relying on the kindness of people's hearts that we are actually paying everybody what they're worth. So let's get down and deep into this conversation. We have seen an increase in legal services full stop and we want to be thankful about

that but what we haven't seen is the kind of increases where they need to be so that we are all whole. So I want to swim in the world of NYFUP for a little bit and understand the complexity here a little bit and really think about the actual caseload that we have that changes over time and it has been fluctuating since we first started this thing. I remember getting calls from the Veer Institute saying heads-up, don't be alarmed but we've got a massive decrease in this stage and so what I want to understand from somebody, Lisa or whoever, on the complexity question versus -- the complexity of the case versus the actual number and how those two relate to each other so we can understand what we are going to eventually ask for. So we are going to increase the number of cases or are we thinking about the flexibility around the complexity and allowing the complexity to drive the conversation about how much money we bring in. I don't if I'm asking the right question but --

LISA SCHREIBERSDORF: I'd like to take a stab at it.

UNIDENTIFIED SPEAKER: -- if you can reframe the question the way you understand it --

LISA SCHREIBERSDORF: I understand exactly what you're asking.

UNIDENTIFIED SPEAKER: Okay. Let's start there.

LISA SCHREIBERSDORF: Well we did an analysis. We're gonna have to fall back on the cost per case because it is a way in which we've learned how to think about the resources that go into a case rather than thinking about complexity, we think about what do we need to do that case.

UNIDENTIFIED SPEAKER: And what do we need --

LISA SCHREIBERSDORF: For example, obviously, every case needs an attorney but some cases also need a social worker for example if the mitigation is the issue in the case. Again, I am not an immigration attorney but I am going to do my best to imitate one. Sometimes what we are doing is we are arguing to the court the person is eligible for cancelation of removal based on the equities so we may need a social worker to actually look into all the details of the person's life and actually confirm and there is a lot of documentation, those files are really big, to explain and prove to the court that

this person's kids are really this person's kids and all of those things. All right. So we have social workers on staff, again not on every case. There are many cases where a paralegal can do some of the work because they can be admitted to work before ICE and perform in court also, I forget what the word is, but some cases can be done by a paralegal. Some cases need a lawyer and a paralegal. Some cases have to go back for a bond hearing which can be like a whole trial and that is very labor intensive. Some people aren't eligible for a bond hearing. SO another big cost is experts. If you have a concern that your00 if our client is eligible for asylum, for example, and that person is from, I don't know, Honduras we need an expert on the conditions that exist in Honduras at this exact moment regarding the exact gang that our client might have been a member of or the gang that is in control of their neighborhood. So for example, that might be on that case but on another case where, for example, it is already known that the conditions in a certain location aren't, you know, questionable. I'm trying to think of a country because so many of them are so -- North Korea, for example, I don't think you'd need an expert to prove

that you really shouldn't deport somebody back to North Korea. So what I am saying is it's more about the resources that each case needs rather than the complexity of them unlike let's say criminal cases where you can say in general the more, the higher, the more serious the crime the more complex it is for example. That is not totally true. It is often a good way to think about it.

UNIDENTIFIED SPEAKER: Can I pause you there and ask the question.

LISA SCHREIBERSDORF: Yeah.

UNIDENTIFIED SPEAKER: Is an average the right way to think about this? And I think this is what the administration is forcing us into this conversation around let's put it all together and say an advice conversation cost this and then a walk-in with a social worker with a paralegal and a bond hearing and etc., etc., and investigators which is the higher end and so we need to think about it in average. Is that the right way to think about this and is there another way that we can think about this where we can get back into the right frame for understanding how we fund cases.

LISA SCHREIBERSDORF: You guys stop me if I'm wrong. But I think if you have enough quantity then an average is okay.

UNIDENTIFIED SPEAKER: Okay. I'd like to hear from others on that question --

LISA SCHREIBERSDORF: The smaller the number than you are --

UNIDENTIFIED SPEAKER: -- because if we are thinking about this the wrong way we should rethink --

LISA SCHREIBERSDORF: I just want to say one thing and then I will let Adriene take it because I think she has something to say. But the reality is on when it comes to NYFUP and most legal services we're talking about aside from true civil legal services where sometimes just advisals [sic] is enough, for NYFUP, there is no such thing as just advice. We are fully representing every single person. Sometimes that representation might feel like advice because we are telling them hey, listen, you really don't have a claim to stay here, we are advising you to accept a deportation order and we will work it out for you in the best way possible but that person doesn't always take our advice so it is

not just advise, we are actually representing that person fully, putting in our notices. I will let Adriene maybe make some points.

ADRIENE HODLER: I think Lisa did a very good job to try to explain what is actually happening here. I think what is really also needed to understand is that when, you know, and I appreciate - - first of all, let me just say I have always appreciate coming to this committee. You guys really trying to help us and be creative in problem solving and trying to figure out what is actually needed and I really appreciate the questions. I think when you are thinking about this work, Lisa is dead-on that there is a combination of things. I mean the expert evaluations for some of our clients who have all kinds of particular needs that we need to document and put before the court, that costs us a lot of money in terms of individual reports. What we have been trying to do and we weren't successful this year in getting it but we were I guess last year was the city to also understand that re-enrollment of a case was a way to acknowledge that some of these cases, yeah a voluntary departure case may in the end be a three month case but there are other cases that may

