

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON RULES, PRIVILEGES,
ELECTIONS, STANDARDS & ETHICS

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February 4, 2026
Start: 1:08 p.m.
Recess: 3:54 p.m.

HELD AT: Council Chambers - City Hall

B E F O R E: Sandra Ung, Chairperson

COUNCIL MEMBERS:

- Speaker Menin
- Shaun Abreu
- Chris Banks
- Gale A. Brewer
- Tiffany Cabán
- David M. Carr
- Elsie Encarnación
- Crystal Hudson
- Shekar Krishnan
- Linda Lee
- Sandy Nurse
- Kayla Santosuosso
- Lincoln Restler
- Kevin C. Riley
- Pierina Sanchez
- Inna Vernikov
- Nantasha M. Williams
- Phil Wong

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

Steven Banks
Appointment of the position of Corporation
Counsel

Melanie Hartzog
NY Founding

Letitia James
Attorney General

Twyla Carter
Attorney and Chief and CEO of the Legal Aid
Society

Brendan McGuire
WilmerHale

Towaki Komatsu
Self

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STANDARDS, AND ETHICS 3

2 SERGEANT AT ARMS: Mic check. Mic check, mic
3 check, this is a mic check on the Committee on
4 Standard and Ethics. Today's date is February 4,
5 2026, in the Chambers recorded by Walter Louis.

6 SERGEANT AT ARMS: Good afternoon and welcome to
7 today's New York City Council Hearing on Rules,
8 Privileges, Elections, Standards and Ethics. At this
9 time, I would like to remind everyone to silence all
10 electronic devices. Also, at this point going
11 forward, no one is to approach the dais.

12 Chair, we are ready to begin.

13 CHAIRPERSON UNG: Good afternoon and welcome to
14 this meeting of the Committee Rules, Privileges,
15 Elections, Standards and Ethics. I'm Council Member
16 Sandra Ung, Chair of the Committee.

17 Before we begin, I'd like to introduce the other
18 members of the Committee who are present, members
19 Riley, Krishnan, Encarnación, thanks. Majority
20 Leader Abreu, Deputy Speaker Williams and Minority
21 Leader David Carr. We are also joined by Council
22 Members Restler, Brewer, Wong, and Hudson. We are
23 also joined by Speaker Julie Menin.

24

25

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2 I will also like to acknowledge the Counsel to
3 the Committee Jeff Campagna and the Committee Staff
4 that worked on today's hearing.

5 Chief Ethics Counsel, Pearl Moore, Director of
6 Public Integrity, Francesca Della Vecchia, and Deputy
7 Director of Public Integrity, Alycia Vasell.

8 Today, the Committee will consider the nomination
9 of Steven Banks for the appointment of the position
10 of Corporation Counsel. To start us off, I now
11 recognize Speaker Julie Menin to make an opening
12 statement.

13 SPEAKER MENIN: Thank you so much Chair Ung and I
14 really want to thank the members of the Committee on
15 Rules, Privileges, Elections, Standards and Ethics.
16 Yes, it's a mouth full; we've combined the
17 Committee's, for convening today's public hearing on
18 the Mayor's nomination of Steven Banks for the
19 position of Corporation Counsel.

20 I have known Steve Banks for many years. We
21 served as fellow commissioners together and we really
22 look forward today to having a fulsome hearing.

23 Indeed, the role of the Corporation Counsel is
24 one of the most prestigious and powerful positions in
25 city government. As head of the Law Department, the

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2 Corporation Counsel leads more than 800 attorneys,
3 conducting all of the city's legal business. In that
4 capacity, the Corporation Counsel represents the
5 municipal corporation of the City of New York and all
6 of its constituent parts including the Mayor and the
7 mayoral agencies, all of the city's other elected
8 officials and the City Council.

9 The Law Department must represent all of these
10 entities rigorously and ethically. I previously want
11 to note that I served as Executive Assistant
12 Corporation Counsel for the Law Department, so I have
13 first hand knowledge of this incredibly important
14 agency and really respect the work that the lawyers
15 and the Law Department do.

16 One of the reasons the position of Corporation
17 Counsel is subject to the Council's Advice and
18 Consent is because from time to time, the interest of
19 the Council and Mayor diverge. In such instances, we
20 as a Council, want assurances that the Corporation
21 Counsel will not prioritize any single elected
22 official or branch of government over the overall
23 interests of the City of New York.

24 As this Committee considers the nomination of
25 Steve Banks for Corporation Counsel, we are

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2 considering whether to give him our consent and trust
3 to be the City Council's lawyer as well. And I want
4 to emphasize that we expect the Corporation Counsel
5 to recognize the City Council as a co-equal branch of
6 government that has a full legislative power of the
7 city.

8 Just last week, in an historic vote, this body
9 passed 17 local laws not withstanding the objections
10 of former mayor Eric Adams. We did the largest
11 number of veto overrides ever passed at a single
12 Stated Meeting and actually more veto overrides than
13 have occurred in the last decade alone.

14 We, as a Council, will continue to be proactive
15 in our approach to both oversight and litigation. We
16 will not be reactive but proactive. It is vital to
17 have a law department that in addition to all of its
18 other responsibilities will work with the Council and
19 support the Council as we do the peoples business.

20 I really want to thank the Committee Staff for
21 their hard work on this hearing today and I look
22 forward to hearing uhm, from the candidate and the
23 questions from all of my colleagues. Chair, I will
24 turn it over to you.
25

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2 CHAIRPERSON UNG: Thank you Madam Speaker. We're
3 also joined by Council Member Schulman. I will now
4 summarize the powers and duties of the Corporation
5 Counsel before introducing the candidate.

6 Pursuant to Section 31 and 391 of the New York
7 City Charter and by a letter dated on January 14,
8 2026, Mayor Zohran Mamdani presented a name of Steven
9 Banks to the New York City Council requesting this
10 body's advice and consent.

11 Section 391(b) of the Charter provides that the
12 Mayor shall submit a nominee for Corporation Counsel
13 to the City Council for its advice and consent within
14 60 days of a vacancy. On February 12, 2026, Muriel
15 Good Trufant will resign from the position of
16 Corporation Counsel.

17 The New York City Charter designates the
18 Corporation Counsel as the attorney and the counsel
19 for the city and all city agencies. The Corporation
20 Counsel and by extension, the law department is
21 granted the power to conduct all legal business of
22 the city.

23 Further, the Corporation Counsel has the right to
24 bring or defend any legal action in local, state or
25 federal courts. The Law Department is comprised of

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2 approximately 850 attorney's who specialize in all
3 areas of law necessary to conduct the legal business
4 of the city. The law department includes specialists
5 in a wide range of fields of litigation; land use,
6 ethics, professional responsibility, contract
7 initiative law, juvenile to delinquency and
8 legislative interpretation, just to name a few.

9 They represent the city. Elected officials and
10 the city agencies, all legal issues they may
11 confront. If the Counsel give us advice and consent,
12 Mr. Banks would be appointed Corporation Counsel and
13 serve an indefinite term at a salary of \$253,000.

14 Mr. Banks has joined us today. From 1981 to
15 2014, Mr. Banks worked at Legal Aid Society where he
16 was the attorney and chief from 2004 to 2014. From
17 2014 to 2021, he served as the Commissioner of the
18 New York City Department of Social Services, during
19 which time he also led the Department of Homeless
20 Services and Human Resources Administration.

21 From 2022 to 2025, he led the pro bono practice
22 of the firm of Paul, Weiss, Rifkind, Wharton and
23 Garrison. Mr. Banks graduated from Brown University
24 and New Yorkers Emory University School of Law.
25

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2 Before we begin, I ask that the Counsel
3 administer the affirmation.

4 COMMITTEE COUNSEL: Mr. Banks, please raise your
5 right hand. Do you affirm to tell the truth, the
6 whole truth, and nothing but the truth in your
7 testimony before this Committee in response to all
8 Council Member questions posed by members?

9 CHAIRPERSON UNG: Thank you Mr. Banks. I now
10 recognize you to offer an opening statement.

11 STEVEN BANKS: Thank you very much. Good
12 afternoon Speaker Menin, Minority Leader Carr,
13 Committee Chair Ung, and Members of the Committee.
14 Thank you very much for this opportunity to testify
15 today about my nomination to be the Corporation
16 Counsel for the City of New York.

17 I have great respect for the City Council's role
18 in this process and I greatly appreciate the time
19 that you Speaker and you Deputy Speaker and you
20 Minority Leader and you Committee Chair and Committee
21 Members and many other members of the Council have
22 already spent talking to me about your views on the
23 importance of the Corporation Counsel serving as the
24 Chief Lawyer for the city as a whole, including the
25 Council and individual Council members.

2 As many of you know, I spent more than four
3 decades as a lawyer serving the residents of New York
4 City in many different roles. Beginning in 1981,
5 when I graduated from law school and throughout my
6 professional career, uh I have had extraordinary
7 opportunities to serve New Yorkers.

8 Serving as the city's Chief Legal Officer is the
9 opportunity of a lifetime to provide legal leadership
10 and representation to improve the lives of city
11 residents and to protect the interests of the city
12 that I love.

13 The Office of Corporation Counsel has a story,
14 history and I want to build on that great tradition.
15 At a time when the city needs a strong, creative,
16 effective law department more than ever.

17 I have a unique perspective on the law
18 department. For 33 years, as a Legal Aid Lawyer,
19 including 10 years as head of the organization, I
20 litigated against the law department. For 8 years as
21 the Commissioner, I was represented by the law
22 department in affirmative law reform matters to
23 provide access to rental assistance, SNAP food
24 stamps, and Medicaid as defensive cases to protect
25 the interest of the city and its residents.

2 Also, during my time at Legal Aid and in the
3 years since I left city government in December 2021,
4 I have co-counseled with the law department on
5 matters relating to the right to shelter and access
6 to housing.

7 I know first hand the key role the lawyers and
8 professional support staff at the law department play
9 in representing the City of New York and supporting
10 transformational change in every community. I am
11 honored by this historic nomination to be the first
12 legal aid lawyer or public interest lawyer to serve
13 as the Corporation Counsel, and I am humbled by the
14 New York Attorney General Letitia James, Mel Hartzog,
15 Leader in the none for profit community, former
16 budget director, former Deputy Mayor, Twila Carter,
17 Attorney and Chief in Legal Aid Society, Brendan
18 McGuire, Former Chief Counsel to the Mayor, former
19 head of the public integrity unit at the southern
20 district, and a partner at WilmerHale, one of the
21 firms that sued to prevent the Executive order that
22 would have limited his firms representation of
23 clients.

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3 I am proud that all of these individuals, I am
4 humbled by all of these individuals submitting
5 testimony in support of my nomination today.

6 My proven track record of managing a large law
7 firm has given me the expertise and knowledge to lead
8 the law department effectively. At Legal Aid, I
9 managed the staff of 1,900 including 1,100 lawyers
10 and 800 support professionals, which is more than the
11 law department had at full strength.

12 With my law firm management experience, if
13 confirmed, I look forward to working with the
14 administration to address the law department's
15 staffing needs. For your information, I've included
16 my resume with my submission that describes in detail
17 my record of successful zealous legal advocacy on
18 behalf of my clients and the organizations that I
19 have led.

20 While much attention has been paid to the well-
21 known major cases I have handled for low income and
22 working New Yorkers, even more importantly, I have
23 represented large numbers of individual clients whose
24 lives have been harmed by city actions. This has
25 provided me with a unique vantage point on the human
impact of city policies and practices. The Law

3 Department plays an essential in addressing those
4 impacts and I am ready to lead that effort.

5 Finally, my wife of 40 years, who I met on a
6 picket line during the Legal Aid strike in 1982 and
7 she's here today, she and I have been blessed over
8 the past year with two grandchildren. I'm ready to
9 take on this role at this stage of my career because
10 I know that the Corporation Counsel and the staff at
11 the Law Department will continue to make this city a
12 better place for my grandchildren, for every New
13 Yorker, their children, their grandchildren, and for
14 generations to come.

15 If confirmed, I will be a zealous advocate for
16 New York City, its agencies, its elected officials,
17 its residents, including all of you and this body.
18 Thank you for your consideration of my nomination and
19 I'm happy to take questions.

20 CHAIRPERSON UNG: Thank you for your statement.
21 We're also joined by Council Member Vernikov and now
22 I recognize Speaker Menin to begin our line of
23 questioning.

24 SPEAKER MENIN: Thank you so much Chair. So, we
25 really want to start with the overall function of the
Law Department because obviously it's part of the

2 executive branch, yet it represents the city as a
3 whole, including defending legislation that is passed
4 by the City Council.

5 How do you understand that dual obligation and
6 what principals would guide you when the executive
7 and the legislative priorities diverge?

8 STEVEN BANKS: Well, first of all, I wanted this
9 position because it's the lawyer for the City of New
10 York, not the lawyer for the Mayor, not the lawyer
11 for any - for the Council. I'm the lawyer for the
12 City of New York.

13 I understand the important role of the City
14 Council in governance. Some of you may remember
15 there was a time when Mayor Giuliani and Mayor
16 Bloomberg starved the Legal Aid Society for resources
17 and it almost went bankrupt. I became the head of
18 the organization when the organization was on the
19 verge of bankruptcy. It was the City Council that I
20 worked with that helped save the organization. Every
21 year I would come before you and this body played a
22 role in governance that made it possible for there to
23 be a legal aid society today.

24 So, in short, I look forward to representing the
25 whole city and I will look forward to do what I have

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2 always done when I've had clients that had different
3 points of view.

4 Try to reconcile those points of view and
5 ultimately represent the point of view that is
6 judged, the proper point of view under the law on top
7 of any institution, any particular elected official,
8 my fidelity is to the rule of law and making sure
9 that the best interest of the City of New York is
10 served regardless of what part of the city is
11 advancing a particular point of view.

12 SPEAKER MENIN: So, during the Mayor's campaign,
13 he said he would expand the law department by hiring
14 hundreds of new lawyers. This City Council has been
15 on record repeatedly raising the alarm about numerous
16 city agencies including the law department being
17 gutted by the last Administration and this is
18 something that we're deeply concerned about. So, how
19 many lawyers do you plan to hire? What will they do?
20 What services will they provide? And lastly, how do
21 you reconcile that with the budget prediction that
22 the Administration laid out with a \$12 billion budget
23 deficit and the mayor ordering all agencies to
24 identify cost savings within 45 days?

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3 STEVEN BANKS: Let me start with the first part
4 of that question, the last part of that question
5 first. I've worked in economic hard times. As I
6 described, I worked - I led the Legal Aid Society out
7 of near bankruptcy to fiscal health. So, I know how
8 to manage a budget. I know how to look for cost
9 savings and I know how to make sure that the agency
10 that I'm running performs as it should. The Mayor
11 certainly has said very publicly that he wants to
12 restore staffing at the Law Department to adjust the
13 fact that it had been hollowed out, and I look
14 forward to working with the mayor and working frankly
15 with the Council to address the staffing needs there.
16 But I also have experience at looking at efficiencies
17 and I also have looked at the areas where I think
18 more can be done. Judgment and claims is one of
19 those areas. If you look at the continued payouts by
20 the city, uh, that is effecting the city budget and
21 one thing that I think is really important to focus
22 on is risk mitigation. That's a role the law
23 department can play to evaluate what are the losses
24 being brought against the city. What are causes of
25 action that are being asserted? Which ones are being
brought over and over again?

1
2 So, where can we look for savings with our own
3 house to help address the fundamental part of your
4 question, which is how are we going to have enough
5 staff to do our jobs?

6 The second part of your question is like, what
7 are we going to do if we get more staff? I think
8 that there are number of key areas that are important
9 to make sure that we have enough staff in house to
10 perform the basic functions first and foremost, when
11 you look at those numbers, you can see over the last
12 several years that that gap has been decreased
13 significantly. That's effected every part of the
14 office. So, first principle is to look at where in
15 the office additional staffing is needed.

16 The second principle is what are the functions
17 that the city needs at this historical moment.
18 Affirmative litigation is a critical need. I know
19 from your experience in the law department that you
20 know what the law department lawyers can do on the
21 frontlines when the interest of the city are at
22 stake.

23 So, protecting the city and having enough lawyers
24 to do that is essential, ensuring that the residents
25 of the city get the full force of the law. Recently

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2 as co-counsel to the law department, we represented
3 the pinnacle tenants in an action and there are
4 people all over the city who need that kind of strong
5 law department response to protect their rights.

6 Having said all that, I've worked with the
7 Council over many, many years in many different
8 roles. I want to hear you. I want to understand
9 what you think we could be doing better and where we
10 could be expanding our efforts.