take more than a year. The idea that we could re-enroll that case is a way to get a little bit more in terms of if they were going to average this out in terms of what the cost per case would be, right, it is another way of admitting there is still a case on the caseload that our staff members still have to work on and that we should get some kind of understanding of that through the contract process so that it is still funded because you are still working on it, you still have people who are spending a lot of time. So those are different ways and we weren't successful this year in being able to get re-enrollments again but there are different ways to look at it. What I am really concerned about though and Lisa and I discussed this earlier today is that we are very grateful that they decided to add another judge so that we have three intake days this week. But I don't know what the future brings and even if you all were to say to me that you could guarantee that we could even get additional funding for the remainder of this fiscal year to be able to stay in intake through the end of this fiscal year which I am not sure that we are going to have the capacity to be able to do, we still would have to hire and train up

people to do that and then I don't know if with the intakes that are coming in, I don't -- they were folks who got caught-up in this process with the prior administration. I don't know what this new administration is going to bring. We need some acknowledgement of flexibility and stability of staffing to be able to be responsive to the needs and as we have had some success in getting some people, you know, out on bond we need to have the understanding to also represent people who are non-detained and how that all fits. Part of everything that is going on here, you know, I hate to, you know, bring up the current president but I think we all know here like he didn't understand that health care was complicated, we all understand that this is complicated but I think that there is a way to problem solve and make sure that we as providers have the flexibility to be able to meet the needs of the particular clients and then continue to be as the Legal Aid Society has always been and we have great partners who will do that with us too, be able to respond to the changing and emergent needs which for so many of us are just unknown right now.

UNIDENTIFIED SPEAKER: Since you have the mic right now, I want to ask a little bit about -- and thank you by the way for that analysis and just the real appreciation for this team effort that we are in right now and the -- we got to solve this problem and we have an opportunity. We are in the budget process and so you mentioned something about predicate case work and I was a little confused. I am not a lawyer, just to let everybody know, but I want to understand what you meant by that because I think it is a -- I want to understand that that's part of the concept of the complexity of the case and just walk us through what that means.

ADRIENE HOLDER: I brought that up when I was talking about universal access to Housing Court or housing representation. So when you think about what a program could look like, I think everything needs to be on the table. Everything needs to be on the table. We need to look at the way cases are brought. If we have five years in which to bring to grow this program out, we need to look at how cases are even brought. Maybe there needs to be a change even in state law, maybe there is an advocacy that all of us as partners, as stakeholders in making sure

this is effective, maybe we look at what changes need to happen in terms of how cases are brought, when cases are brought, how clients then, potential clients meet up with and legal counsel is joined, maybe some of those things are going to help to stem the stream of cases coming in. I know that we can do this because I think about the foreclosure crisis and what the former Chief Judge Johnathan Lippman did around the robo-calls and other, right, and so there was immediately with the advocacy that he had in terms of what was necessary for a lot of these predator groups that brought up all this. There was immediately was a change in the volume of cases that we say. I think that we need to think about different things that we can do at the city level, advocacy that we all as a group of advocates who have been working on this can do to change the process and looking at therefore then when the cases are brought in at what point do folks meet their attorneys, where will they meet their attorneys or advocates and so I am just thinking creatively about it. As providers, we have already started that process and again we have a lot of great ideas because there is great providers in the city who are extremely experienced

but in addition to that I sit in a place and I work with two other providers who have mandated services and so we can learn from the successes there as well as avoid some of the inevitable pitfalls. When you think about ramping up and providing these type of large scale services so that is what I meant but I think that we have to, we have to think very creatively and I have to say there is no other, I tell myself this all the time, we can do this. There is no other place in this country I'd rather be right now than in New York City with partners that we have in the City Council with a provider and a defender community that we have here that we work so well together and with other types of advocates, we have, you know, coalitions of groups that we all are part of that consist of legal services providers but also housing organizers and community activists and elected officials and academics to be able to figure these things out and I am confident that we will but we do have to keep our eye on the prize which is that anything that we do has to be client centered and has to take into consideration the reality of cost and space and not just space in terms of where we keep our advocates but also space as to where this work is

going to be done so that clients are comfortable about who are going to be interviewing and the information that they are going to share so that we can not only solve the case at hand but we can deal with perhaps the domestic violence that actually caused the eviction that we can make sure that these folks don't end back in court. I have been doing this work for 25 years and I remember when I would see someone that I had represented months before back in Housing Court but it was such a relief to me when what I actually heard from that person was Adriene, I'm not back in Housing Court, you solved my problem, I'm here with my neighbor because she couldn't get a legal services attorney but because you showed me how it worked, how I could ask for an inspection, how we could get repairs done, how not to be scared and interact with the court personnel and talk to the court attorney. I am just trying to shepherd her through that until she can figure out how she can get a legal services attorney. So all I am saying is to be able to get to that point where clients are confident and we know we aren't going to see them falling back through, we just have to be deliberate. It is complicated but there is no other groups of

folks who can actually do this than a lot of the stakeholders that are part of this process right now.

COUNCIL MEMBER MENCHACA: Thank you for that and I think that is really the vision that we are going to want to see actualized and I just want to underscore the Chair's request really and all our commitment to hear from you directly to what needs to change exactly and really, really pin this down with some particular recommendations so two more questions really quick. I want to ask about 1199 and this concept of labor and where can 1199 take this up in this next year and really make it a force of nature. I think 1199 is a big force in the city and kind of wanting to hear from you about what that vision might look like and how we can work together to really lift this question up in this budget season.

UNIDENTIFIED SPEAKER: Thank you, Carlos. I think we -- first of all, I just want to say we have a great organizer, Trina Bellamy (SP), she's behind me and as I would love to answer that question, I think she would be the most knowledgeable person to answer that question. So if we could have her come up and answer that, I would appreciate it. Thank you, Carlos. Trina?

COUNCIL MEMBER MENCHACA: Introduce herself and get to the mic, the people's mic.

TRINA BELLAMY: Hello, my name is Trina Bellamy. I am the organizer for 1199 and in reference to your question, I believe that if we work collectively with Legal Aid and if the process and if the foundation and structure is laid out in a way where everybody understands including this council, what it takes for these members to work and the hard work that they do, especially with criminal. Criminal is mandated. It is something that is mandated by the state so there is always going to be cases and because it is mandated, we need to -- it is mandated. Because it is mandated, there has to be funding for that because we tell people when they are arrested if you cannot afford any attorney one will be provided for you so that is something that there is no choice in that manner for this to be funded in a way and the more cases that come up I will -- the paralegals and the social workers they are overwhelmed with cases on top of cases on top of cases and then there seems to be no outlet for them. We are in negotiations right now with Legal Aid and there is always the consensus we don't have any money

and so I just believe if the structure is understood by everyone what it takes for a case to be heard and there is an attorney then there is a paralegal then there is staff support, a social worker, all of these people are part of -- can be a part of a case so I believe once the structure is known and we work collectively and we try to work collectively with Legal Aid and help them funding. We go out and do our funding as well. We go and lobby in Albany to the governor about funding for our members. So I believe if the structure is known and there is a structure that then this committee and Legal Aid can provide more money for the membership.

COUNCIL MEMBER MENCHACA: Thank you for that and I think one of the great things to underscore here is this is going to require a City of New York with all the players that we're talking about and the state to really step-up this time and make it a priority and we can all work together to increase the temperature on that. And really the last thing I want to say and ask is, because it was brought up by the panel, is the convergence of so many different issues on immigration and Broken Window Policy, these are all things we are talking

about in a big way and I want to -- you of all individually have done some really good work. More recently, Tina Luongo's editorial in the Daily News really kind of highlighted everything we are talking about and I want to give you an opportunity to kind of make that point that I think we are all trying to say, especially so many of the members that are saying no to Broken Windows to start dismantling that access point for immigrants and non-immigrants, everybody who is getting fingerprinted and getting stuck into the system. It is actually increasing the price and so look, we are in a budget hearing. Let's make the budget argument here that we can actually decrease -- there is a policy issue here, there is a morality conversation here about what we are trying to do when we target black, brown and immigrant folks on the ground but let's make the budget argument here in this budget hearing and I will give it to you Tina to make that.

TINA LUONGO: Sure. I will try to. My grandmother used to say penny wise pound foolish, right, I think. In many ways, we see that every single day play out. Whether it is sort of a policy that does, Broken Windows, that doesn't increase

public safety but places convictions on people's records and we are now seeing it play out in the context of our needing more money because more people are detained to ICE in our courthouses which is another issue that all the defenders have come together and sort of raised and the increase we are seeing of undercover ICE agents in our court systems coming and sort of removing people, why is that a budget issue? It's a human issue. Let's talk about that and it always has to be sort of client centered in the forefront is these are human beings we are representing and you want to talk about a budget issue there. Our warrants are gonna go through the roof in terms of people not coming to our courthouses because they are going to fear they are never going to see their children, their spouse, their parents ever again. So when we raise this with the city administration and OCA and said you might have wanted to see this coming, this was his campaign and we still today don't have a commitment to keep ICE from doing this at least out in a safeguard to require ICE agents to show a judicial federal warrant before removing somebody. This is huge. I want to reflect on a moment that many of us have raised this in the

context of these meetings because of the work that the City Council did, last -- two years ago around sort of DOC, Department of Corrections, policy and now implementing law that says DOC and NYPD can't hand people over without a judicial warrant, right, right now there might be an actual client who might be safer, I want to reflect on this a minute, safer having bail set and go to Ryker's and have the bail be paid by family member to try to get out then being released on their own recognizance and walk out the court room to their family. Reflect on that because we have asked the city administration and the state and OCA to reflect on that. So when you talk about sort of policies that are sort of justice driven they are also budget driven and again my grandmother sued to say penny wise pound foolish. If we don't start to recognize that we should be changing this when our warrant rates go up and people aren't showing in our courts and warrant squads have to go out that is more money for NYPD, overtime that is more money for the court system perhaps. Like it just -- so, so -- and it is the right thing to do to safeguard and have our courthouses be sanctuary across the border.

COUNCIL MEMBER MENCHACA: Thank you for that and I think that is really hopefully shape out budget response, shape how we take this human issue and bring a budget conversation to it because it is real and the last thing I want to say is and I know somebody else has been big on this issue and lending voice is our Chair, Rory Lancman, who has been out there as well just making the points and so we are all -- we are a team. We are a big, big team and something that Adriene said really connects me to some of the other things that I am really super excited about which is the concept of participatory democracy, participatory budgeting, when there are people in that initiative now over the last three years in my district anyway where people are walking and understanding how agencies work and how things cost, how much a playground costs, how much a light costs, they are walking the streets of Sunset Park and Red Hook and they are saying ah, I understand government. Someone has a question, I'm at a house party, I'm at a church, bringing more people to government. That is bringing people out of the shadows for whatever brought them in the shadows in the first place. That doesn't stop in this world of

legal services and allowing people to say I had a positive experience with a lawyer from the city come help, get some help and bring them out of the shadows. This is all part of that same kind of people's budget that responds to people's democracy and so I'm liking how all this is making connections to each other. So thank you so much for this panel and thank you to the Chair for this time.

CHAIRPERSON LANCMAN: Let me ask just two quick questions. One on behalf of Vanessa Gibson, who had to run, if Legal Aid could talk a little bit about Prisoner's Rights Project and how that's going and anything we need to be aware of. We do have one more panel after this so...