11 SPEAKER MENIN: Okay, great thank you. So,
12 moving on to a couple other issues that are deeply,
13 deeply important and troubling to the Council. At
14 least 16 people have died since last weeks winter
15 storm and we are hearing different reports about the
16 levels of interactions that they have had with the
17 Department of Homeless Services or other city
18 services, and reports said that at least 7 of the 16
19 individuals have had some contact with DHS.

20 So, we want to really understand what plans do
21 you have if you are the Corporation Counsel to advise
22 the Mayor on preventing future debts from exposure
23 for those individuals experiencing homelessness and
24 if so, what are those plans?

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2 STEVEN BANKS: As you know, I've spent most of my
3 professional life trying to help people experiencing
4 homelessness in this city. A single death is just
5 tragic. I experienced deaths on the street when I
6 was the Commissioner of Social Services and my heart
7 goes out to the loved ones of those who have lost
8 their life and also, the frontline workers who are
9 working every day to try and bring people inside.
10 That's very hard work. I've done it myself and I
11 feel for them because I know how I felt when I was
12 the Commissioner when a single person lost their
13 life.

14 I think what I have seen and as you know, I'm not
15 in the role now but what I have seen is exactly what
16 should be happening, which is adhering to the state
17 law to evaluate people, bring them inside when the
18 state law permits people to be brought inside.
19 Continually to engage people.

20 The people I have represented for years on the
21 streets have fallen through every social safety net.
22 They have lost trust with every system that we have
23 and the only way to get them back on a pathway to
24 come inside is constant engagement and that's what I
25 see happening right now. Redoubling efforts 24/7 to

1
2 engage people and bring them inside. At the end of
3 the day though, you need options and I know in your
4 district recently, you announced the opening of just
5 exactly the kind of options that in my personal
6 experience people will come inside if you offer it
7 and my hat goes off to you for welcoming that type of
8 resource in your community, and we've got to do more
9 of that.

10 While I'm not going to be a policy maker in the
11 social services area, I do have experience and I know
12 that the kinds of solutions that you have welcomed in
13 your district are exactly the kind of solutions that
14 we need citywide.

15 SPEAKER MENIN: So, one follow up on that. So,
16 many individuals experiencing homelessness are
17 mentally ill and may not have the true capacity to
18 make decisions for their own wellbeing and
19 protection. So, as Corporation Counsel, would you
20 advise the Mayor that when there are extreme whether
21 conditions, as there were the last couple weeks, that
22 the city can in the interest of health and safety
23 relocate those individuals to shelters, the treatment
24 facilities. And if not, then what would the
25 Administrations policy be in general?

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2 STEVEN BANKS: I think the state law doesn't
3 permit that kind of blanket approach. It requires an
4 individualized evaluation and that is exactly what I
5 see being implemented right now. There have been
6 nurses deployed, constantly be evaluating people.
7 There have been people removed from the street when
8 they do meet the state standard that you described
9 but it is hard work. It requires constant engagement
10 and it requires the kind of resources that you
11 welcome in your district and although again, I'm not
12 a policy maker in this area, I'm going to continue to
13 urge that kind of response to apply the law on an
14 individualized evaluation basis to help human beings
15 come in from the street and be safe. That requires
16 nursing evaluations. That requires clinical
17 evaluations and that's what I see is going on right
18 now and frankly at an extraordinary high level.

19 SPEAKER MENIN: Okay, one thing that I want to
20 move onto is the importance of the law department
21 proactively giving the Council their legal opinion on
22 bills. We recently had a situation and I know we
23 have the bill sponsor here, Council Member Nurse,
24 where the law department did not provide all of the
25 legal opinions - to bill that the Council COPA ended

1
2 up passing in December and only weeks after the fact,
3 and I know you were not Corporation Counsel, so of
4 course we are not blaming you. What we want to do is
5 seek your commitment that moving forward, that does
6 not happen again because it put the Council in a very
7 difficult situation where after the bill passes, we
8 are hearing red flags from the law department.

9 So, to be clear, we cannot have that happen again
10 and we need your commitment that moving forward, that
11 would not happen again.

12 STEVEN BANKS: You have my commitment. I spoke
13 to Council Member Nurse about this just actually
14 yesterday and we talked about ways forward to try to
15 move forward.

16 I also want to, even though I'm not the head of
17 the law department, just say a word about the lawyers
18 at the law department. There are frequently, uhm,
19 shall I say institutional issues that impact very
20 dedicated peoples ability to do the job that they
21 want to do.

22 I encountered that when I took over the Legal Aid
23 Society that there were terrific lawyers there who
24 couldn't do what they thought that was the best thing
25 to do for their clients and I dedicated myself to

2 making it possible for those lawyers to do that; that
3 which they thought was in the interest of their
4 clients.

5 So, going forward, same lawyers at the law
6 department, they will be working on the same
7 directional that you want them to be working, which
8 is to engage early and ensure that we have a back and
9 forth on the laws. I know your lawyer worked in the
10 law department. I have great respect for you. I
11 know you have expressed our long working relationship
12 but we want to early discuss bills with you so at the
13 end of the day, you get the right bill. I wouldn't
14 blame the lawyers. I would always blame institutions
15 because human beings are great people. Institutions
16 are not always so great.

17 SPEAKER MENIN: Yeah, to be clear, I have great
18 respect for my former colleagues at the law
19 department. We're not blaming the lawyers, we're
20 really blaming the process, which is I think there
21 needs to be tight controls and a process set up.

22 So, not for every single bill. If it's a
23 straight up reporting bill that doesn't raise any
24 legal issues but for more complicated substantive
25 bills, there has to be that early read from the law

1
2 department. So, we need to put in tighter processes
3 and controls in place.

4 STEVEN BANKS: You're right. I think we will
5 have a great working relationship with you and your
6 team because we both have the same perspective, which
7 is the best bills come from early engagement, give
8 and take to ensure that the language is drafted to
9 achieve what you want it to achieve within the
10 confines of what the law permits.

11 So, I think we're going to have a great working
12 relationship.

13 SPEAKER MENIN: I want to move on to a question I
14 have about Timothy Pearson. Timothy Pearson is
15 obviously a former top aid to Mayor Adams, ex NYPD
16 official now facing multiple lawsuits, whose defense
17 has cost the city more than \$620,000 in public funds
18 through outside counsel. A decision that obviously
19 drew controversy and even contributed to the regs of
20 the nation of the prior Corporation Counsel. Can you
21 explain whether the law department is still defending
22 Mr. Pearson in these civil suits? What is the
23 current status of the representation and how would
24 you justify such significant city resources in this
25 context?

2 STEVEN BANKS: So, I'm going to make the
3 following commitment to you, which is to say the
4 standard for representation is whether or not the
5 conduct was in the scope, whether or not there are
6 violations of rules and regulations. What I did when
7 I became head of Legal Aid Society, what I did when I
8 became head of the Department of Social Services, I
9 reviewed all the pending cases to see whether the
10 cases were aligned with where I thought they should
11 be. Again, from the perspective that I raised
12 earlier, which is that the lawyers handling the cases
13 are handling them within the context of a prior
14 administration. So, it's not about the lawyers.
15 It's about what should the position be. But I will
16 give you the commitment that I will be reviewing that
17 kind of representation.

18 SPEAKER MENIN: So, he still is being - I just
19 want to understand. Is he still being - he still is
20 being represented by the law department?

21 STEVEN BANKS: There are - I don't have the full
22 facts but from what I understand, there are still
23 issues going on in his case but I will, as part of my
24 review, review it and I will follow up with you.

3 SPEAKER MENIN: Okay, yeah, I would just ask if
4 you'd follow up because I have strong objections to
5 that and I believe most of the colleagues here would
6 have strong objections to that and I believe most of
7 the colleagues here would have strong objections to
8 that, that that is not in the scope of employment.
9 And so, I would like to get an update on that and
10 recommend that the law department cease representing
11 Mr. Pearson.

12 STEVEN BANKS: I'm guessing that as this hearing
13 proceeds there will be a number of questions where
14 I'm going to say the same thing. I want to take a
15 look at it.

16 SPEAKER MENIN: Sure, understood, understood.
17 Okay, I have a few more questions and then I'm going
18 to turn it over to my colleagues. So, I want to talk
19 about City FHEPS because the Council in response to
20 skyrocketing rents and exploding crisis of
21 homelessness in 2023, passed four laws around City
22 FHEPS and as we know Mayor Adams vetoed the laws,
23 Council overrode the veto's. Then Mayor Adams
24 refused to enforce the laws. Legal Aid Society,
25 which you led for so many years, sued the Mayor to
compel implementation and the Council joined Legal

3 Aid in that litigation that you recently requested an
4 adjournment from the court on the litigation. Can
5 you explain your thinking of this case and what do
6 you intend to do moving forward?

7 STEVEN BANKS: Sure. I have to just start with I
8 was I guess the parent of City FHEPS. When I was the
9 Commissioner of Social Services, we created the
10 program and I know how important it is to providing
11 stability to families and individuals. I also know
12 how important it is to operate the program within the
13 fiscal constraints of the city and that's how I
14 approached it when I was Commissioner.

15 The Mayor has said he wants to settle this case
16 and the request for additional time is to negotiate
17 with the City Council's lawyers, with the Legal Aid
18 Society's lawyers to come to a resolution that
19 recognizes the importance of the program, including
20 the legislation that this Council enacted in the
21 context of the fiscal challenges that we have.

22 I believe and I believe this from the way I
23 operated the program, that we can do two things at
24 once. Help individuals in dire need and at the same
25 time, operate the program within the fiscal
constraints that we have but those will be issues

1 that we're going to work out through the settlement.

2 That I'm committed to carry out what I think the
3 Council wants and what I know the Mayor wants, which
4 is to settle this case and not keep litigating.
5

6 SPEAKER MENIN: Well, so will the law department
7 drop the appeal?

8 STEVEN BANKS: That I think when we get to the
9 end of a settlement, there won't be an appeal
10 anymore.

11 SPEAKER MENIN: So, you're going to - you'll come
12 back to us then in terms of the plan on the
13 settlement I assume is what I'm hearing.

14 STEVEN BANKS: Absolutely and I apologize if I
15 sound cagey, I'm just concerned about negotiating the
16 matter in public, rather than joining issue with your
17 great lawyers outside Council and internal lawyers.

18 SPEAKER MENIN: Understood.

19 STEVEN BANKS: Legal Aid Society is very
20 aggressive. I'm sure we'll come to a good
21 resolution.

22 SPEAKER MENIN: So, I want to move on to the
23 September 11th files. You've got the 25th anniversary
24 of 911 coming up. You have unfortunately thousands
25 of first responders and residents who died of cancer

1
2 because the federal EPA said the air was safe to
3 breathe. We know the city back then, the time of
4 911, may have had some information or knowledge.
5 Many of us have been trying for years to get these
6 911 files released. What is your view of that and
7 what will your view be as Corporation Counsel on the
8 release of these files?

9 STEVEN BANKS: This is very personal to me. I'm
10 not going to let my personal views color my legal
11 conclusions but I believe I should tell you what my
12 personal experience has been. My daughter was one of
13 the fifth graders at the school at the corner of
14 Greenwich and Chambers who was evacuated out of the
15 building by the teachers when the towers fell in a
16 cloud of dust and debris.

17 As a parent, I didn't know where she was. I was
18 searching for her; she was safe but she had asthma as
19 a result of her exposure to the air down there.

20 Our offices at the Legal Aid Society at the time
21 were at 90 Church Street, just across from where the
22 towers had stood and we are unable to return to them.
23 After the tragic events of that day, my colleagues
24 and I at Legal Aid provided legal assistance to
25

1
2 people who had lost their jobs and their homes at the
3 City's Disaster Relief Center at 80 Center Street.

4 So, I'm going to conduct a full review of what
5 records we have, what records have been discovered if
6 any, what records can and should be released. I know
7 I will be testifying before you at least at
8 preliminary budget and executive budget, if not at
9 other occasions and I will be accountable for what I
10 am saying today.

11 It's just, we are going to review, under my
12 watch, we're going to review what records there are
13 and release what records can be released.

14 SPEAKER MENIN: Okay, I just want to say one more
15 thing on that. I mean as someone who spent a decade
16 of my life working on issues regarding 911, I can't
17 say strongly enough that if the city was liable for
18 misleading the public and telling everyone, backing
19 what the EPA said, that the air was safe to breathe
20 and those of us, like myself and others and my mother
21 died of a 911 related cancer. She stayed downtown.
22 You know it's just shameful that the City of New York
23 has blocked the release of these files. So, I'm
24 urging you to really reconsider, you know to look at
25 this and I know you will with fresh eyes because it

1
2 is now 25 years that these files have been blocked
3 and we really need to have them released for
4 transparency, for accountability and for all the
5 families that lost loved ones.

6 And so, these things don't happen again. So, I
7 feel very strongly about it. Last question before I
8 turn it over to the Chair, I want to get a sense of
9 your view and how you will be advising the Mayor on
10 issues surrounding for example, what happened at Park
11 East Synagogue around protesting and how are you
12 going to balance obviously first amendment rights to
13 free speech and to protest with some of what we've
14 seen happen for example, Park East Synagogue or Kew
15 Gardens. How are you going to strike that balance?
16 What is your view? And how will you be advising the
17 Mayor? As we have a number of pieces of legislation
18 that we're going to be looking at in that regard.

19 STEVEN BANKS: Right. This also is personal to
20 me. My wife and I belong to a congregation Beth
21 Elohim, Garfield and 8th Avenue in Brooklyn. You may
22 know that the steps of the synagogue were defaced
23 with graffiti. And so, I have a very personal
24 experience of what led you to introduce the
25 legislation that you have introduced.

1
2 I also understand that we can hold two values at
3 the same time. First, amendment rights and the right
4 to freely worship and the law department will review
5 all the pieces of legislation and along the lines of
6 what we discussed earlier in the hearing, provide
7 enough time to engage depending on what the outcome
8 is to go in the right direction, to ensure that both
9 of those rights are embraced.

10 But I can commit to you we will fully review the
11 legislation. There's legislation at the state.
12 There's legislation here, so that the city can have a
13 path forward to hold both of these values at the same
14 time.

15 SPEAKER MENIN: I think one of the things that
16 will be important to note with the legislation that
17 we have proposed at the city level is that we, uh the
18 legislation is crafted to direct the NYPD to create
19 the perimeter zone. So, legislation doesn't penalize
20 protest. It says nothing about penalties around
21 protests. On the contrary, what it does is direct
22 the NYPD around perimeter zones, around all houses of
23 worship and schools. So, to try to strike that
24 balance that we know is at the heart of the issue.

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2 STANDARDS AND ETHICS

3 STEVEN BANKS: Understood and I look forward to
4 engaging more as we can - as we make that review.

5 SPEAKER MENIN: Thank you. Okay, I'm going to
6 turn it back over to the Chair.

7 CHAIRPERSON UNG: Thank you Speaker. We've also
8 been joined by Council Members Cabán, Nurse and
9 Santosuosso. I will now start my line of questioning
10 and after that, there will other members of the
11 Committee, followed by Committee - by Council Members
12 who are not part of this Committee.

13 So, good afternoon again. Right now, the current
14 Corporation Counsel is Muriel Goode-Trufant and your
15 appointment is subject to the advice and consent with
16 the Council but since being nominated, you have been
17 participated in the litigation on behalf of the law
18 department.

19 What is your current title respect the legal work
20 you've been doing on city matters?

21 STEVEN BANKS: I have been serving pro bono, as
22 pro bono counsel to the law department. I wanted to
23 make sure I could hit the ground running and to be
24 able to work with the law department lawyers and
25 given the privilege issues that pertain to virtually
everything the law department does. The leadership

1
2 in the law department and I struck that as the best
3 way to do that. I am Pro Bono Counsel to the City of
4 New York, to the Law Department, not to the Mayor,
5 just to make that clear. And it is that role, for
6 example, I appeared on behalf of the City of New York
7 in the pinnacle proceeding as co-counsel.

8 This is not the first time I've been co-counsel
9 to the City of New York. I was co-counsel to the
10 City of New York in the litigation to address
11 Governor Abbotts Texas busing scheme, in which he
12 used, weaponized the interest transportation of
13 people to force a change in national immigration
14 policies. I joined with the law department in that
15 litigation with the same type of pro bono agreement
16 that I have currently with the law department.

17 CHAIRPERSON UNG: Thank you. Did anyone advise
18 you to take on this role before your appointment?

19 STEVEN BANKS: Apologies.

20 CHAIRPERSON UNG: Did anyone advise you to take
21 on this role before the appointment?

22 STEVEN BANKS: No, I wanted to take on this role
23 so that I could uh be able to not at the moment of
24 confirmation start to understand the work of the law
25 department. We live in a world which is very

1 complicated. We have seen things going on across our
2 country. I wanted to make sure that I am ready to
3 serve if you should confirm me without a period of
4 transition to have to learn how to serve. So, I want
5 to take on the role at the beginning.
6

7 CHAIRPERSON UNG: Did anyone at the Mayor's
8 office ever indicate to you that they would direct
9 the law department to retain you in this manner?

10 STEVEN BANKS: Nobody in the Mayor's office to my
11 knowledge directed the law department to do that. It
12 was entirely through discussions with the Corporation
13 Counsel. I should have said this before; I have
14 great respect for Muriel Goode-Trufant. We have
15 known each other since she began as Assistant
16 Corporation Counsel in 1990's. She and I were on
17 other side of a very hard fought litigation. Great
18 respect for her. We go back so far that even one
19 night when the city couldn't meet a filing deadline,
20 she served me with legal papers when I was out on a
21 date night with my wife. So, we do go back very,
22 very far.

23 Also, I have great respect for her. She took a
24 historic stance in not representing the Mayor in the
25 dispute regarding opening the ICE office in Rikers

1
2 Island. I think that was a historic moment that our
3 Corporation Counsel declined to represent the Mayor.
4 You know I hope I will follow in those footsteps.

5 So, in taking on this role, I was in no way
6 looking to supplant a role but to actually learn from
7 her between January 1st and January 12th when she
8 leaves.

9 CHAIRPERSON UNG: Are you aware of any other
10 Corporation Counsel who was a the law department
11 attorney, who took on such a role to familiar
12 themselves with the office operations before being
13 appointed?

14 STEVEN BANKS: Since advice and consent has
15 existed, Georgia Pestana was already at the law
16 department and Muriel Good Trufant was already at the
17 law department, Silvia Hinds-Radix, Judge Radix did
18 not take on that role but she took on the role of
19 being the Corporation Counsel in a very different
20 historical moment than this one.

21 CHAIRPERSON UNG: Thank you. I think we talked
22 about this. Uhm, but we're going to get more into
23 it. The Law Department attorney's frequently
24 represent the Council litigation. They often
25 represent that they are providing legal advice to the

1 Council during the bill drafting process. In both
2 instances, the law department's constant possession
3 of sensitive information that may harm the Council's
4 interest if publicly disclosed or it views against
5 the Council in a court proceeding. Do law department
6 attorney's have an ethical obligation to maintain
7 attorney, client privilege and confidentiality with
8 respect to information that it receives from the
9 Council in the course of providing legal advice to
10 the Council?
11

12 STEVEN BANKS: Yes, I understand that that is how
13 law department lawyers view the role that consistent
14 with professional responsibility, that they provide
15 confidential advice to the Council. Other lawyers
16 provide confidential advice to the Mayor, and at the
17 end of the day, the Corporation Counsel and the Law
18 Departments role is to do what's in the best interest
19 of the city overall. But the situation that I think
20 is behind your question, do the lawyers divulge to
21 the other, that's not the way the law department
22 approaches it and I'm confident that that's how the
23 lawyers in the units that work with Council on
24 legislation view their role in exactly the way I've
25 described it.

2 CHAIRPERSON UNG: During the bill drafting and
3 negotiation process, what obligation if any, do the
4 law department attorney's have to disclose whether
5 they're representing the Council or the
6 Administration?

7 STEVEN BANKS: I want to make sure that I'm
8 hearing your question correctly. The lawyers who are
9 working with the Council on bill drafting are
10 providing confidential advice to the Council. The
11 lawyers that are working with the Mayor's side, in
12 terms of what the Mayor side would like to see come
13 out of negotiations are working as the lawyers for
14 the mayor's side. The Corporation Counsel has an
15 obligation to be the lawyers for the entire city.
16 So, I think what you're getting at is, is there
17 confidentiality? Even if necessary there are ethical
18 screens put in place as well but the tradition of the
19 law department is to maintain the kind of
20 confidentiality that you want us to.

21 CHAIRPERSON UNG: So, even without disclosure,
22 even without basically without disclosing whether
23 they're representing the Council or the Mayor- sorry,
24 the Administration, you are saying that it's their
25 obligation, ethical obligation to represent either

1
2 us, the Council, or the Administration that they
3 would do their obligation, you know the ethical
4 obligation is what you're saying?

5 STEVEN BANKS: And I understand in prior
6 confirmation hearings, there's been a question about
7 what kind of training and what kind of reinforcement
8 is done and I know Muriel at her confirmation hearing
9 agreed to make sure that that process is maintained
10 and I will continue that I think. She was very
11 committed to that and I will continue that
12 commitment.

13 CHAIRPERSON UNG: Will you commit that in any
14 proceeding adverse to the Council, the law department
15 will not use any document or information received
16 from the Council in the course of representing or
17 advising the Council?

18 STEVEN BANKS: If I'm following you correctly, if
19 we're advising you confidentially and you give us a
20 confidential document, could we use it in litigation
21 against you? I don't think a lawyer can do that.

22 CHAIRPERSON UNG: Okay, that's good. Thank you
23 and would you further commit that you will not
24 disclose any such information to third party
25

1 including any other client without expressed consent
2 of the Council unless directed by court of law?
3

4 STEVEN BANKS: I think that again, it's the same
5 question. You know lawyers in many different
6 situations have multiple clients. The unique role
7 the law department here enables us to have, lawyers
8 have confidential discussions with you and other
9 lawyers have confidential discussions with the Mayor
10 side and that's I think a very important ethical
11 approach to these situations.

12 CHAIRPERSON UNG: Thank you. Uhm, and this will
13 be the last question regarding this ethical
14 questions.

15 STEVEN BANKS: It's a very important area. You
16 can ask me as many as you feel needed. I'm happy to
17 answer them.

18 CHAIRPERSON UNG: In the context of the
19 litigation, the law department has previously
20 demanded; the Council agrees the days of enforcement
21 of local law that the Mayor opposed. In our pre
22 hearing questions, you were asked to commit not
23 requesting to Council, agree to such a state of
24 enforcement in the absence of the court order. And
25 then you responded that you hope you would never

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2 encounter a dispute that would lead to such a
3 question. And thus, officers of the court, the law
4 department and attorney's cannot engage in actions
5 that conflict with court orders. But that didn't
6 answer the question of what we are asking, which is
7 will you commit that in the absence of a court order,
8 you will not seek a state of enforcement of local law
9 based solely on the Mayor's objection to the local
10 law. But instead, you would always get prior
11 approval from the Council?

12 STEVEN BANKS: There are a number of parts to
13 that question if I could parse them slightly.

14 CHAIRPERSON UNG: Yes, sure.

15 STEVEN BANKS: Look, I've been a litigator for
16 many years and often getting consent to a temporary
17 restraining order is in everybody's interest because
18 it avoids protracted litigation. I would urge you
19 not to ask me to never seek a temporary restraining
20 order if it was in the best interest of the city
21 overall.

22 I might be seeking a temporary restraining order
23 on behalf of the Council or I might be seeking a
24 temporary restraining order on behalf of an
25 individual Council Member. And so, to have a blanket

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2 rule to not seek such relief or request consent to
3 such relief in order to avoid protracted litigation,
4 I think would potentially put the Council itself and
5 Council Members in an untenable position and
6 litigation. So, I'm looking at this as just a
7 litigator. I know there's a whole history here and
8 you're looking at it from an institutional
9 perspective. I'm simply looking at it; if I
10 represent the Council or you, aren't I going to want
11 to ask an opposing party to consent to a temporary
12 restraining order to benefit the Council's position
13 or an individual Council Members position if it's
14 that kind of litigation.

15 So, I would urge all of us to look at these
16 situations as, how do we get the best result for the
17 client? And the client could be you. The client
18 could be the Mayor. The client could be an
19 individual member but I'm always going to want to try
20 to avoid protracted litigation and consenting to a
21 temporary restraining order frequently is the best
22 way to do that. When I represented individual
23 clients against the city, I would always ask the city
24 to consent to a temporary restraining order as a way
25

1
2 of avoiding protracted litigation that could harm my
3 clients.

4 So, I would urge us not to limit the tools that
5 we have in all sorts of litigation context to try to
6 do what's best for the whole city. I understand the
7 context is very contentious relationships with the
8 last Administration. I'm not in the last
9 Administration. I wouldn't have been able to serve
10 in it I think.

11 CHAIRPERSON UNG: Thank you. Moving on to a
12 different line of questioning. So, during our August
13 2024 hearing on the nomination of Randy Mastro for
14 the role of Corporation Counsel. Mr. Mastro opines
15 that the Mayor believes a dually enacted local laws
16 unlawful.

17 He should ask the law department to seek judicial
18 intervention before the effective date of such a law.
19 Do you agree that on the absence of such judicial
20 intervention, the Mayor has the obligation to enforce
21 the dually enacted laws of the city?

22 STEVEN BANKS: I mean as a general matter, the
23 Mayor has the obligation to enforce the dually
24 enacted laws of the city. Sometimes however, the
25 ability to get to court before something happens is

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2 limited. I would - generally speaking and this was
3 my you know experience as a litigator, get into the
4 court before something goes into effect because the
5 likelihood of getting relief is much higher if it's
6 before the thing that you're trying to stop has
7 happened.

8 On the other hand, sometimes if that happens and
9 you go to court before something happens, the court
10 will say it's not ripe yet for litigation. You have
11 to come back later. So, the general approach that I
12 think I'm - that I'm understanding you're asking
13 about is, am I going to seek a judicial opinion if
14 there's a different of opinion between the Council
15 and I'm representing the Mayor. I think that's the
16 best practice but in reality, sometimes the
17 litigation may be that you can't get the relief
18 before something has already gone into effect or a
19 court might say, wait till it goes into effect, come
20 back. But I understand the principle, which is, am I
21 going to just sit and assume that you'll sue first?

22 As I said in answer to an earlier question and I
23 know the Speaker raised, I want to avoid all these
24 situations. I know that my reputation is one of
25 being a hard charging litigator but I actually think

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2 my best work has been trying to settle matters and
3 avoiding disputes.

4 I get that where you're coming from, well, what
5 if a dispute happens, what are you going to do? I
6 would want to get into court before something
7 happened. That's been my way of practicing law. On
8 the other hand, sometimes the court will say, "Come
9 back after it's happened."

10 CHAIRPERSON UNG: Do you acknowledge that the
11 Charter requires the Mayor to submit his objections
12 to the Council in writing and nearly stamping veto on
13 a bill is not a statement of objections.

14 STEVEN BANKS: I think it's certainly the - it's
15 certainly the best practice to say a reason why
16 something is either unlawful or not doable. I think
17 I certainly, if I serve as Corporation Counsel,
18 believe that I have an obligation to communicate
19 about whether something is lawful or unlawful and I
20 will be held to that representation I'm making to
21 you.

22 CHAIRPERSON UNG: Will you commit that the
23 Corporation Counsel, if you agree with the Mayor that
24 Proposed Local law adopted by the Council is unlawful
25 and he decides to veto such a proposed local law,

3 that you will advise the Mayor to state all legal
4 infirmities in writing in the statement - sorry, in
5 the statement of objections that he is required to
6 submit to the Council pursuant to Section 37 of the
7 Charter?

8 STEVEN BANKS: Look, I have to answer the
9 question slightly differently than you're asking it.
10 I've always believed as a lawyer that I have to
11 adhere to the rules of professional conduct. That
12 was frankly one of the reasons why I left Paul Weiss
13 because I thought that the presidents executive order
14 would have prevented me from adhering to the rules of
15 professional conduct as I saw them.

16 I think committing to what I - first of all, I
17 can't even commit if someone - I can't reveal whether
18 someone has asked me for advice and I can't reveal
19 what that advice is going to be. That is not
20 permissible under the rules. If you're asking me
21 what I think the best practice is and what I will do
22 personally, I can make that commitment but in terms
23 of what I would actually advise confidentially a
24 mayor to do or not, I think the rules of professional
25 conduct do limit my ability to say whether I'm asked

3 such a question and how I would answer it. But I can
4 commit to you how I will conduct myself.

5 CHAIRPERSON UNG: I think the commitment - I
6 think my question is more about the commitment to
7 state in writing instead of just a simple you know
8 veto message in writing. The statement of the
9 objections. That is the - I think the commitment.

10 STEVEN BANKS: I think that's the best practice.
11 I agree with you. I'm only reacting to what I may or
12 may not advise the mayor should he so ask me.

13 CHAIRPERSON UNG: Okay and will you further
14 commit that you will not advise the Mayor to claim
15 any illegal infirmity in a veto message that was not
16 disclosed to the Council during the bill negotiation
17 process?

18 STEVEN BANKS: I think that really goes to the
19 question that the Speaker asked me earlier. The bill
20 negotiation process has to work so we all know what
21 the issues are. So, I don't believe if it works the
22 way I intend to have it work, this will be a non-
23 issue. So, I think the answer is yes to your
24 question because it should never come up.

25 CHAIRPERSON UNG: But yes if it does?

STEVEN BANKS: It should never come up.

2 CHAIRPERSON UNG: And to my last question, which
3 is a little different from my last couple of
4 questions. ICE deployments across the country have
5 provoked fear and outreach. The aggressive tactics
6 being used by these mass agents have resulted in
7 inhumane detentions. The deprivation of civil rights
8 and the taking of life, such as the shooting of
9 Alex Pretti by ICE agents.

10 ICE deployments detentions have been reported
11 across New York City, even though we are in a
12 sanctuary city. What will you do as the head of the
13 law department to protect New York status as a
14 sanctuary city and to protect the rights of all New
15 Yorkers against the Administrations aggressive
16 immigration plans?

17 STEVEN BANKS: Let me start off by saying what we
18 see occurring across the country, in Minneapolis most
19 recently, is just heartbreaking. It's an outrage.
20 As a lawyer who has always believed in the rule of
21 law and what we are seeing happening, this is not who
22 we are. And as you say though, it's not just what's
23 happening in other cities. We do see our residents
24 being snatched off the street, playing by the rules,
25 going to their hearings and being seized and

1 separated from their families. This is not who we
2 are. One of the reasons why I want to lead the Law
3 Department is to be able to play a role in addressing
4 and protecting our city from these kinds of
5 practices. I've spent a lot of my professional life
6 protecting New Yorkers from unlawful exercises of
7 government power. It's one of the reasons why I
8 wanted to have the pro bono arrangement with the law
9 department so that I could be ready to protect New
10 Yorkers. Having said that, I've fought and won
11 against a lot of different mayor's including Rudy
12 Giuliani and one thing I've learned is don't tell
13 them how you're going to fight back and provide them
14 a roadmap of what we're going to do but I can assure
15 you we will increase our fight back for what's
16 happening to New Yorkers and prevent the kind of
17 things that have happened in other cities.

19 CHAIRPERSON UNG: Thank you. Uhm, that is all
20 for my questions. Right now, actually we're going to
21 take a brief pause in the questioning and answer
22 section of this hearing. We're going to move really
23 quickly to the public testimony by our Attorney
24 General.

2 Thank you. I just want to remind everybody that
3 public testimony is two minutes. Thank you.

4 LETITIA JAMES: Thank you. Thank you so much
5 Madam Chair and thank you, it was on. It's on? Yes
6 and thank you Madam Speaker and it's great to be back
7 in City Hall. As the Council works to nominate and
8 support an individual who I've known for a very long
9 time.

10 As a former City Council Member uhm, in Brooklyn,
11 I worked with Steve to address the issues of
12 individuals who are facing eviction. I work with
13 Steve on behalf of individuals who unfortunately lost
14 their Food Stamps and public assistance. I work with
15 Steve with regards to individuals in homeless
16 shelters. I work with Steve in regards to the
17 Bedford Atlantic Armory, which is still an issue and
18 hopefully we can transform that armory going forward.

19 And so, I come before you today in support of his
20 nomination given his decades of commitment to public
21 service. He embodies the law as a force for common
22 good for all of us and for his entire career, no
23 matter the stakes or personal consequence. He has
24 pursued justice for the most vulnerable in the city.

1
2 As I arrived, I heard questions with respect to
3 our commitment to stand up and fight an
4 administration, which is chaotic, cruel and corrupt
5 and I look forward to working with the City Council
6 as well as Corp Counsel as we coordinate our efforts
7 to protect the interest of New York City as well as
8 New York State. It is so critically important that
9 all of you understand what is at stake and each and
10 every day in my office there is a new unlawful,
11 illegal, unconstitutional, executive order that we
12 have to respond to, resulting in the loss of billions
13 of dollars.