LISA SCHREIBERSDORF: I will try to be brief but the work of the Prisoner's Rights Project is critical. So thank to actually this council, our Prisoner's Rights Projects two years ago finally got some funding. We are asking for an enhancement, 250,000 more above the 750,000 that has been given. What we have seen with that pool of money, our initial pool of money, is really an enormous sort of ability to respond in a very holistic way and when I say that we have a hotline that runs every single day

for people who are in custody at Ryker's or in state facilities to reach out to us. That funding allowed us to bring in staff to actually staff those calls so every single day, Monday through Friday, people are answering those calls and they are usually from people who are -- have very limited time to make those calls to those hotlines but have incredibly pressing issues whether it be an allegation of abuse to an allegation that medical treatment hasn't been sought to an allegation that their calculation of time is wrong and Correction has it wrong and our paralegals do have to recalculate and often actually have to educate Department of Corrections to actually being on the front line to hear and respond to not only those who are incarcerated but their family members about visitation to an issue that we brought sort of to the forefront in many ways with other defender organizations the fact that our clients during some of the coldest days in the winter were being released without coats or being even transported in buses that had no heat from Ryker's to courthouses every single day without having winter garments. So those level of sort of basic human fundamental needs sort of get fielded and then what

happens is Prisoner's Rights Project sort of advocates for them every single day. I am on their distribution list so I watch the emails coming in. Our fielding are sending almost daily emails to either the general counsel or the health staff at Ryker's or the mental health staff at Ryker's trying to navigate the sort of often bureaucratic world that if you imagine a client trying to navigate that who isn't a lawyer, who is incarcerated, who doesn't have agency or his agency has been taken away from him because they are in solitary or confinement, you might imagine how hard it is for them. It is hard for lawyers and we're trained. So that has been happening and that happened because of the funding that this Council provided so now we are asking for a bit more and here's what we want to do with that. Particularly, we have young people because 16 and 17 year olds are treated as adults unfortunately in this state who are upstate who are New York City children. New York City residents who are our children who are our responsibility who are upstate right now and they need a voice, they need a voice to make sure that they are not getting abused that they are getting their education that they are getting the

opportunities and here's why we really need to focus on a population that is out of this city because here's what we hope is that they come back and they come back to this city and we welcome them back to this city and we are prepared to deal with integrating them back into their communities, back into their homes and back into their families. So that is the work of the Prisoner's Rights Project and again thank you this council and we are hoping to get that a bit more money so we can start piloting those reentry services particularly for our young clients.

CHAIRPERSON LANCMAN: Last question. In the spirit of your being proactive and you telling us exactly what you need so if we agree we can go out and demand it. Has any of you made a direct request to the administration to increase NYFUP funding and if so how much? Like, have you asked for a number? What's the number?

UNIDENTIFIED SPEAKER: We have asked for an increase. Thank you for asking that question. We have asked for an increase. We want \$4 million per provider so that would be a total of \$12 million for Bronx Defender, Brooklyn Defender, and the Legal Aid Society.

CHAIRPERSON LANCMAN: So almost doubling?

UNIDENTIFIED SPEAKER: A little less,
close to double, yes.

CHAIRPERSON LANCMAN: And you have made
that request?

UNIDENTIFIED SPEAKER: We have made that
request. That is the request we have before, you
know, folks for this fiscal year coming up, yes.

CHAIRPERSON LANCMAN: Okay.

UNIDENTIFIED SPEAKER: We have also
written a letter recently that was submitted just to
fill in this year just so we could get ourselves
ready for that kind of enhancement for next year.

UNIDENTIFIED SPEAKER: Yes.

UNIDENTIFIED SPEAKER: And stay in intake
so if you could take a look at that we would really
appreciate it.

CHAIRPERSON LANCMAN: Okay. Got it.
Thank you very much

UNIDENTIFIED SPEAKER: And for
clarification, that is to the -- that was to the
Council. Our request is to the -- this money hasn't
been --

CHAIRPERSON LANCMAN: You haven't made any request to the administration to baseline this funding or --

UNIDENTIFIED SPEAKER: There have been talks about baselining and we are in the process of hearing what the feedback is but we don't know what the process is going to be here on out but there have been discussions for the past year about this money being baselined.

CHAIRPERSON LANCMAN: Got it.

UNIDENTIFIED SPEAKER: We again appreciate all the support for --

CHAIRPERSON LANCMAN: Thank you very much.

[pause]

CHAIRPERSON LANCMAN: Last panel, we hope, the Center for Court Innovation, Amanda Berman; Laura Redman for the New York Lawyers for the Public Interest; Ron Rasmussen from Legal Services; Rodrigo San, I cannot read it, San Cruz Camos [sic] from Legal Services for the Working Poor; Beth Goldman from NYLAG and Ben Quincy, if I am reading that right, from Womankind. Come on up. Find a seat. Plenty of room at the table. All present and

accounted for. Good. Let's get sworn in. If you raise your right hand?

[OATH ADMINISTERED]

CHAIRPERSON LANCMAN: Ron, would you like to lead it off?