14 We just responded to the Gateway Tunnel as you
15 know with New Jersey's Attorney General. There's a
16 possibility of a loss of over 1,000 jobs. Second
17 Avenue Tunnel, the list goes on and on and they are
18 also requesting and demanding our data and as you
19 know, we've stood up and so it's really critically
20 important that we have a partner in Corporation
21 Counsel, that we work with Corporation Counsel to
22 respond to all of the challenges that we are facing.
23 He has over 30 years at the Legal Aid Society and as
24 a proud graduate of the Legal Aid Society and as
25 someone who served in that capacity for a long time,

1
2 it's an honor and a privilege to support the
3 nomination of someone who believes in thinking about
4 others before he thinks about himself. He has an
5 exceptional work habit and he is always there for the
6 call. He spearheaded the organizations efforts to
7 deliver justice in every borough, providing legal,
8 free legal representation to low-income individuals
9 partnering directly with community groups and
10 advancing lasting systemic change. And he has
11 fearlessly challenged injustice whenever it rears its
12 ugly head and the wealth of knowledge that he has
13 acquired, not only in this Administration but the
14 previous Administration, deems him worthy of this
15 nomination and that's why I took time out of my very
16 busy schedule to come before you today and also to
17 say hello to all of you. I know I'm working with a
18 number of you on a number of initiatives in your
19 respective districts and I look forward to continuing
20 to do that along with my partner in this struggle,
21 Corporation Counsel. Thank you.

22 CHAIRPERSON UNG: Thank you Attorney General and
23 now back to the questions. I'd like to turn it over
24 to our Deputy Speaker Williams.
25

2 DEPUTY SPEAKER WILLIAMS: Thank you. I guess we
3 can all go home now, the Attorney General has spoken.
4 Uhm, in all seriousness, I know I asked you this
5 question before but I have one question but it's my
6 favorite topic. So, according to a Comptroller's
7 report in 2024, there were 13,000 claims. The city
8 paid close to \$2 billion in litigation in
9 settlements. How do you plan to address the growing
10 value and cost of these litigations and settlements
11 against the city, while also ensuring that underlying
12 systemic issues that are driving these lawsuits are
13 identified and preventive?

14 STEVEN BANKS: Thank you for that question and
15 I'm glad we had an opportunity to talk about it the
16 other day. This really gets to what the Speaker
17 asked me about, which is how are we going to manage
18 our legal affairs, which has sort of two parts to it.
19 Enough staff to manage our legal affairs and manage
20 our legal affairs so that we have control over
21 certain of the costs that are within our ability to
22 control. You are focused on judgement and claims; I
23 am going to be focused on judgement and claims. And
24 this is certainly an area in which risk mitigation is
25 what lawyers do in the paying client world. Risk

1 mitigation is what the law department has a new unit
2 that it has been working this area. I am looking
3 forward to enhancing our work in that area and with
4 the team and the law department that is looking at
5 risk mitigation and I will keep you informed of our
6 efforts but I completely understand your concern
7 about lawsuits that's being brought and it's not that
8 the lawyers who bring the lawsuits, it's why the
9 lawsuits need to be brought and we need to do a
10 thorough review of the kinds of things that are
11 giving rise to city liability and ultimately as I
12 said in my own testimony, the harm that city policies
13 do cause to New Yorkers. So, you have my commitment
14 that that's going to be the area I'm going to look
15 into.
16

17 DEPUTY SPEAKER WILLIAMS: Thank you.

18 STEVEN BANKS: I know I have a partner with the
19 Attorney General and all those partners too.

20 DEPUTY SPEAKER WILLIAMS: Thank you Chair.

21 CHAIRPERSON UNG: Oh, that's it. Uhm, we've also
22 been joined by Council Member Pierina Sanchez. I'd
23 like now to turn it over to our Majority Leader
24 Abreu.
25

2 MAJORITY LEADER ABREU: Thank you Counselor for
3 showing up before the Council today. Your
4 predecessors have argued in court filings that a
5 plaintiff challenging the validity of a local law
6 must meet the heavy burden of proving beyond a
7 reasonable doubt that the law suffers wholesale,
8 constitutional impairment. Your predecessors have
9 also argued that the Court of Appeals requires the
10 plaintiff to establish that it is impossible to
11 reconcile the local law and the state constitution
12 and that "where reasonable doubt exists, the law must
13 be upheld."

14 Do you agree with this standard and will you
15 apply it when advising the Mayor on whether a dually
16 enacted law is illegal?

17 STEVEN BANKS: I mean there is a presumption of
18 validity of local legislative enactments and there is
19 that second department decision that you're referring
20 to that essentially says that it may only be overcome
21 by proof that an enactment is unconstitutional beyond
22 a reasonable doubt. So, that's the second
23 departments evaluation of what the law says and a
24 general standard of course doesn't you know supplant
25 careful case by case analysis required for disputes

1
2 concerning core powers of elected officials. Whether
3 it's the Council, the Comptroller or the Mayor but I
4 understand what that decision says and that's going
5 to certainly be a guide in evaluating it but I think
6 the presumption of validity is part of it but there
7 still needs to be a case by case analysis.

8 MAJORITY LEADER ABREU: And my last question.
9 Pursuant to Section 24 of the New York State
10 Executive Law, the Mayor may issue an emergency
11 executive order to suspend a local law. Do you
12 believe the use of this power must be rare, narrowly
13 tailored, limited in timespan, and as such power
14 should never be used when the disaster in question
15 could be resolved using the day to day tools of city
16 government, like rule making and legislation?

17 STEVEN BANKS: That's a great yes or no question.
18 Yes, I agree with that description. By way of
19 example, I obviously managed the Department of Social
20 Services through the COVID crisis. I needed to issue
21 an emergency relief for people and that was done
22 because there was an emergency declaration because of
23 that public health crisis. In contrast, there are
24 some other executive orders. There's one, there are
25 two that are subject of the current mayor having

2 issued new executive orders, one relates to
3 conditions of the Board of Corrections standards for
4 conditions on Rikers Island where essentially an
5 emergency order was in place for the entire four
6 years of the last Administration and one of the
7 things that we have done, the law department drafted
8 an order that the Mayor signed to require a
9 compliance plan to come into compliance with
10 something that's been suspended, the Board of
11 Corrections standards for four years. Same thing
12 with their standards for shelters, which have been
13 suspended for three years.

14 Your description of when an emergency should be
15 declared and the duration is important. It's not
16 really the duration; the issue is whether or not
17 there's still an emergency and it effects the public
18 health and public safety. And so, you put it - your
19 question is exactly on point.

20 MAJORITY LEADER ABREU: So, is it fair to say
21 that the past Administration broadly perhaps too
22 broadly uses emergency powers in your view?

23 STEVEN BANKS: Well, I think in those two areas,
24 you know using emergency orders to suspend the Board
25

2 of Correction Standards for four years, doesn't make
3 sense.

4 MAJORITY LEADER ABREU: Thank you.

5 STEVEN BANKS: Post September 11th, post Sandy,
6 there are certainly things that require an executive
7 action to suspend various rules given those
8 particular crisis.

9 MAJORITY LEADER ABREU: Thank you very much.

10 CHAIRPERSON UNG: I'd now like to turn it over to
11 the Minority Leader Carr.

12 MINORITY LEADER CARR: Thank you so much Chair.
13 Commissioner, always good to see you. You indicated
14 earlier that some of your best work has been avoiding
15 disputes, I fear that you have made a loud your best
16 work to be overshadowed over the course of your
17 career but you know you've been involved in so many
18 important legal struggles. I'd like to talk to you
19 about a couple of them that are ongoing right now.

20 With respect to sanctuary cities, do you believe
21 that it is a violation of the supremacy clause of the
22 Constitution for a state or local jurisdiction to
23 ignore a detainer request when somebody has been in
24 contact with the criminal justice system?

2 STEVEN BANKS: Well, this is under litigation
3 currently, in which the federal government is
4 attempting to obtain a declaration in the eastern
5 district that New York's sanctuary city laws are
6 unlawful. I don't agree with that legal claim. The
7 sanctuary city laws were adopted by the Council,
8 signed into law by the Mayor and I think the
9 Sanctuary City laws strike the right balance between
10 the 10th Amendment rights that the states have and by
11 the duration of that the localities, to not become
12 endeared into implementing federal policies. That's
13 a core concept of what it means to be a state and
14 what it means to be a municipality within the state
15 and I think the Council is well within its powers to
16 enact that law and the Mayor to sign it. So, I know
17 you and I have interacted of many years and I know we
18 will agree to disagree on certain things but I will
19 be a vigorous advocate to continue to defend that law
20 that was dually enacted by the Council, because I do
21 think it strikes the right balance.

22 MINORITY LEADER CARR: But the federal
23 immigration laws are dually enacted by Congress right
24 and it's a numerated power of the federal government
25

3 to enforce our immigration system, whether we agree
4 with it or not.

5 Is it really hijacking or commandeering local
6 resources, simply by sharing information?

7 STEVEN BANKS: I believe it is. I believe it is
8 and that is certainly a live issue in litigation. I
9 understand we disagree on that but I want to in full
10 transparency say I'm going to work to continue to
11 defend the law that was enacted by the Council.

12 My own view at the time and continues to be that
13 the sanctuary laws make us safer and stronger as a
14 city, so people don't live in the shadows and so that
15 uh we can build on the great strength of the city,
16 which is its diversity. But I do think the Council
17 struck the right balance between the federal law and
18 local law in enacting that particular provision.

19 MINORITY LEADER CARR: Yeah, I think it's
20 reasonable to say this is akin to full faith and
21 credit at the state level, right? There's going to
22 be states that engage in law enforcement actions that
23 New York may not subscribe to, may even disapprove
24 of, right but we would still have to honor an
25 extradition request from the state. So, why do
states get that privilege but the federal government

1
2 does not? I understand I'm talking about two
3 different provisions of the Constitution here but
4 they're cousins in this matter.

5 STEVEN BANKS: I think they're quite distant
6 cousins actually but in the litigation, we're going
7 to continue to vigorously defend the city. I know
8 we're going to agree to disagree on that one but I do
9 think as the chief legal officer in the city, if I am
10 confirmed that it's my obligation to defend that law
11 that was dually enacted, which I think was enacted
12 for the right reasons.

13 MINORITY LEADER CARR: And so, this last topic
14 area is with respect to right to shelter. Obviously,
15 this became a big issue over the last several years.
16 You've been a key figure in that discussion over the
17 last several decades and the right to shelter, while
18 it exists in our New York State Constitution, was
19 never defined statutorily as those same provisions
20 call for. The City of New York consented in the
21 Calihan case to a certain provision of services and
22 it's been amended over the years. But the reality is
23 there's no compulsion for us to do that other than
24 the consent decree and that consent decree was I
25 think stretched beyond recognition in the migrant

1
2 crisis when we were forced to shelter thousands of
3 people who had literally just arrived here and at the
4 cost of you know \$4 billion a year for three years on
5 average. That's a big chunk of change, particularly
6 as we're facing a \$12 billion deficit now. So,
7 what's your view on this? Do you think the city has
8 wiggle room to revisit this issue in order to make
9 sure that we don't have to deal with those kinds of
10 financial burdens again?

11 STEVEN BANKS: Well, first and foremost, the
12 right to shelter is why despite our challenges with
13 our streets in the city, our streets don't look like
14 the streets of other cities in the country. The vast
15 majority of people experiencing homelessness in our
16 city are inside. The large numbers of people
17 experiencing homelessness in other cities are on the
18 streets and it's because of the right to shelter that
19 that is the result in terms of the human beings
20 involved but also in terms of our city.

21 The question of where the right to shelter comes
22 from, it comes from Article 17 of the New York State
23 Constitution. The drafters of that provision drafted
24 it because it was in the midst of the great
25 depression and they saw shanty towns in Central Park

1 and along the Hudson and they said and you can read
2 what they said, is that this shouldn't be and that's
3 where Article 17 comes from.
4

5 It's true in the single adult men's case, there
6 was a settlement but in the families case, actually
7 the first department reached the question of whether
8 or not the State Constitution required the provision
9 of shelter and it would have been impossible for the
10 court to say, well, if we provide it to single men,
11 we should provide it to families with children but
12 the court went further and said, actually under
13 Article 17, there's an obligation to provide shelter.
14 So, that's an actual judicial ruling. But to the
15 core of your question, I think the issue about what
16 type of shelter should be provided to asylum seekers
17 who come from the city to the city, has been resolved
18 by the March 2024 Court Order, which defines
19 eligibility for obtaining shelter, the process for
20 getting shelter and the city's efforts and programs
21 to reconnect people to the community so they don't
22 continue to remain in shelter. And that order struck
23 a balance between the real key core value of the
24 right to shelter, which is to keep people off the
25 streets and preserve human life. And at the same

1
2 time, address the situation the city is confronted
3 with. So, I think this has been resolved judicially.

4 MINORITY LEADER CARR: I think in closing, I just
5 want to say that you know obviously you referenced
6 the origins of the provisions of the State
7 Constitution on the eve of revolutionizing of world
8 travel, right? There's been a lot of changes.

9 People can come from one part of the world to another
10 much more quickly and much more efficiently than when
11 this provision was contemplated and I think we have
12 to be really careful about what the future may hold
13 because the tumults of the world will continue and we
14 cannot be expected to foot the bill at a moment's
15 notice when these crisis erupt. And so, I thank you
16 for your answers and I thank you for making yourself
17 so accessible to me and other colleagues who are not
18 on this Committee during this process. Thank you
19 Chair.

20 STEVEN BANKS: Thank you.

21 CHAIRPERSON UNG: Thank you and now we have
22 Committee Member Krishnan followed by Riley and then
23 Council Member Sanchez.

24 COUNCIL MEMBER KRISHNAN: Thank you so much
25 Chair. Thank you Speaker. It's good to see a fellow

1 public interest lawyer nominated for this position.

2 I remember ten years ago, sitting in your office and
3 your HRA Commissioner saying that we were going to
4 sue HRA to protect a tenants home and you said,
5 "don't sue. We'll make sure she can stay in her
6 home." And you did, so I hope you bring that
7 perspective to the law department too should you be
8 confirmed. I hope you also sue because suing is an
9 important part of the job too.
10

11 But I have a few questions. One question is you
12 know and I think Speaker Menin raised this before
13 too. I do think that you know the structure of city
14 government and the Charter, housing all these
15 responsibilities in Corporation Counsel does present
16 a real conflict at times between the Corporation
17 Counsel's ability to represent one client, the City
18 Council and the other client, the Mayor and so, it
19 while it may not present an actual conflict of
20 interest, it does create you know on the ground
21 conflicts at times. And so, I just wanted to hear a
22 bit again about how you would navigate your role in
23 representing both sets of clients that can at times
24 see matters differently.
25

2 STEVEN BANKS: I think it's a great question and
3 I just want to reemphasize that I think the lawyers
4 in the particular unit that do this work are just
5 extraordinary public servants and are really
6 conscious of the tensions that are sort of behind
7 some of these questions from the Chair and from the
8 Speaker and from you about how do we balance all of
9 these different inputs. I think the way we balance
10 it is to understand our role ultimately is what's
11 best for the City of New York and the people in the
12 City of New York, understanding that the role of the
13 Council is an important role and the role of the
14 Executive is an important role. So, I think our
15 focus is to make sure that we're set up in such a way
16 that we can give confidential advice to both sides of
17 the that legislative equation.

18 I think though that what the speaker
19 appropriately pressed me on was the importance of
20 early consultation and early engagement. When you
21 came to me and said, "Am I going to sue you over this
22 particular situation," you didn't come to me on the
23 way to the courthouse door. You came to me at a time
24 when I could do something and it was better for the
25 client that you had and I know that's why you came to

1 me frankly because you said, and your colleague said,
2 you know what, this is crazy to have to sue the city
3 about this. And I listened to it and I said, this is
4 crazy to be sued about this. So, I think it's the
5 same approach to legislation that we have to give
6 each other enough space so that we can play the role
7 the role the law department can play, which is to try
8 to bring everybody together for what's in the best
9 interest of the city. You're all here because you
10 ran to serve the best interest of the city. The
11 executive is here because you know the Mayor and the
12 people that serve want to serve the best interest of
13 the city. I think the law department has a key role
14 at that intersection if given enough time to come to
15 the best results for the people. Because I always
16 looked at this when I was a Commissioner and I
17 realize I'm not running for Commissioner here. But
18 when I was a Commissioner, you know prior Speakers,
19 Speaker Mark-Viverito, Speaker Johnson would call me.
20 Uhm, Stephen Levin who was the Chair of General
21 Welfare. They would call me and say, "we're thinking
22 of doing x." And my first answer wasn't no. My
23 first answer was, "I understand what you want to do
24
25

1
2 but I don't think I can do it the way you want to do
3 it. Can we do it this way instead?"