RON RASMUSSEN: -- I'm the -- thank you -- Executive Director of Legal Services NYC. We have a mission of fighting poverty and seeking racial, social and economic justice on behalf of low income New Yorkers and now have a staff of almost 500 in all the boroughs including about 80 in Queens. I want to make just a couple of brief points and maybe answer a couple questions that were outstanding from earlier. The first thing to say is obviously to join my colleagues in congratulating the Council and the Mayor in announcing the housing expansion, the universal access to housing. It is going to be a really exciting development and we will take your word and try to build a mousetrap ourselves in consultation with HRA and the city council. The other thing I wanted to say is that we thank you for the Council for your support for a broad range of civil legal services and I want to emphasize that at a moment when there is so much focus on housing. The

support for immigration work, for consumer work, employment work, domestic violence work, is all a critical part of what is necessary to help stabilize the lives of low income people in New York City. So we thank the Council for that. We are in a very exciting moment from the standpoint of expanding civil legal services but we're also in an incredible very scary moment given what we all believe is likely to happen at the federal level and we have seen a hint of that and more on the immigration end but with respect to some of the specific questions that you asked earlier about funding I want to mention a few really concrete things. The first is as Commissioner Banks mentioned the Legal Service Corporation is joining a list of Heritage Foundation hit list agencies including National Public Broadcasting, National Endowment for the Arts and is being targeted for elimination. That would mean a loss of about 375 million nationally, 21 million in New York State and 11.7 million in our budget which is about 20 percent of our overall funding so it is a big number. In addition, there is federal funding for civil legal services that is directly threatened with any across the board domestic spending cut and that is to the

Department of Housing and Urban Development which funds foreclosure prevention work, the Department of Justice which funds Violence Against Women's Act or domestic violence work, the IRS which believe it or not funds low income tax clinics throughout the city and lastly the Department of Veteran's Affairs which funds civil legal services work in all the boroughs through community based partners. So there is some very direct hits not only to the services that will be made available to our clients and to the policies and practices that are going to hit them very directly but also to the services that we and other civil legal services providers deliver throughout the city. Finally, I just want to say, I just want to thank you for your attention to the model, to the funding and to the, as I said, to the module and the funding of the housing okra because the model is going to effect the providers, HRA, the courts and most importantly tenants and how tenants receive services throughout the city and one of the points that was made a little bit earlier is, you know, what is the model going to be to deliver those services. One of the really important things that we are all going to need to pay attention to is how we prevent

the right to counsel model from preventing us from doing some of the really more important and more complex work or as important but more complex work having to do with aggressive motion practice to ensure that regulated buildings are actually found to be regulated and not just -- we aren't just churning non-payment cases through those apartments and work to ensure that tenants maintain their federal rent subsidies and a lot of those kinds of cases and that kind of litigation is more complex and takes a lot more work than a high really high volume right to counsel might provide and so we are all going to have to be very vigilant about how the model for doing this kind of work is developed. I will close with that and thank you for your support as always.

AMANDA BERMAN: Good afternoon. My name is Amanda Berman. I am the Project Director at the Red Hook Community Justice Center which is a project of the Center for Court Innovation. I want to thank you for the opportunity to speak today and also thank the City Council for your ongoing support of the centers work as a whole and I also wanted to specifically thank Council Member Menchaca, whom I know stepped out briefly, but he has been a critical

supporter and partner of the Red Hook Community Justice Center and the work that we do in Sunset Park and the Red Hook Community. I am here to urge the City Council to support continued funding for the Center for Court Innovation and its groundbreaking efforts to improve public safety, promote and expand the use of community based alternatives to incarceration and to achieve access to equal justice for vulnerable New Yorkers. The Center for Court Innovation is seeking \$700,000 in City Council support. This includes \$500,000 to support ongoing core operations in communities across the city and also an enhancement of \$200,000 to expand alternatives to incarceration in several key neighborhoods in the city. The Center for Court Innovation works to create a more effective and humane justice system in New York City. Beginning with the Midtown Community Court, the Center has created 28 neighborhood based projects in all five boroughs bringing together community members and criminal justice stakeholders to respond to local problems. Independent evaluators have documented the success of our work in improving public safety, aiding victims, reducing violence, reducing the use

of jail and transforming neighborhoods. Through projects such as Bronx Community Solutions, the Red Hook Community Justice Center and many others, we have worked to improve the lives of all New Yorkers in need including immigrants, the poor, young people, women, the LGBTQ community and communities of color. The Center is committed to amongst other things to improving outcomes for your people impacted by the justice system. Our program serves more than 6,000 youths each year providing them with opportunities to avoid Ryker's Island and in many cases a trip to court. For example, the Center's adolescent and young adult diversion programs serves misdemeanor defendants ages 16 to 24 across Brooklyn, Manhattan and the Bronx. These programs offer a broad range of alternative sentencing options including onsite services and referrals to community based programs that offer mental health counseling, drug treatment, employment readiness, job training and many other services. In addition to helping divert New Yorkers out of the justice system, the Center is helping people transition back into their own communities after spending time behind bars. So, for example, the Harlem Community Justice Center supports both

adult parolees and juveniles who are returning from state placement to become productive law abiding citizens. Individuals are linked to treatment services and jobs in order to reintegrate back into their communities and reconnect with their families. They are also at the same time held accountable by appearing regularly before hearing officers or administrative law judges to review their progress and demonstrate compliance. The City Council support has been invaluable to the success of The Center for Court Innovation and the Center looks forward to continuing to work with the City Council to improve public safety in our communities and to create new alternatives to incarceration that result in a fairer, more accessible justice system for all New Yorkers. So we respectfully urge you to continue to support our work and I thank you for the opportunity to speak and will be happy to answer any questions you might have.

CHAIRPERSON LANCMAN: Thank you.