4 And sometimes the answer was no but maybe we
5 could - so the engagement is actually 99 percent of
6 the game, and that's my approach. I said this to
7 some of you who I have met with. Other people said
8 I'm crazy to make this representation. When I was
9 the head of Legal Aid, when I was the head of the
10 Department of Social Services, I made sure you all
11 had my cell phone number because there's nothing like
12 communication to try to cut through disputes. Am I
13 always going to be able to say, "you're right, we'll
14 do it?" No, but I want to make sure that as the
15 Chief Legal Officer of the City, I'm available to you
16 for those conversations so that ladies like your
17 client get the best results of the city, which is the
18 Executive and the Council working together.

19 COUNCIL MEMBER KRISHNAN: And your recognition of
20 the nuances of this position in that role is much
21 appreciated too and I think that's also you know why
22 you're hearing that come up a lot from my colleagues
23 and myself too is uh, it is an important part of this
24 position, so I appreciate that.
25

2 My second question is about you know on the other
3 side of the coin on immigration, we have strong
4 sanctuary policies in this city and we are at a time
5 as we all know and you mentioned too, that is
6 paralysis for so many immigrants across our city and
7 across the country.

8 How have you thought about in your role should
9 you be confirmed as Corporation Counsel, how you
10 would ensure that all city agencies are complying
11 with the sanctuary laws that we have?

12 STEVEN BANKS: I think it's somewhere to the role
13 that I had when I was Commissioner of one agency.
14 What are the procedures that we had in place to make
15 sure that it was clear to frontline staff what the
16 law required and I think the law department can play
17 a key role in making sure that it's clear and
18 unequivocal what our laws require and that we've got
19 everybody's back in complying with those laws. From
20 afar, I read about certain things that happened in
21 the prior administration, in which I think the
22 frontline workers didn't necessarily get the clearest
23 of communications. So, to me, it's about
24 communication. It's about ensuring the law
25 department is there to support the agencies and to

1 support the city overall to do what the law requires,
2 which is to protect people.
3

4 COUNCIL MEMBER KRISHNAN: And my final question,
5 you know I think the uhm, the staff at the law
6 department is excellent. Uhm, I also think that
7 lawyers by nature can be very cautious and I say that
8 as a recovering lawyer myself, too cautious and I
9 bring that out because at times you pass or we look
10 to pass legislation in the Council but there can be
11 concerns raised by the law department about should we
12 pass this legislation? It would meet x, y, z thing
13 or it may provoke litigation from a certain interest,
14 corporate or otherwise. And those are things that I
15 don't believe that we should be afraid to pass bills
16 because of legislation, which will inevitably come
17 and we make the best defenses we can and uh we
18 advance legislation we need to advance that's doing
19 right by New Yorkers. And so, at times when an
20 agency institutionally can be more risk adverse,
21 despite the matter in front of them and the
22 importance of moving it forward, how would you
23 leading the law department, approach an issue like
24 that and thinking about both anticipating litigation
25

1
2 but not being too risk adverse to want to avoid
3 litigation at all costs either.

4 STEVEN BANKS: I think going back to actually the
5 Minority Leader's question, to me, I've not been
6 afraid to take on litigation and to defend the
7 peoples rights. I think that one of the core
8 questions about how to have lawyers be the most
9 helpful is to understand what the clients goal is and
10 then be at the ground floor of constructing a
11 defensible local law to achieve what the goals are.

12 In my experience, taking this out of context of
13 the Council and the Executive in my experience, the
14 client counseling works best when at the beginning
15 before a pen is even taken to paper, everyone
16 understands what the goals are and then the best
17 writing occurs when everyone is trying to get to yes,
18 rather than everyone is working off of what feels
19 like it might be set in stone.

20 So, process actually really matters here to
21 getting to good enforceable defensible loss.

22 COUNCIL MEMBER KRISHNAN: Thank you very much and
23 thank you Chair.

24 COUNCIL MEMBER RILEY: Thank you Chair. Council
25 Member Krishnan actually kind of centralized the

1
2 question I wanted to ask you, so I'm going to try to
3 reword it in a different way to see if you can give
4 me experience. But you are going to be handling a
5 lot of you know tough litigations within this role.
6 How do you handle situations where illegal compliance
7 conflicts with public perception and organizational
8 values? And along with that, can you describe an
9 experience where you managed legal issues that
10 involved a lot of media scrutiny?

11 STEVEN BANKS: Can I start with the example
12 first?

13 COUNCIL MEMBER RILEY: Yeah.

14 STEVEN BANKS: And then maybe we can look at how
15 I navigated it. At the beginning of COVID, it was
16 clear that I needed to evacuate the single congregate
17 shelters, single congregate shelters and that if we
18 didn't move quickly in the middle of a lockdown and
19 evacuate 10,000 people, that people were going to
20 die. And I knew that there would be concerns about
21 evacuating 10,000 people and putting them into vacant
22 hotel rooms in communities. And at the end of the
23 day, I couldn't live with myself if one person died
24 because I didn't act. So, I acted and there was a
25 lot of scrutiny but at the end of my days, I will

1
2 have no regrets about doing what I thought the right
3 thing to do for very vulnerable people was.

4 COUNCIL MEMBER RILEY: Thank you and the first
5 question, the compliance?

6 STEVEN BANKS: I think the first question is, I
7 hate to kind of give you the same answer to your
8 neighbor, colleague, I think it's about process and
9 how do we treat each other as you know actors in the
10 political space, elected officials who want to
11 accomplish things for constituents, lawyers in the
12 law department who want to make sure that what is
13 being achieved is going to accomplish the goal and do
14 it in a way that doesn't create liability for the
15 city.

16 But I'm not going to be afraid to wade into that,
17 that challenge because that's what I think the law
18 department's traditionally been here for and will
19 continue to be here for, to give the support to you
20 as elected officials to accomplish what you think is
21 best for your constituents.

22 COUNCIL MEMBER RILEY: Thank you and my last
23 question, do you have any priorities that you're
24 going to be focused on for the first hundred days
25 within this role?

2 STEVEN BANKS: So, I've become ahead of several
3 organizations and my priority has always been to
4 engage the people doing the work and hear what it is
5 that they think about the work they're doing, and the
6 things that they might want to do that they haven't
7 been able to do for various reasons.

8 So, to me, my highest priority is to engage the
9 staff in the law department first and to be able to
10 understand the things that they are going through on
11 a daily basis that I can help move forward.

12 An adjacent first priority is to engage the
13 Commissioners and General Counsels of all the
14 agencies. To hear about what their issues are, what
15 their concerns are, to begin to do what I talked to
16 Speaker Menin about, also with Chair Ung, which is
17 risk assessment and to help them address concerns
18 that they have about their mission and risks and
19 concerns they have because that's how we're going to
20 get better results for New Yorkers.

21 COUNCIL MEMBER RILEY: Thank you Steve. Thank
22 you Chair.

23 CHAIRPERSON UNG: Thank you. Council Member
24 Sanchez.

1
2 COUNCIL MEMBER SANCHEZ: Thank you. Thank you
3 Chair. Good afternoon. Congratulations first and
4 foremost on your nomination. I have personally long
5 admired your work. It's been incredible what you as
6 an individual actor have been able to accomplish to
7 keep more people in their homes, defending the right
8 to shelter and creating the City FHEPS program, which
9 is what my question of course is about. And thank
10 you Madam Speaker for asking the initial questions on
11 FHEPS earlier. I just wanted to follow up because we
12 all know that delays in implementation of the FHEPS
13 expansion that this Council passed in 2023 is and
14 continues to have real impacts on our families across
15 the city. More families are evicted; more families
16 are unable to access homes when every single day that
17 passes that these bills are not being implemented.

18 Uhm, I'm the first to acknowledge that the bill
19 package was sweeping and that's because we as a
20 Council, our communities, advocates, we believe that
21 transformation was necessary to prevent the evictions
22 before they happen to shorten shelter stays when they
23 do and to stabilize families.

24 So, my follow up question is regarding the law
25 departments request for a 30 day adjournment that was

1 granted last week. Uhm, the first part is what would
2 you want the public to think about the request? And
3 importantly, I think you answered some of this before
4 but just to ask it very distinctly, ask Corp Counsel,
5 would you be open to withdrawing that lawsuit?
6

7 And the second part of my question is, if you
8 have specific concerns with the legislation, that you
9 would want to be discussing over settlement
10 negotiations. Could you name some of those
11 specifically whether they're fiscal, administrative,
12 legal and distinguish those from the position of the
13 previous administration, which had the position that
14 we as a Council cannot legislate in the arena of
15 social services. I'll stop there.

16 STEVEN BANKS: First of all, nice to see you.
17 Thank you for your kind words and a personal apology
18 publicly, that I haven't had time to speak
19 individually with you yet but we will, we will, I
20 hope you'll be able to make the time to speak to me.

21 Look, this is an important program. I felt that
22 way when we created it after a number of years of
23 which there was no rental assistance in New York City
24 and the shelter census went up 38 percent. That
25 wasn't good for people, it wasn't good for the city

1
2 budget. It wasn't good for anything and so it was I
3 think an important thing to come up with a way that
4 implemented the program.

5 I, although we haven't spoken about it, I'm going
6 to say that I understand where you're coming from,
7 which is that you want a program to be more flexible
8 than the original one that I created.

9 I can say this and it really goes to the answers
10 that I've been giving about process, that if I were
11 the Commissioner or you know if it was during my time
12 when I was in office, the communications I realize
13 the Commissioners didn't have the ability to
14 communicate with you in the last administration. I
15 gather they had to go through a whole process. I see
16 Council Member Restler smile at me because that was
17 my practice when I was a Commissioner. Sometimes the
18 chagrin of the Mayor's Office that I felt I had open
19 communications at all times with Council Members.

20 I would have called you up on the phone to say,
21 so this is what I'm seeing from running the program.
22 I see what you're seeing. How do we get to a place
23 where we could have a program that accomplishes what
24 you want to accomplish, that addresses issues that I
25 got to address, and at the same time, is fiscally

1 responsible. That conversation didn't happen.
2 That's what's going to happen during the period of
3 trying to negotiate a settlement of this and the
4 issue about dropping the appeal or not, the process
5 is to negotiate a settlement and have the
6 conversations that we should have had as a city. Not
7 you and me because I didn't have that role but that
8 we should have had as a city at the time, which is,
9 what are your goals? What is the agencies goals?
10 What's fiscally possible to do and how do we get
11 there and that's what the settlement discussion is
12 going to be.
13

14 COUNCIL MEMBER SANCHEZ: Awesome, yeah, I mean we
15 - I remember uh the 18th hour, millionth hour
16 conversations where the bills were about to age and
17 we just hadn't heard anything from the
18 Administration, not the law department, not the
19 Commissioners except no, which yes I agree is a part
20 of why we ended up where we are but I just, I want to
21 underscore and especially in this public forum, thank
22 you Chair and again, thanks to the Speaker for the
23 time to be able to say this is, we really mean and
24 meant - we meant and mean what we said in the
25 legislation, right? We have - it would be less

1
2 expensive to keep people in their homes. So I just
3 you know, I know that there's always a question about
4 the financial health of the city but I want to - you
5 know I know that we share that north star as humans
6 and to make sure that we share that as we talk
7 through the settlements and if you could keep us in
8 the Council and of course the bill sponsors, like
9 Council Member Cabán and I that are still here, if
10 you could keep us in the loop.

11 STEVEN BANKS: I know your focus is on the human
12 beings and I know you know my focus has always been
13 on the human beings and that will be certainly a
14 challenge before us of how to lift up the human
15 beings involved and strike the balance with the
16 fiscal health of the city. And that always was the
17 balance with this program and uh as I said, it's a
18 conversation that should have happened three years
19 ago. It's going to happen now.

20 COUNCIL MEMBER SANCHEZ: Thank you. Thank you.

21 CHAIRPERSON UNG: Now, we have Council Member
22 Hudson followed by Restler and then Brewer.

23 COUNCIL MEMBER HUDSON: Thank you Chair and just
24 before I get to my questions I would like to say that
25 I believe you are an exceptional candidate for this

1
2 role. As someone who served those with the greatest
3 needs for more than three decades at Legal Aid, you
4 understand the issues on the ground that this city
5 has been working to address, especially our right to
6 shelter law and in your work as DSS Commissioner, you
7 increased access to keep benefits like free legal
8 Council and housing court, SNAP, Medicaid and rental
9 assistance. You also mentioned the historic decision
10 of Muriel Good Trufant to not represent the previous
11 Mayor and I know that you will follow in that same
12 vein of simply doing what is right and best and I'm
13 proud to represent both of you in District 35. And
14 so now for my questions.

15 You've already been asked about your position on
16 City FHEPS and the ongoing legislation but this body
17 has also sued the former mayoral administration
18 regarding its policy on ICE at Rikers for violating
19 city law that the Council passed. Recognizing that
20 each case is unique, can you share a general approach
21 to upholding the laws passed by this coequal branch
22 of government and how you direct the department to
23 address any pending lawsuits that proceed both you
24 and Mayor Mamdani?

1
2 STEVEN BANKS: Thank you for your kind words. I
3 appreciate it and I appreciate that your my Council
4 Member. Just to maybe give you a sense of where I
5 come from on this issue. There are various pieces of
6 legislation that I wrote with Council Members over
7 the years when I was at the Legal Aid Society that
8 are now enshrined in the Administrative Code of the
9 city and that I have brought lawsuits to enforce over
10 the years. So, the important role that the Council
11 plays in passing legislation to benefit the residents
12 of the City of New York is something that I've lived
13 with throughout my professional life.

14 But I can't emphasize enough that the challenges
15 of the last four years I know that they are an
16 overhang for the members that lived through it but I
17 want to make sure that we have a fresh start and
18 engaging together in the process that the Speaker and
19 I talked about a little bit. Engaging in a process
20 in which there's enough time to really look at what
21 it is you want to accomplish in a piece of
22 legislation and what it is that Legal Aid can be
23 accomplished. And I've always believed sometimes
24 there's a different way to do the same thing and one
25

1 way is possible and one way is not possible. And so,
2 that's going to be my approach.
3

4 COUNCIL MEMBER HUDSON: Thank you. I appreciate
5 that. Are there any instances in which you diverge
6 from your predecessors regarding their positions on
7 litigation?

8 STEVEN BANKS: Yeah, I have great respect for
9 your constituent. My former advisory and my current
10 colleague, Mayor Good Trufant. When I said I am
11 going to take a review of all the cases, that's what
12 I did when I became a Commissioner of the Department
13 of Social Services. That's not a reflection on her.
14 It's not a reflection on anybody but I'm a different
15 person and I want to see what our positions are in
16 various cases and whether or not there's ability to
17 change and if not, is there an underlying policy that
18 should be changed. And then I want to talk to the
19 Commissioners and the General Counsels involved.

20 COUNCIL MEMBER HUDSON: Fair, thank you. And
21 lastly, how do you view the law department's role in
22 advancing the Mayor's policy agenda, specifically
23 around issues of affordability and community safety?

24 STEVEN BANKS: I think the law department is a
25 key part of advancing the agenda of any Mayor,

1 particularly this Mayor who has such a transformative
2 agenda to address this issue of affordability that
3 I've been fighting to address for my entire
4 professional life.
5

6 So, I think lawyers have a role in addressing the
7 affordability crisis that has reached epic
8 proportions in this city. That's why the Mayor's
9 transformation of gender is so important to me but I
10 think the law department is ready to be on the
11 frontlines of doing the things that are needed,
12 executive orders, legislation, defending in lawsuits.
13 Helping with policy development, you know lawyers are
14 necessary for a lot of parts of modern life,
15 particularly for the kind of transformative agenda to
16 really lift up New Yorkers that the Mayor has.

17 COUNCIL MEMBER HUDSON: Thank you. If my
18 districts track record for confirming Corporation
19 Counsel means anything, then I look forward to
20 working with you more closely. Thank you Chair.