LAURA REDMAN: Good afternoon, my name is Laura Redman. I am the Director of the Health Justice Program with the New York Lawyers for the Public Interest. Thank you to Chairperson Lancman

and the Committee for giving us the opportunity to present today. New York Lawyers for the Public Interest has been around for 40 years. We are a leading civil rights and legal services advocacy organization for New Yorkers marginalized by race, poverty, disability and immigration status. Through our community lawyering model, we bridge the gap between traditional legal services and civil rights building strength for both individual solutions and long-term impact. We work across the city in the areas of disability, justice, health justice and environmental justice. I wanted to speak today particularly about our work as part of the City Council funded immigrant health initiative which we have two provisions that are covered and how that relates to our legal services work. We are honored to be part of the City Council's immigrant health initiative. NYPLI and our partners received \$500,000 in funding last year and it helped us to support our work providing legal services and educating immigrant New Yorkers with serious health conditions, their providers and other legal services providers about health care access as well as connecting individuals to state funded Medicaid, Medicaid that can provide

life changing and often lifesaving treatment for our client. Through this funding we have been able to train and give informative presentation on immigrant access to health care to hundreds and hundreds of community based organizations, health care providers and legal services providers. We continue to also be able to provide comprehensive screening and representations to individuals particularly those who are in health emergencies. Like our client CH, a 64 year old undocumented Greek national who was told there was no hope for him. He was diagnosed with kidney and heart failure and doctors informed the family that he would pass away if he did not get a heart transplant which was not an option for him because he was uninsured. After attending one of our trainings, his dialysis social worker told his family about NYLIP and they called for an intake. We discovered he had actually been eligible for state funded Medicaid based on an old immigration application but he didn't know it. Now he has Medicaid and is being evaluated for a heart transplant, receives transportation to his medical appointments and is receiving primary care that he also desperately needed. In the current environment

in which speaking to our clients we would call a crisis, many of our clients have become more vulnerable with regard to their immigration status which obviously has a direct impact on their health. People are hearing rumors and fearing seeking health care in the community. In response, our initiative has incorporated a know your rights and train the trainer program focused on general law enforcement as well as the health care rights and we are providing that for patient providers and immigration advocates which we will carry out with our immigrant health initiative community partners and at trusted spaces where people receive health care. Our training also includes safety planning and legal resources. Again, in response to this current crisis, we've also developed a cutting edge defensive program to help prepare our very sick clients for unfortunate eventualities that are becoming more real for people with each passing day of the Trump administration which also leads us to our second bit of work under the immigrant health initiative which is our health care and immigration detention work. The immigrant health initiative supports this work to improve access to health care and immigration detention

facilities. For New York City residents held in detention, NYLPI provides individual and systemic advocacy to improve access to health care. For example, we provide support for the City Council funded New York Immigrant Family Unity Project, which you all have been discussing, and have helped secure the release of seven people from immigration detention partly based on the lack of adequate health care. We also recently released a report, which was hopefully sent to all of you, documenting the serious often life threatening deficiencies in the medical care provided to people detained in the New York City Area Immigration Detention Facilities. We intend to use this report to shine a light on this population, a population of people that we can only presume will increase as ICE raids happen across the country and the Trump Administration promises more deportations. We hope to also inspire advocacy and a commitment to immigrant legal services from those who can provide it. So again, we thank the Council again for this tremendous assistance to do this work and ask that the funding continue for fiscal year 2017 for both NYLPI and our community partners, the Academy of Medical and Public Services, Bronx Health Reach,

Gramine Vitasana (SP?) and Plaza del Sol plus an enhancement of a \$100,000 for NYLPI to expand our successful immigrant health program. Thank you again for your time and we look forward to working with the Council to improving immigrant health care in New York City.

CHAIRPERSON LANCMAN: Thank you. Beth?

BETH GOLDMAN: Thank you for the opportunity to testify here today. My name is Beth Goldman. I am the President and Attorney in Charge of the New York Legal Assistance Group. I want to be responsive so much to the Chair's question before about what we are seeing, the new needs we are seeing based on what is coming out of Washington. I want to start though by saying that at a time like this, it is time like we've never seen before and it requires a response we think from local government that has never been seen before. I am going to talk about immigration area in a minute because that does top the list of those most vulnerable but it is important to look at some the other administrative and legislative changes that are having an impact in what we are seeing so far even with all the uncertainty. And, you know, this is a city, it has already been

talked about a lot but the step forward on the access to counsel in Housing Court is an amazing and historic step but it shows the importance that the city and City Council puts on providing lawyers for those facing life threatening crises but we clearly cannot stop there so I want to focus on four areas that we are seeing immigrants, obviously, domestic violence, survivors who are threatening with the repeal of the Violence Against Women Act, that is also on the Heritage list of vulnerable programs and it has been mentioned repeatedly. We are also hearing a lot from poor, elderly and those with disabilities who are dealing with what is happening with the Affordable Care Act and then member of the LGBTQ community. So I want to start on the immigration front and that is the most immediate and we have a very clear sense of what is needed in terms of the expansion of services that are available. First, as I am sure all of the other legal services providers, we have been inundated with requests from community based organizations, schools, libraries, electives for know your rights presentations, community education for immigrants. Obviously, immigrants are frightened and are looking for

accurate information and we have been out there doing that obviously so much more than we were doing before but that is an area obviously that needs support and funding as we go forward. The next piece of what we do that we think is an important step here is the community based immigration clinics that we do with the Key to the City events sponsored by the Council and what is great about those that we tend to see even since the inauguration, we have had a hundred people come out to these clinics because they are in the communities in their safe spaces and one of the things we have learned from that model is that there are many immigrants who don't know they actually have a path to citizenship. They may be coming in to be screened for something else and it turns out we find close to a quarter may have a path to citizenship. It is important to get out there both to let them know what they do, what their rights are, what their rights are not, also to avoid the problem of fraudulent service providers who seem to appear whenever there is a crisis. We have seen it before and we're seeing it again. Pro bono partnerships which are something that a number people have been talking about. We are getting so many calls from