21 STEVEN BANKS: Thank you very much.

22 CHAIRPERSON UNG: Thank you. Council Member
23 Restler.

24 COUNCIL MEMBER RESTLER: Thank you so much Chair
25 Ung and while you may reside in Council Member

1 Hudson's district, you're walking distance from the
2 33rd. I have to say I am genuinely thrilled by this
3 appointment. I have been in the trenches with you
4 and you are as brilliant and as ethical and as
5 creative as any public servant I know. I - as you've
6 said today, you always center the most vulnerable in
7 the work that you do and I know you will bring that
8 commitment to the law department. I am just excited
9 to be working with you again in this new capacity and
10 I am hopeful that my colleagues will similarly
11 endorse your candidacy after such a thoughtful
12 hearing today.

14 I did want to ask a couple questions about uhm,
15 areas that I don't think we've touched on as much as
16 I would hope. First, it's just law department
17 staffing. So, when we look back to the prepandemic
18 levels, we are down I believe 216 attorney's at the
19 law department. That's a 23 percent decrease. One
20 out of four law department attorney's gone, up in
21 smoke and we all know that the work of city agencies
22 grinds to a halt when we can't get the attention of
23 the law department, the law department doesn't have
24 capacity to process critical contracts, information

3 analysis, guidance that our agencies and the City
4 Council depends on.

5 Do you have a game plan? I know we got some
6 budgetary challenges but do you have a game plan for
7 the review that you're planning to conduct,
8 recommendations that you're going to forge for the
9 budget director or the first deputy mayor and the
10 mayor for how we can staff up the law department?

11 STEVEN BANKS: Yes but let me just say first,
12 thank you for your very kind words. It is true that
13 I live adjacent to the 33rd and we have great places
14 to eat in the 35th but you have some okay places in
15 the 33rd, so.

16 COUNCIL MEMBER RESTLER: I'm going to ignore
17 this. I'm going to ignore it and focus on the law
18 department staffing.

19 STEVEN BANKS: You know the Mayor, I think has
20 been very clear publicly about the damage of
21 hallowing out the law department and I'm certainly
22 going to work with the Administration about the best
23 paths forward to address that problem. I do have
24 experience; when I was the head of the Legal Aid
25 Society of hiring large numbers of lawyers in a short
period of time and we implemented the criminal

1
2 defense case gaps. So, I understand how important it
3 is to recruit and to recruit at local law schools.
4 So, I will be ready to work with the recruitment team
5 at the law department to be able to move forward with
6 the staffing that we're able to do. But the review
7 that I talked about can be parallel to addressing
8 staffing. The first question is like what are we
9 doing and what do we need but you certainly
10 highlighted the challenges we've got with staffing,
11 which the Mayor has highlighted.

12 I appreciate you also highlighted the challenges
13 with the finances but as I said before, I've managed
14 the Legal Aid where we could both - two things could
15 be true at once, which is we need more people and we
16 have challenging finances.

17 COUNCIL MEMBER RESTLER: I know you'll have a
18 champion in our esteemed new Gov Ops Chair, Council
19 Member Brewer. I want to - I think you've responded
20 enough on the Tim Pearson situation but appreciate
21 that you'll be reviewing representation decisions. I
22 wanted to ask about juvenile justice issues. As I
23 know you know the number of kids in jail, doubled.
24 The number of minors incarcerated in New York City
25 doubled during the ten year of Eric Adams. So much

1 so that we're spending tens of millions of dollars to
2 expand our kid jails. Disgraceful as it is, the law
3 department has a limited but important role in this
4 area as it serves as the prosecutors in many cases
5 that can potentially result in incarceration for our
6 young people. The percent of cases referred to law
7 that are filed for prosecution increased
8 substantially under Eric Adams from 30 to 38 percent
9 and I hope - well, I'll ask, will you closely review
10 the law departments policies and determine if we can
11 more successfully refer young people to ATI, ATD,
12 Alternatives to Incarceration, Alternative to
13 Detention programs and reduce incarceration as much
14 as possible among our kids?
15

16 STEVEN BANKS: I mean that's a perspective I come
17 from. You know young people are the future of the
18 city. Giving them a helping hand is more likely to
19 lead to success in their life and therefore a success
20 in the city's life. It's among a priority area for
21 me to look at. I haven't yet been able to engage
22 where the lawyer is doing that work. I want to hear
23 what their concerns are. What their challenges are
24 and I'm going bring to that my experience of you know
25 running an organization that had a juvenile rights

1
2 practice that represented young people with the aim
3 of getting them on a pathway for success in life and
4 that's certainly going to be my orientation to lift
5 up young people whenever we can.

6 COUNCIL MEMBER RESTLER: Great, lastly, you will
7 be the fourth Corporation Counsel who was confirmed
8 via advice and consent, and from my perspective, the
9 law department has oriented to be more responsive to
10 the City Council in general since the advice and
11 consent process was created for your position, which
12 I think is a positive thing. It's still evolving and
13 I think frankly we still have some ways to go. You
14 know I recognize there can be conflicts. I recognize
15 that you know the process of setting up internal
16 firewalls can be a little bit confusing to me at
17 least. Uhm, maybe not to Spencer, although I think
18 he's retiring, is that right?

19 STEVEN BANKS: Spencer is retiring.

20 COUNCIL MEMBER RESTLER: What an enormous loss
21 for the City of New York, gosh.

22 STEVEN BANKS: Big shout out to Spencer Fisher.
23 He will be sorely missed.

24 COUNCIL MEMBER RESTLER: Seriously, truly. Uhm,
25 so thank you for your many years of excellent service

2 Spencer but what I'm really getting at is, when
3 Council Members need legal advise on environmental
4 projects in our district on contract issues, when we
5 have priority projects that we're really trying to
6 push forward and it's stuck at the law department for
7 months on end because of your reduction and because
8 of the reduction in staffing that we saw by Eric
9 Adams, can we get a meaningful commitment that
10 there's going to be more responsiveness to the
11 Council? That there's going to be a sense of
12 partnership that when their priorities for Council
13 Members and for the body as a whole that need
14 attention and support from the law department, that
15 we will get that more.

16 STEVEN BANKS: Yes, but I want to modify your
17 question slightly. You will have responsiveness,
18 whether you didn't have it before or not, I
19 understand you know that that's been your experience
20 but I want to continue to lift up the lawyers at the
21 law department. In my answer to you, which is to
22 say, yes, we will value responsiveness and as a I
23 committed before, you already do. You'll call me if
24 we're not being responsive and we will respond.

1
2 COUNCIL MEMBER RESTLER: You know I will and I
3 you know my comments on Spencer or Cheryl or Eric or
4 many people who are - you know many great people at
5 the law department, it's not a critique or a
6 criticism. I think that the orientation of the
7 agency is still that it is a mayoral agency that is
8 primarily responsive to the mayor and what we are
9 trying to shift is that the law department is there
10 for the city as a whole for all elected officials and
11 that when we have priorities as a body as members,
12 we'd like them to be responded to and I appreciate
13 you saying there will be responsiveness. It has been
14 uneven in my four years on the Council.

15 STEVEN BANKS: I'm going to just reiterate what I
16 said at the top in my testimony. I wanted to be the
17 lawyer for the City of New York and I want to make
18 sure that I infuse that in everything that I do to be
19 a lawyer for the City of New York but I hear what
20 you're saying.

21 COUNCIL MEMBER RESTLER: And I have every
22 confidence you are going to do an absolutely
23 excellent job. Thank you for your time today and
24 thank you Chair Ung for the opportunity.
25

1 COMMITTEE ON RULES, PRIVILEGES, ELECTIONS, 91
2 STANDARDS AND ETHICS

3 CHAIRPERSON UNG: Thank you. Councilwoman
4 Brewer.

5 COUNCIL MEMBER BREWER: Thank you very much. I
6 can't remember not knowing you and I want you do know

7 STEVEN BANKS: That's a compliment right?

8 COUNCIL MEMBER BREWER: Yes. It's a compliment
9 and I also want you to know that the 134 veterans are
10 still at 330 West 95th Street thanks to you. And I
11 want you to know that the lady and the men who made
12 the cookies are still in their apartment because you
13 gave them a very large one shot. Thank you very
14 much.

15 STEVEN BANKS: Don't tell the budget director.

16 COUNCIL MEMBER BREWER: I will not. That was a
17 while ago, so he wouldn't know.

18 STEVEN BANKS: I think he's the First Deputy
19 Mayor now.

20 COUNCIL MEMBER BREWER: Yes. A couple of things.
21 Just picking up on the Speaker about 911 health watch
22 and 911 issues. So, it's my bill that passed that
23 said that the Charter gave us the opportunity to tell
24 the department of investigation to find the files.
25 So, that's happening. We went to the Department of

1
2 Environmental Protection and sat there and opened up
3 26 boxes and saw what was there. There are a total
4 of 68 and we're going to get them, but the question
5 for - there's two questions for you. One is, I guess
6 what you said was that you will make everything
7 available regarding whatever the Corporation Counsel
8 has. But I also want you to know that we still want
9 the report that is mandated by my law from the
10 Department of Investigation. They have a couple of
11 years to look to see what totally is available. So,
12 I want to make sure that you will be supportive of
13 that and that exactly what will you do at the law
14 department in terms of the material?

15 STEVEN BANKS: I am supportive of your law. Uhm,
16 just to reiterate what I said to the Speaker, that I
17 will commit to you that we are going to review what
18 we have, what others have and release what or make
19 available what can be made available. I didn't want
20 to create the misimpression that everything could be
21 released because some of the things have peoples
22 personal identifying information and medical records
23 and employment records and that I do not believe,
24 I'll certainly you know redouble my review of it but
25 I do not believe that sort of thing can be released.

2 But I think I understand and will certainly talk soon
3 about what kind of information you're looking for but
4 that's what our review will be to see what we have,
5 what others have, and what can be made accessible as
6 the Speaker pointed out to me in this 25th
7 anniversary year of a horrible tragedy that as I
8 said, I experienced personally.

9 COUNCIL MEMBER BREWER: Thank you and I know you
10 also support the fact that DOI will continue their
11 research.

12 STEVEN BANKS: Absolutely.

13 COUNCIL MEMBER BREWER: Okay, second of course is
14 under Victor Kovner, that was a few years ago but in
15 my -

16 COUNCIL MEMBER RESTLER: 30.

17 COUNCIL MEMBER BREWER: Shut up. Victor Kovner
18 was Corporation Counsel.

19 STEVEN BANKS: You and I were a lot younger. We
20 were both younger.

21 COUNCIL MEMBER BREWER: Half of these people were
22 not alive but we were alive so he spent a lot of time
23 when I was then the Director of Federal Affairs for
24 Mayor Dinkins figuring out how and I think you
25 alluded to this earlier, you could prevent some of

2 the lawsuits, prevent some of the - so you talked
3 about it a little bit earlier but I just wanted to
4 hear a little bit more about because that will
5 obviously save money, save time, save everything.
6 And he spent a great deal of time; I don't know that
7 he thought he was completely successful but he
8 certainly tried.

9 STEVEN BANKS: So, can I give you an example of
10 my experience with this? So, when I became the head
11 of the Legal Aid Society, one of the things I wanted
12 to understand from the criminal defense lawyers, were
13 the things that went into their representation of
14 clients that made it impossible to manage the numbers
15 of cases that they had, so that we could create a
16 caseload standard that Chief Judge Lippman work with
17 me to promulgate, which dramatically reduced the
18 numbers of cases that our lawyers had at the time. I
19 know a lots happened since that time and there are
20 issues with respect to that standard but my approach
21 to it, which would be similar here, is to understand
22 what are the elements that go into the most common
23 cases that we get, whether they are civil rights
24 cases or personal injury cases. What are the most
25 common elements and what can we do upstream to

1 address those matters from becoming lawsuits? That's
2 different than saying, oh let's just look at the
3 cases and we'll litigate this one and settle that
4 one. We should do that too but that's why I
5 referenced a unit that was created you know that
6 Muriel, under her watch and her leadership, a risk
7 assessment unit. It plays right to the kinds of
8 things I've done. I did it when I went to DSS too.
9 Why is it that people are getting their cases closed
10 all the time? And we cut the number of fair hearing
11 requests in half by taking that kind of analysis of
12 what's driving a certain kind of agency conduct and
13 how can we stop it or mitigate it? And that will be
14 my impression.

16 COUNCIL MEMBER BREWER: I think that's a huge
17 effort and very worth while when successful. FOIL,
18 at this point, we did pass a law recently on FOIL.
19 There have been many laws in the past. I know that
20 the Department of Records to their credit, now has a
21 website so there's more information available but I
22 wanted to know because the law department probably
23 gets fooled more than others, as does NYPD. So, I
24 want to know what your position is on FOIL. How you
25 think it could be improved? What - obviously the

1
2 more information that's available on open data, the
3 less FOIL's may take place. I just want to get a
4 little sense of how you think it could be improved.

5 STEVEN BANKS: I filed a lot of FOIL's in my
6 lifetime.

7 COUNCIL MEMBER BREWER: I know you have.

8 STEVEN BANKS: Uhm and I answered a lot of FOIL's
9 when I was at the Department of Social Services.

10 COUNCIL MEMBER BREWER: Correct.

11 STEVEN BANKS: Honestly, this is an area in which
12 I need to do more review to have a responsible answer
13 for you. I know it's been an issue that's been
14 raised by oversight hearings at the Council but I
15 need to look at it more closely to give you a
16 responsible answer.

17 COUNCIL MEMBER BREWER: Alright, thank you very
18 much.

19 CHAIRPERSON UNG: We have Council Member Wong
20 followed by Schulman and then Cabán.

21 COUNCIL MEMBER WONG: Commissioner Banks.

22 STEVEN BANKS: Ex-Commissioner Banks.

23 COUNCIL MEMBER WONG: Okay, ex-Commissioner
24 Banks. The New York Post analyst found that doing
25 your tenure at the Department of Homeless Services,

2 uhm, there was \$4.6 billion in contracts. That is
3 nearly 30 percent of all the shelter spending when
4 [INAUDIBLE 01:52:25] operators. You told reporters
5 that it wasn't as simple as getting rid of everyone
6 who does anything wrong. My question for you is, why
7 did you tolerate this level of corruption? And what
8 does this say about you, your ability to ensure legal
9 compliance as Corporation Counsel?

10 STEVEN BANKS: With respect to the New York Post,
11 I don't think they actually got it right. What
12 actually happened when I became the Social Services
13 Commissioner is that I stopped doing business with a
14 number of corrupt providers that I had inherited.
15 Then during my tenure, the frontline staff discovered
16 that some other providers had been engaging in
17 misconduct. We flagged it for DOI and during the DOI
18 investigation obviously, we had to continue those
19 relationships until their investigations was
20 continued but we set aside money in each of those
21 contracts so that we would make sure that the
22 misconduct did not result in the loss of taxpayer
23 money.

24 I think brought the first ever lawsuit against
25 one of the providers to have a receiver pointed and

1
2 to wind them down. So, I think contrary to what the
3 New York Post said about me, that the record, public
4 record is one of canceling contracts, rigorously
5 overseeing contracts, finding misconduct, taking
6 action, preserving taxpayer dollars.

7 COUNCIL MEMBER WONG: Regarding Mr. David
8 Leviton, his company, he was still doing business to
9 today. He's still a vendor of DHS and he's cited as
10 the New York City's worst landlord, so you kept him.

11 STEVEN BANKS: I think what was interesting of
12 Mr. Leviton and some of the reporting on him, is that
13 all of the reporting on him historically was on how
14 many violations there were in the shelter buildings
15 that he provided to the city. However, we said we
16 wouldn't continue to do business with any site that
17 he was the underlying landlord for unless he
18 addressed the violations. And so, what was never
19 reported was how was it that we turned somebody that
20 had violation filled buildings into someone that had
21 few if any violations. And we did this by
22 threatening to eliminate the city's doing business
23 with him and he complied and that resulted in people
24 having habitable shelters and we had a shelter repair
25 squad that was rigorously inspecting. I understand

1
2 we live in a world in which accusations can be made
3 but I think it's really important to focus on the
4 actual facts.

5 COUNCIL MEMBER WONG: My follow-up question is,
6 most of your career you've been suing the city and
7 now you want to sit on the other side defending the
8 city and what changed your mind?

9 STEVEN BANKS: That's a great question. I
10 appreciate you asking it and it reminds me of some of
11 the first times I think we met years ago in which,
12 then I was the city and when I was the city, I was
13 represented by the law department, people were able
14 to - I was able to be represented by the law
15 department when people brought various lawsuits but I
16 think it goes back to the questions that some of your
17 colleagues from Queens asked me before, which is I
18 went into government to be the Social Services
19 Commissioner because I thought that it was a way to
20 make change and help New Yorkers. And I think we did
21 make change and help lots of New Yorkers. And I want
22 to take on this role because I think at this moment
23 the law department can continue to play and play an
24 even greater role in helping New Yorkers.