volunteers at law firms but the best way to use them we think is through the service providers that already exist. We have the infrastructure. We have the expertise. It is an ideal way to leverage what we do already so our view is that rather than have all these lawyers create new organizations which is what is happening, if there could be more funding for those of us on the ground who are doing this we could do more educating of pro bono attorneys. We already -- NYLAG is doing a camp for pro bono lawyers. We have four sessions set up to educate them about immigration law but the next step is going to be to farm out cases and supervise them and that is one area where we make sure we supervise the cases that we send out as opposed to other areas because of the need for the expertise. And then of course it is the funding for the complex cases that others have mentioned but there is no doubt that there is more of a need now than there was before when there were people who stayed in the background who might have had asylum claims or other complex claims because they didn't feel a need necessarily to pursue it but now they are coming out and we don't have the bandwidth or resources to handle it so those are the

areas where increased funding for immigration would make a big difference. I will very quickly mention that on the health care areas I think it was mentioned already but we are getting the same thing. We are getting calls from people, we are hearing from people who are not pursuing health care because they are concerned that they will be picked up and it will become a deportable event. So it is an area of real concern. On the domestic violence front, obviously we serve hundreds of people through the grants we have from the Violence Against Women Act and if that is to go that is obviously going to be a tremendous problem. It is an area that the City Council obviously funds through the Dove funding and we encourage the Council to think about that. The last area that I want to mention is the LGBTQ project. That is an area where we have seen a huge uptake in number of requests for assistance for transgender and gender non-performing individuals who want to change their names or gender markers on legal identification. There is a rush to get in to do it for various reasons and we want to be able to be responsive [inaudible 03:00:19] as much as possible but it is an area that could use funding. That is

obviously the tip of the iceberg but that is what we know about at the moment and so we encourage the City Council to continue its fabulous work in funding legal services but the needs are only gonna grow and we hope that commitment grows with it.

CHAIRPERSON LANCMAN: Thank you. Next up?

RODRIGO SANCHEZ-CAMUS: Hi, good afternoon. I am Rodrigo Sanchez-Camus, Legal Director Northern Manhattan Improvement Corporation. I will try to keep this brief because it has been a long afternoon. I am here representing the working poor coalition. It is a coalition made up by Northern Manhattan Improvement Corporation, Campbell Legal Services, MFY Legal Services to be called Mobilization For Justice after June 1st, UJC, Urban Justice Center, and one more which I am missing here, Housing Conservation Coordinators. What makes our funding unique and the reason it is so important is because we have the only funding that really provides services for people above 200 percent of the poverty level. We have a lot of flexibility in how we can offer these services. This coalition was created 13 years ago and with support from the City Council we

have addressed civil legal service needs of thousands of working poor and other low income New Yorkers who are not otherwise eligible for these services. The working poor are individuals with financial situations only slightly better than people at the poverty level and they are typically one legal issue away from falling into that poverty level so what we try to do is provide services that meet the needs of this community. These services are not locked into housing or immigration. They are locked into the needs of the community basically so often times when we provide these services, we provide the services that the community needs when they come in through our doors. In the past that has been housing what we are seeing now is a lot more immigration services being provided under legal services for the working poor and a lot of our immigration clients don't qualify actually for free legal services from us because they are often working so it is really important that the City Council consider this given the vast need for these services for folks that are in that sort of sweet spot where they don't qualify for free legal services but can't quite afford to hire attorneys. We in the past have received \$2.4

million. We are requesting an increase to 2,655,000. That is broken down between the five agencies at 455,000 per agency. As New Yorkers struggle with the uncertainty of these shifting federal priorities and policies and withstand the pressures of gentrification in light of the human toll the civil legal services needs are going unmet. We urge the Council to restore and increase funding for civil legal services initiatives overall and for the legal services for the working poor in particular.

JEN QUINCY: Good afternoon, my name is Jen Quincy and I am the Associate Director of Community Programs at Womankind formerly known as New York Age and Women Center. We would like to first thank you for your continued support in ensuring the services for human trafficking are a priority. Womankind provides culturally matched direct services to survivors of domestic violence, sexual violence and human trafficking in 18 distinct Asian languages city-wide. Our resourceful advocates expertly navigate issues of language access, cultural norms and trauma within the city's systems to ensure survivors receive the help and support they want and deserve. Annually we serve over a thousand

survivors. I am here today to talk about the Asian woman's empowerment program and what it would mean to maintain and increased funding for the service.

Asian Women Empowerment Program, also known as AWE, serves women referred from the esteemed human trafficking intervention courts throughout New York City who are deemed at high risk of having been trafficked. In fiscal year we were -- with this -- we were awarded funding from City Council support to support the women. With this funding we were able to hire for the first time two counselors dedicated to helping women and men referred for the HTIC. We have also expended the program to incorporate economic empowerment, immigration legal services and [inaudible 03:05:16] classes. Like all changes to our programs, these changes were informed by feedback from our clients. Our survivor center model of service means that we listen to the needs of our clients and do not prescribe a certain way of providing service. Since we implemented survivor voice changes in January 2016, we have seen a continuing increase in clients receiving service long after the mandated sessions. To highlight how this program has been helpful, I will share with you a few