2 So, to me, the power of government to improve
3 lives is why I want to have this role and it's the
4 reason why I went into public service you know 45
5 years ago and went to the Legal Aid Society. But I
6 do have a unique perspective of the law department
7 having litigated against them for 33 years.

8 CHAIRPERSON UNG: Council Member Schulman.

9 COUNCIL MEMBER SCHULMAN: Hi Mr. Banks.

10 STEVEN BANKS: Good to see you Council Member.

11 COUNCIL MEMBER SCHULMAN: Good to see you. So,
12 the Mayor during his campaign pledged to hire about
13 200 lawyers in the law department. So, do you agree
14 with that position? And if so, what would be the
15 role of those attorney's? Is there a specific
16 agenda? Because it's a lot of people.

17 STEVEN BANKS: So, I think, going back to Council
18 Member Restler's question, the headcount of the law
19 department has been significantly decreased along
20 with other agencies in terms of significant decrease.
21 Uhm, I am ready to work with the Administration to
22 begin the process of addressing that kind of staffing
23 reduction but also within the context of the budget
24 challenges that we've got.

2 In terms of what roles, they would play, part of
3 the roles that more lures are needed to play is to be
4 able to fill the vacancies that have been had. To go
5 back to the question that various Council Members
6 have asked me about dealing with the lawsuits that
7 keep getting brought against the city, having an
8 enhanced risk assessment unit is part of the key to
9 that. Addressing the need to stand up for New
10 Yorkers at this historical moment is part of the need
11 for that.

12 You're right, it's a large number but it's a
13 number that has to be viewed against the backdrop of
14 how many positions have been lost.

15 COUNCIL MEMBER SCHULMAN: So, those 200 wouldn't
16 be hired like right away? You're talking about over
17 time; you're going to make an assessment of the
18 staffing first?

19 STEVEN BANKS: We've got to make an assessment
20 about where the needs are. I don't want to prejudge
21 it.

22 COUNCIL MEMBER SCHULMAN: And also, consistent
23 with working with the Administration in terms of the
24 overall fiscal challenges that we have. But I'm also
25 open for suggestions about areas in which we think we

3 should be working in that we haven't historically
4 been working in or areas in which you think we could
5 be beef up. I want to work with you. I'm open to
6 suggestions that you may have.

7 COUNCIL MEMBER SCHULMAN: Great and I know other
8 members have asked this in various forms but you're
9 willing to sit down with us individually and as a
10 group to talk about - because the previous Counsel's
11 have not, so.

12 STEVEN BANKS: I can't speak to their context.

13 COUNCIL MEMBER SCHULMAN: Understood.

14 STEVEN BANKS: But I can say for my way of
15 dealing with the role that I am asking you to confirm
16 me for. I want to be accessible to you.

17 COUNCIL MEMBER SCHULMAN: Okay.

18 STEVEN BANKS: And no problem is too small.

19 COUNCIL MEMBER SCHULMAN: Thank you so much.
20 Thank you Chair.

21 CHAIRPERSON UNG: Thank you. And now we are
22 powering through to the end. We're going to have
23 Council Member Cabán, Santosuosso, and Vernikov.

24 STEVEN BANKS: We do know each other.

25 COUNCIL MEMBER CABÁN: We do. Dangerous mic.
Uhm, I'm going to put the mic back here.

2 STEVEN BANKS: Good to see you. You can call me
3 Steve.

4 COUNCIL MEMBER CABÁN: The need, you know we need
5 more lawyers and I just want to say that I was a case
6 cap baby so I was a law graduate that came in with
7 the new case cap laws and I'd like to think that you
8 recruited a pretty darn good class, so.

9 STEVEN BANKS: You're absolutely right.

10 COUNCIL MEMBER CABÁN: Some broader things. I
11 want to follow up on something that Council Member
12 Sanchez brought up. I really appreciated your answer
13 that you gave to her questions but there was one that
14 I don't believe we got the direct answer to, and so,
15 I'm going to pose it. Do you object to the Council
16 legislating in the area of parental assistance or do
17 you think that's an appropriate place for us to be
18 doing our work?

19 STEVEN BANKS: Could I make - could I broaden
20 your question slightly?

21 COUNCIL MEMBER CABÁN: Maybe.

22 STEVEN BANKS: Social Services.

23 COUNCIL MEMBER CABÁN: Oh yeah, sure, yes
24 actually in that context, yes broaden it please.
25

2 STEVEN BANKS: I thought you would agree with me
3 on that.

4 COUNCIL MEMBER CABÁN: Okay, yeah.

5 STEVEN BANKS: Historically, there has been
6 legislation in the area of social services.

7 COUNCIL MEMBER CABÁN: Yes there has.

8 STEVEN BANKS: And some of that legislation I
9 have drafted myself over time, the Valone law and a
10 number of other laws. Other areas in the area of
11 Social Services, do require a state approval with
12 respect to public eligibility and so forth.

13 So, this is a process that I was referring to in
14 answering your colleagues question about navigating
15 that terrain. Between the areas that have
16 historically been local, shelter conditions for
17 example, whether you can leave children to sleep over
18 night in an intake office for example, versus those
19 that go to the core of public assistance eligibility,
20 which have been more complex to navigate.

21 But while it may not be a satisfying answer, I
22 think this issue is going to get resolved in the
23 settlement discussions. Because I understand that
24 this is not a one legislative area problem to
25

1 address. It's an area that we have to wrestle to the
2 ground in the settlement.
3

4 COUNCIL MEMBER CABÁN: And I'm going to broaden
5 your broadening because essentially what we're
6 talking about here is preemption right and I will say
7 that like in New York City, located within New York
8 State, in terms of our preemption challenges, they
9 pale in comparison to what some of our municipal
10 colleagues across the country have to deal with in
11 their cities and they're going to bat. They are
12 going hard litigating preemption issues because
13 they're local government understands that in a lot of
14 ways it's like death in some of the local context and
15 the terrain that we're facing on the federal level.
16 And so, I hope that you guys come with the same vigor
17 in terms of challenging preemption where it really
18 feels appropriate and necessary.

19 STEVEN BANKS: Understood. The home rule area is
20 one that is case by case but also the law department,
21 we all have to be very cognizant of what our
22 prerogatives can and should be but you know a lot of
23 these are obviously background issues when coming to
24 a settlement in that litigation.
25

2 COUNCIL MEMBER CABÁN: Thank you. I know my
3 colleagues have also asked a lot about sanctuary
4 protections. Again, I want to ask a more discreet
5 question. Will you commit to establishing a protocol
6 for all city agencies that the law department must
7 review any request for information from ICE, DHS or
8 any request to transfer somebody in custody to ICE or
9 DHS?

10 STEVEN BANKS: Uhm, I think every agency, I have
11 to go back to my time as Commissioner. I had such a
12 protocol and I reviewed them. Whether or not that is
13 sufficient, I don't know the answer to yet but I will
14 commit to you to look into whether my experience of
15 being a Commissioner is generalizable across the city
16 and whether there should be a bigger role as you
17 articulate for the law department.

18 COUNCIL MEMBER CABÁN: And maybe an even bigger
19 role, especially considering we have just recently
20 updated the definition of federal enforcement to
21 cover some of these other agencies that are engaging
22 this work.

23 STEVEN BANKS: Or the searches for example.

24 COUNCIL MEMBER CABÁN: Yeah.
25

2 STEVEN BANKS: Yes. That may well inform what we
3 need as you highlight.

4 COUNCIL MEMBER CABÁN: Right, thank you. I want
5 to talk a little bit about - you probably won't be
6 surprised, Department of Corrections. Access to
7 medical care; I mean it's been five - what it feels
8 like an eternity but five very long years that DOC
9 has fought litigation in the Agnew vs. New York City
10 DOC case, seeking to remedy the departments failure
11 to comply with city law and providing incarcerated
12 people with access to medical care.

13 And so, you know what as Corporation Counsel,
14 like what would you do to ensure that the DOC takes
15 the necessary measures to ensure incarcerated people
16 have access to medical care?

17 STEVEN BANKS: I haven't looked at that
18 particular litigation but maybe giving you an example
19 of what I have been -

20 COUNCIL MEMBER CABÁN: And if I could add just
21 something briefly to it since you haven't looked at
22 it. I mean, just for context, the department was
23 held in contempt in 2022 because of its repeated
24 failures in providing access to medical care. That
25 was you know, thousands of missed medical

1
2 appointments, unnecessary paying, worsening treatable
3 conditions, men suffering. A lot of us obviously
4 walked the halls of Rikers and saw those things
5 upfront, so.

6 STEVEN BANKS: No, I hear your question and I
7 haven't looked at that particular litigation yet.
8 I've been very focused on issues with respect to the
9 remediation manager at Nunez, solitary confinement,
10 and the executive order that had been issued for the
11 entire four years of the prior administration,
12 suspending Board of Correction standards. I
13 understand how important medical care is and I will
14 commit to you to look at that one as well.

15 COUNCIL MEMBER CABÁN: Alright, and I would
16 encourage you - I mean can we get an also a
17 commitment to kind of looking into not just solitary
18 confinement but the practice of deadlocking. You
19 know what the waiting area is outside of the clients
20 looks like, uhm.

21 STEVEN BANKS: I think with the new Commissioner
22 there, uh -

23 COUNCIL MEMBER CABÁN: I'm very pleased about.
24 I'm sure that's also not a surprise.
25

2 STEVEN BANKS: Yeah, I think with a new
3 Commissioner like me who has devoted his life to try
4 to address the needs of people caught up in the
5 Rikers experience, uh and the remediation manager,
6 that we have a lot of opportunity to make some
7 substantial change to benefit people, to benefit the
8 officers that are there. To benefit the human beings
9 there that are sent there.

10 COUNCIL MEMBER CABÁN: And I mean in that vein,
11 can we talk a little bit about trans and gender
12 nonconforming incarcerated individuals? Will you
13 ensure that the department will end its practice of
14 relying on the securing order to determine where
15 trans people are set for intake?

16 STEVEN BANKS: I mean I think as you know, I've
17 represented a lot of trans clients over my time and I
18 am painfully familiar with the experience that trans
19 people have in many different aspects of daily life
20 in this city let alone at Rikers.

21 I'm going to have to take a close look to address
22 that case too. In all honesty, I haven't looked at
23 it yet and I know it's a really important pressing
24 issue. It's a pressing issue to you but to the human
25 beings involved too.

2 COUNCIL MEMBER CABÁN: Yeah and I think you know
3 what's going to be necessary here is going to be the
4 institution of new policies that ensure that
5 transwomen are sent to Rosies for intake and that
6 we're training staff to be able to make sure that
7 that happens. That they're actually complying with
8 that and in addition to the problems with the intake,
9 DOC is also routinely housing transwomen in men's
10 jails or involuntary moving them out of Rosie's into
11 the men's jail, despite the fact that New York State
12 law recognizes trans people should be treated
13 consistently with their gender identity.

14 So, I'm assuming that the answer is similar but I
15 want to ask it and it on the record, what are you
16 going to do to ensure that the DOC stops placing
17 transwomen in housing that places them at risk of
18 rape and assault?

19 STEVEN BANKS: It's heartbreaking to hear you
20 describing what's happening to people. I'm confident
21 that with the new Commissioner, with my perspective,
22 that we can address some of these things. I know
23 it's frustrating that I can't give you a concrete
24 yes, we'll address that. I just haven't had a chance
25 to look at it and I think we know each other well

1
2 enough that I'm not going to commit to things that I
3 haven't looked at yet to be able to tell you what we
4 can do about them.

5 COUNCIL MEMBER CABÁN: Fair enough, I'm just
6 giving you things to follow up on.

7 STEVEN BANKS: That's why these oversight
8 hearings and confirmation hearings are great because
9 it gives me a list to follow up on.

10 COUNCIL MEMBER CABÁN: A question and then I will
11 make space for my colleague. A question that Council
12 Member Nurse was hoping I would ask on her behalf
13 because she had to leave, also having to do with
14 Rikers but specifically high school education at
15 Rikers. The DOC is currently violating several
16 portions of a 2016 judgement that would require all
17 18 to 21 year old's without a high school diploma or
18 GED be provided at least three hours of school a day.
19 And you know what will you do to ensure the
20 Department of Correction will comply with the
21 obligations under the Handberry Consent and can you
22 say something other than we've got a really great new
23 Commissioner of DOC and he's going to work on it.

24 STEVEN BANKS: I think what I can also add to
25 that is the following value. Uhm, I think my track

1
2 record is in bringing contempt proceedings against
3 the city for violating court orders and succeeding.
4 I don't want to have defend contempt proceedings.

5 COUNCIL MEMBER CABÁN: Well, historically our DOC
6 and NYPD have made that pretty difficult.

7 STEVEN BANKS: I think the people in DOC, I think
8 the people who are at Rikers want their to be a new
9 day and there is going to be a new day.

10 COUNCIL MEMBER CABÁN: Thank you. Council Member
11 Santosuosso.

12 COUNCIL MEMBER SANTOSUOSSO: Thank you Chair Ung.
13 Good afternoon Mr. Banks. Thank you for being with
14 us and I want to acknowledge your long and impactful
15 career as a public service and public interest
16 attorney. I, myself, had the privilege of being a
17 law department attorney. I was in the tort division
18 and even for those who know about the law department
19 and what it does, often they don't have any idea what
20 the tort division does so I'm actually going to focus
21 all of my questions on the tort division this
22 afternoon.

23 STEVEN BANKS: That's great. Did you appreciate
24 that I talked about judgment -

25 COUNCIL MEMBER SANTOSUOSSO: What was that?

2 STEVEN BANKS: Did you appreciate that I talked
3 about judgment?

4 COUNCIL MEMBER SANTOSUOSSO: I sure did and we're
5 going to talk more about it because as a lot of
6 people don't know, that on the judgements and claims
7 that result from the tort division, I believe, are
8 responsible for approximately one percent of the
9 city's total budget, which doesn't sound like a lot
10 but actually is a lot of taxpayer dollars when it
11 comes down to it. Uhm, and uhm, you know the tort
12 division as you know handles thousands and thousands
13 of cases brought against the city and as a first year
14 attorney, I, myself, had a caseload of usually about
15 over 100 cases at any given time and that was the
16 case for pretty much all three years that I was
17 there.

18 I don't want to belabor the staffing issue, which
19 we've talked about a lot in this hearing but you did
20 sort of open the door to say where should some of
21 those attorney's that you've committed to hiring go
22 and I would like to personally make the plug that I
23 believe a lot of them should go to the tort division.

24 STEVEN BANKS: I don't disagree with you. I
25 don't disagree with you.

3 COUNCIL MEMBER SANTOSUOSSO: Yeah and maybe, you
4 could share with me uhm what you see as some of the
5 issues that arise when the tort division itself is
6 understaffed. I mean because what I can share is
7 that you know when the line of attorney's have
8 caseloads that are over 100 cases, we're not
9 litigating to the best of our ability. We're not
10 being as aggressive as we can be. And so, my concern
11 is that it can result in inflated settlement values,
12 which you know settlement of course is an efficient
13 way to dispose of cases but we want to make sure
14 we're not overpaying on our settlements. Would you
15 agree?

16 STEVEN BANKS: I completely agree with you. I
17 think you're getting at the following which is the
18 key need, the crucial need for early evaluation and
19 assessment of cases because that determines whether
20 or not there should be an early settlement and
21 someone once told me that the best settlement is an
22 early settlement. If you're going to settle a case
23 later to that, which you could have settled for at
24 the beginning, and then you got all the other
25 expenses that are racked up because of a late
settlement, that's a place where costs can be

1 controlled and that also is a place where the frankly
2 the quality of the work life of the lawyers can be
3 approved for the reasons that you described. And so,
4 being able to assess cases early is so essential and
5 that's why staffing is so important too.
6

7 COUNCIL MEMBER SANTOSUOSSO: Excellent. Our
8 previous mayor thought a part of the solution to the
9 understaffing problem was to essentially bring on pro
10 bono attorney's from white shoe law firms and with
11 all due respect to attorney's from white shoe law
12 firms, they were often younger attorney's with less
13 litigation experience than even the skilled line
14 attorney's that were in the tort division and it
15 would often be the case that sometimes the tort
16 division attorney's would then be helping to train
17 the pro bono attorney's who were supposed to be
18 taking some of the work from the tort division
19 attorney's themselves. So, would you agree that
20 replacing you know the hiring lines of skilled and
21 practice line attorney's with pro bono volunteers
22 from white shoe law firms is not a sustainable
23 solution to the tort divisions understaffing problem?