anecdotes. A client trafficked and defrauded in multiple states has finally been able to work with our in-house attorney and social worker to address a lot of her prior points of legal and sexual exploitation and has obtained a pre-certified status for her T Visa. In one other instance, a police report was needed to submit to the New York State Licensing for Massage License. The client had tried to obtain the report earlier, however, ended up walking out of the precinct without the report due to the language barrier. The client went to the precinct along with her advocate and they were finally able to get it. Advocates have also been able to support clients who have had life altering medical issues and were unable to appear in court. One woman was diagnosed with cancer, going to court was not easily within her reach. Advocates gained consent from the client via a HIPPA form. In one instance, one of our advocates went to the client's apartment to get her signature as she was unable to leave her apartment and felt too ill from the chemo. The consent allowed the advocate to speak with her doctor and get a letter from them to provide to the court. The client eventually did not have to appear

in court and that letter from the doctor helped tremendously. In 2016, we served 294 clients that came through Human Trafficking Courts and you can refer to the handout for more of the shared stories. Womankind urges the New York City Council and this Committee to allocate an advocate for funding for social services for survivors coming through the Human Trafficking Courts. These services are needed now with the administration target on immigrants, especially those with criminal record. Funding will allow us to have a dedicated staff to not only continue the work that we are already doing but also develop longer term plans of support needed to sustain their lives. Dedicated staff are critical to establishing the trust the clients have in our agency. With your continued support, we will be able to sustain a strong program. We can only build the relationship with the client to foster trust and disclosure if we are truly present with them. Thank you.

UNIDENTIFIED SPEAKER: Thank you, Chair.

One question. I think we went through so much already in the previous panel and I think you're confirming all the kind of intricacies of the need

for funding and really looking at how it happens in a time where we are all trying to figure out what is next coming from the administration. One thing that I kind of caught and I want to make sure that if you can give a sense of -- if anybody else wants to talk to the issue of just utilizing other resources.

Right now we are at a budget hearing for city resources and we are going to fight and try to figure that out but there are so many other resources out there that could be helpful, pro bono lawyers and for the first time I kind of heard how to use pro bono lawyers because I feel like that has been an unclear thing. Sometimes they get in the way, sometimes they get you halfway through and actually you have to double back and do it again and over again. Is there this auxiliary force out there that we haven't tapped into or we can tap into in a different way and build the budget so we can honor that work but pro bono is another one. I am thinking about all the funding that is coming through the ACLUs that one like overnight they became like swimming in cash right now in a big way. How do we restructure how we even advertise for resources from our community like pro bono, like individual dollar giving, how do we

rethink that and if anybody has a good idea let's talk now but if not if you can bring that back to us we'd like to hear about we can do that because we are going to be communicating this message to our communities in big and small ways and it would be good to think about how we do it differently and coordinate.

RON RASMUSSEN: Emphasize Beth's message earlier and she can elaborate on it but the importance of as you said pro bono work but we all saw this when Hurricane Sandy hit there was this and I viewed this moment as being somewhat analogous, you know, disaster hits our communities and New Yorkers reach out and try to provide help but as happened with Hurricane Sandy, there were way more volunteers than could be used and as we know, Legal Services NYC and NYLAG and the other providers here who have engaged with the private community over the years, it takes resources to use resources and to develop resources and so support for funding of volunteer coordinators or pro bono coordinators would be hugely helpful for organizations like ours because we don't have the staff to do it and so really the limitations on providing on really making a good experience and

good service for clients have to do with adequate selection of clients, adequate training of the volunteers and adequate supervision of the volunteers because they come into it knowing nothing, most of them, so making sure that they get the right kinds of cases that they can actually solve requires screening at our end, effective training and then as I said ongoing supervision and those parts are all staff driven. Beth, do you want to add to it?

BETH GOLDMAN: I think Ron had it exactly right and I think one of the things I was trying to emphasize is that there's an immediate -- well there are two points I want to make. First, there is this immediate response like Super Storm Sandy but the reality is that four years later we are doing the work still on Super Storm Sandy and the volunteers are back doing their day jobs. So you wanna keep the infrastructure of the organizations that are going to keep working and then leverage that with the volunteers and I think what Ron said is exactly right is the way to use them well is to train them, supervise them and screen cases and one of the things that we do and I alluded to it earlier but I want to be more explicit, we have 1200 volunteer/pro bono

attorneys that work with us every year and the one area where we actively supervise their cases is immigration. There are other kinds of cases we will hand-off to a law firm and they will run with it but when it comes to immigration cases because they are so unique, they have to be done right because there are traps for the unwary. I mean you can step into it. We supervise those cases so that requires resources and we believe that that is the right model in which to use these pro bonos as opposed to some of the other more pie in the sky notion, oh we have lots of lawyers in the city who are fantastic lawyers but they are not necessarily immigration experts so we need to work with them and train them and supervise them.

UNIDENTIFIED SPEAKER: Well maybe that is another added feature to the larger conversation that the Chair is asking to convene is this pro bono piece and really offering a clear model to take back to the private sector because I know they are reaching out and saying we have lawyers so there is a real gap of understanding that even the law firms because they want to be helpful and thinking about whose responsibility is it to train them, is it the legal

services providers that you're talking about, is it the law firms to gain that sense of expertise. It's their lawyers, right, so maybe and they have a different funding model than the non-profits from legal aid to everybody else so there is a way here I think that we can work that doesn't exist today that can really offer a new entry point, a new set of expectations, where to place that requirement for training and resources that can train their own, that can be -- before they leave the private sector law firm they are ready to go understanding your needs rather than sending them off green in some ways to the non-profit world adding yet another burden to the non-profit world and giving it back to us so anyway there is I think a lot of -- I don't know what the answer is here but the questions are good and solid and I am willing to work with you Chair to make that happen.

CHAIRPERSON LANCMAN: Thank you all very much. I think that concludes our hearing. I appreciate your patience and I mean that sincerely. Thank you all very much.

[gavel]

C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date April 6, 2017