24 STEVEN BANKS: Yes and also it didn't work
25 because there weren't hundreds of volunteers. There

1
2 are very limited numbers of volunteers before I left
3 Paul Weiss when I ran the pro bono practice, we were
4 asked to provide some volunteers and we provided a
5 volunteer who did not go to the law department, went
6 to you know other agencies. There were several of
7 them over a period of time but they went to different
8 agencies but I knew from what I knew about running a
9 law firm, that pro bono help is important and could
10 play a key role but if you attempt to have episodic
11 volunteers handle what is a full time caseload, you
12 won't have a solution. Long term placements are
13 something different but the volume was never going to
14 be enough to replace the people lost in the tort
15 division for example. That I know from managing a
16 law firm, from running Legal Aid, and also being at a
17 white shoe law firm briefly.

18 COUNCIL MEMBER SANTOSUOSSO: Thank you. Uhm and
19 you know we were talking about the value of early
20 settlement and assessment. Sometimes the attorney's
21 abilities within the tort division to settle cases
22 quickly or to settle cases at all can be hampered by
23 a similar understaffing problem at the Comptrollers
24 Office. And specifically in the bureau of law and
25 adjustment, which gives this city attorney's the

1 authority to settle cases, often in court ordered
2 settlement conferences where the city has been
3 ordered to show up and does show up but still doesn't
4 have the authority from the Comptroller's office
5 because they're dealing with the same issues that the
6 tort divisions are.
7

8 Understanding that you don't have as a
9 Corporation Counsel, the single handed ability to
10 increase Comptroller staffing, what are some ways
11 that you think that we can alleviate the delay on the
12 law departments ability to settle cases with
13 Comptroller authority?

14 STEVEN BANKS: What I do have though is a long
15 standing working relationship with the Comptroller.
16 For the record, we did work together with now Borough
17 President Gibson to craft what became the Right to
18 Counsel Law and that was not an easy negotiation
19 among the three of us and among the Council Staff and
20 my agency staff but we all had the same goal in mind,
21 which is how to make things better for the people of
22 the City of New York.

23 I know that the Comptroller is somebody that is
24 very practical and will be a good partner addressing
25 this problem.

2 COUNCIL MEMBER SANTOSUOSSO: Uhm, okay and then
3 the other question I wanted to talk about is fraud
4 and fraudulent cases that are brought against the
5 city. So, uhm, it has been discovered that there are
6 sometimes patterns of certain plaintiff's attorney's
7 partnering for instance with certain doctors and
8 medical providers who prescribe plaintiff's
9 procedures and surgeries that are no near medically
10 necessary in order to increase the value of their
11 case.

12 There are also instances where the plaintiff's
13 bar has created tools to exploit legal loopholes to
14 extract significant taxpayer dollars from the city on
15 patently undeserving cases. But which the law
16 department does not currently have the resources or
17 the will to fully combat. Would you be willing to
18 work with Tort Division leadership, Attorney
19 General's Office and the City Council if necessary to
20 combat patterns of fraud and exploitation of legal
21 loopholes?

22 STEVEN BANKS: Absolutely, to my experience of
23 being the DSS Commissioner is that there were bad
24 actors in the Medicaid space, taking advantage of our
25 clients, giving them free sneakers for unneeded

1
2 medical tests. We had a whole unit, the program
3 integrity unit, that helped develop cases that were
4 then brought by district attorney's. So, this is an
5 area that I'm particularly interested in.

6 COUNCIL MEMBER SANTOSUOSSO: Excellent and then I
7 have just two more questions. Uhm, one is that over
8 time we have seen kind of the phasing out at the law
9 department of back to back trial attorneys, which was
10 sort of a role that where attorneys were handling you
11 know all the prelitigation work was done and all the
12 prep litigation work was done and then the attorneys
13 would go and try cases back to back in court, and
14 understanding that often trial is not the best use of
15 really anybody's resources and you spoke about that
16 earlier. If we can settle cases and if we can
17 dispose of something early, then we should do it.
18 What do you see as you know the law departments value
19 in being able to try cases and being willing to try
20 cases?

21 STEVEN BANKS: I think that Council Member Cabán
22 and I would understand this is continuity of
23 representation and it's certainly an area that I'm
24 going to want to engage with the law department team
25 to see uh what can be done about that. I'm assuming

1
2 it's a staffing challenge but I also know that
3 continuity representation is important to.

4 COUNCIL MEMBER SANTOSUOSSO: And you know as a
5 litigator to that the willingness to take a case to
6 court, you know tends to keep the settlement values
7 down as well.

8 STEVEN BANKS: I absolutely do.

9 COUNCIL MEMBER SANTOSUOSSO: And then finally I
10 just want to sort of underscore your appreciation for
11 the risk assessment unit. It is an incredible
12 effective department in order to limit the city's
13 liability in cases where we've identified you know
14 that ongoing issues that give rise to that liability.
15 Uhm, I think it depends a bit on the two way
16 communication between the Administration and the risk
17 department and how often that communication happens.
18 And so, it sounds like you understand and appreciate
19 the value of that unit and uhm, just again, taking
20 your opportunity to sort of say, some of those
21 attorney's can go to risk and some of the resources
22 can be addressed to risk. I think that would be an
23 appropriate use of resources.

24 STEVEN BANKS: Great, thank you for your
25 observations based upon actual experience.

2 COUNCIL MEMBER SANTOSUOSSO: Yeah of course.
3 Thank you for your time. That's all I have.

4 CHAIRPERSON UNG: Council Member Vernikov and
5 just after Council Member Vernikov, there is two
6 follow up questions by Council Member Wong and then
7 Council Member Cabán.

8 COUNCIL MEMBER VERNIKOV: Okay, good afternoon.
9 Thank you very much Chairwoman. Hi Mr. Banks. Good
10 afternoon, good to see you. Thank you for being here
11 to answer our questions. I know we may not agree on
12 a lot of issues but I do appreciate you reaching
13 across the isle to meet with us and I look forward to
14 sitting down with you.

15 My first question is and please correct me if I'm
16 mischaracterizing. You have argued that everyone in
17 need has a right to shelter based on I guess your
18 understanding of the Callahan Degree is that correct?

19 STEVEN BANKS: Not exactly. May I explain my
20 answer?

21 COUNCIL MEMBER VERNIKOV: Sure.

22 STEVEN BANKS: All of the litigation that I have
23 done based upon a right to shelter that Minority
24 Leader Carr asked me about, has been trying to make
25 sure that people didn't end up in the streets. And

1 so, that's always been the value of the litigation.
2 It wasn't of indicated principle. It was to make
3 sure that people in need didn't end up on the
4 streets.
5

6 In his questioning of me, he asked me about the
7 applicability of the right to shelter to asylum
8 seekers. If I may, can I explain my view of that or
9 is there a specific question?

10 COUNCIL MEMBER VERNIKOV: Sure, and just to be
11 transparent, that's exactly where I'm going with
12 that.

13 STEVEN BANKS: I thought so, so I thought I would
14 try to be helpful because I understand having spoken
15 to the Minority Leader and from his questioning and
16 I'm sure when we meet- when I meet with the
17 republican caucus, we'll have more discussions about
18 this. But I thought that the settlement that we
19 reached the city and the plaintiff's and I was one of
20 the lawyers of the plaintiff's reached - struck the
21 right balance in terms of setting out procedures for
22 determining eligibility for shelter for asylum
23 seekers and establishing a framework to help people
24 who had come to the city, who ended up in shelter to
25 relocate back to the community.

2 So, the litigation was hard fought with the law
3 department but I think we came to an appropriate
4 balance of the right to shelter and the urgency of
5 the situation that the city was confronted in the
6 beginning of 2022.

7 COUNCIL MEMBER VERNIKOV: I guess my question is,
8 where specifically do you drive the right of
9 undocumented migrants to have shelter, rather than
10 it's just meant for homeless New Yorkers, which is
11 what I've argued.

12 STEVEN BANKS: Uh, there's a case that uh we
13 litigated that went to the first department of the
14 New York State court system that said that there's a
15 likelihood of success that there's a right to shelter
16 under the New York State Constitution and that, I
17 know that the perception is that there was only the
18 right to shelter from a settlement that was in the
19 single adults case but the families case was actually
20 litigated to a decision in which there was a finding
21 under the New York State Constitution that shelter
22 was required in the litigation that occurred a couple
23 years ago. The result in that settlement. I think
24 everybody was cognizant of what the legal standard
25 was for providing shelter but what the settlement

1 provided for was a way to determine eligibility for
2 shelter for asylum seekers and a way to engage in
3 asylum seekers so that they would move out of
4 shelter.
5

6 COUNCIL MEMBER VERNIKOV: Right but it does not
7 specifically state that undocumented migrants have a
8 right to shelter. Can we agree to that?

9 STEVEN BANKS: I don't think that's what the
10 settlement - the settlement made it clear that people
11 that came to the city, it was a settlement dated
12 March 2024. I'd be happy to provide it to you. It
13 created a process for asylum seekers to come be
14 evaluated for eligibility for shelter and then be
15 evaluated for eligibility for continuing shelter.

16 So again, this is the outcome of litigation where
17 both sides were evaluated, what was going to be the
18 outcome potentially if it went to a full trial and I
19 think it was at the end of the day, as I've said a
20 number of times, reaching settlements is always a
21 better outcome for the city and for the individuals
22 involved.

23 COUNCIL MEMBER VERNIKOV: Okay thank you. I'll
24 move on. In one of his major official acts as Mayor,
25 Mayor Mamdani reversed the policy of taking down tent

2 encampments. As was mentioned earlier by the
3 Speaker, over 16 New Yorkers died during this storm.
4 The majority of their deaths related to hyperthermia.
5 Will you advise the Mayor to keep this policy, if not
6 taking down encampments?

7 STEVEN BANKS: So, let me speak from my personal
8 experience first and then talk about advice to the
9 Mayor. So, in my experience over many, many years of
10 trying to bring people in from the streets as their
11 lawyer and then as the Commissioner responsible for
12 the program, simply moving people along has never
13 been a way to effectively bring people in from the
14 outside.

15 It requires constant individualized evaluation
16 and contact from outreach workers and that's how I've
17 always succeeded in bringing people inside. Simply
18 moving them along has not been a successful approach.
19 In terms of what I would advise the Mayor, I know
20 this came up earlier in the hearing and I apologize
21 that I have to repeat myself.

22 Under the rules of professional conduct and I
23 take them very seriously. If you asked me for legal
24 advice I would never testify about two things. One,
25

1
2 that you asked me for advice or two, what I actually
3 told you.

4 Under the rules of professional conduct, it's
5 confidential whether you're asked for advice and what
6 your actual advice is so I know it might be
7 frustrating and I apologize but I can't answer the
8 actual question you're asking me for that reason.

9 COUNCIL MEMBER VERNIKOV: Okay, well, okay can
10 you answer this then? If the current policy stands,
11 may the city be done exposed to potential litigation
12 based on Callahan. If let's say a homeless individual
13 dies in one of these encampments and their family
14 chooses to sue, arguing they should have been in a
15 shelter.

16 STEVEN BANKS: Honestly from a legal point of
17 view, I don't think that the encampment or existence
18 or nonexistence is the issue. I think the issue is
19 the personal conduct that's required to bring people
20 in from the streets.

21 Under the state standard, in certain
22 circumstances, people can be brought in from the
23 streets involuntarily and the current administration
24 has been doing that. Applying exactly the same
25 standard as the prior administration did to make

1
2 involuntary removals. It's one of the reasons why
3 from the human perspective and look, my heart breaks
4 to hear about anyone who has lost their loved one on
5 the streets.

6 COUNCIL MEMBER VERNIKOV: Of course.

7 STEVEN BANKS: But that's one of the reasons why
8 it's so important that the Mayor has directed
9 additional resources for nurses and additional
10 shelter resources to try to bring people in and
11 that's the only way people come in constant
12 individualized outreach and that's what the city has
13 been doing.

14 COUNCIL MEMBER VERNIKOV: But in your legal
15 opinion, do you think this policy, if it was to stay,
16 would expose the city to liability?

17 STEVEN BANKS: As I said, I don't mean to
18 frustrate you, I don't think that's actually a legal
19 issue. I think the issue is how best can we bring
20 people in from the streets and I think my experience
21 has always been, there's no substitute for constant
22 personal contact and offer people options and that's
23 why I said to the Speaker earlier in this hearing, it
24 was so important that she's embracing opening a safe
25 haven shelter in her district where there are a

1
2 number of people on the street, and I think that will
3 help bring people inside.

4 COUNCIL MEMBER VERNIKOV: Thank you. Does the
5 City of New York have legal authority under state or
6 federal law to impose a boycott of Israel or Israel
7 affiliated entities through the city contracting or
8 procurement system?

9 STEVEN BANKS: Uh, the city has in the past used
10 its powers to make different kinds of policy
11 decisions about how to do business. How to run our
12 offices. This is a question I'm certainly going to
13 look at if it is brought to my attention and I'll
14 give a legal opinion if it's brought to my attention.

15 COUNCIL MEMBER VERNIKOV: As you may know, there
16 are many economic benefits that in alliance with
17 Israel has brought to the city. For example, in
18 fiscal year 2022 through 2023, Cornell Tech,
19 including its operation students, alumni and
20 affiliated startups, produced approximately \$768
21 million in total economic impact in New York City.
22 That economic activity supported roughly 2,800 jobs
23 across the city. Would you advise the Mayor to
24 reverse course on this issue in the spirit of risk
25 mitigation?

2 STEVEN BANKS: Let me just say from a standpoint,
3 I have family that lives in Israel. I've been to
4 Israel but under the rules of professional conduct, I
5 can't tell you about whether I'm asked about these
6 questions and I can't tell you what my advice is.

7 COUNCIL MEMBER VERNIKOV: It's just very
8 concerning that if the Mayor's reason was not
9 economic, there's no really good reason for reversing
10 the previous executive order and it kind of reeks of
11 antisemitism because there's no order directing a
12 boycott divestment and sanction for any other
13 country.

14 Have you issued -

15 STEVEN BANKS: Just on the question Council
16 Member.

17 COUNCIL MEMBER VERNIKOV: Yeah.

18 STEVEN BANKS: I actually agree with Congressman
19 Nadler about the IHR standard. You're referring to
20 the International Holocaust Remembrance Standard?

21 COUNCIL MEMBER VERNIKOV: I'm referring to the
22 anti-BDS Executive Order.

23 STEVEN BANKS: Okay, uhm, again I think if asked
24 for my opinion, I won't be able to tell you whether I
25 was asked and what it is on those sorts of things.

2 COUNCIL MEMBER VERNIKOV: Do you plan to issue a
3 formal legal opinion on whether BDS contracting
4 restrictions would withstand constitutional scrutiny
5 under the first amendment, the commerce clause or
6 federal preempt in doctrines?

7 STEVEN BANKS: Again, I know it's not a
8 satisfying answer but under the rules of professional
9 conduct, I have to apply the same standard to the
10 Mayor that I'm going to apply to you. If you ask me
11 for advice, I'm not going to tell anybody you asked
12 me for advice and if I give you advice, I'm not going
13 to tell anybody what I advised you of. That was one
14 of the reasons why I left my law firm, to make sure
15 that I could continue to practice law and consistent
16 with the rules of professional conduct. And I will
17 be there for you if you've got a question for me and
18 I will promise no matter what you ask me, I'm not
19 telling anybody that you asked me something or what
20 it was I told you.

21 COUNCIL MEMBER VERNIKOV: Thank you.

22 CHAIRPERSON UNG: Council Member Wong.

23 COUNCIL MEMBER WONG: Uhm, this is a follow up
24 question on Mr. David Leviton. The New York Times
25 exposed that Davide Leviton required nonprofits

2 renting his buildings to hire his maintenance
3 company, and that's a violation of city bidding
4 rules. And the Department of Investigations later
5 documented how this arrangement likely violated city
6 regulations and this happened while you were
7 Commissioner of DHS.

8 That means my question is, uhm that means Mr.
9 David Leviton profited twice from rent and from the
10 maintenance contracts. Question, were you aware of
11 this arrangement?

12 STEVEN BANKS: No, we discovered it eventually
13 and we reported it to DOI, so that appropriate action
14 could be taken.

15 COUNCIL MEMBER WONG: Okay, thank you.

16 STEVEN BANKS: It was discovered because of
17 terrific public servants on the frontline of our
18 agency. They flagged it for me and we took
19 appropriate action to address this problem.

20 CHAIRPERSON UNG: And we're going to end it with
21 Council Member Cabán.

22 COUNCIL MEMBER CABÁN: Thank you. You're making
23 me work hard today. Okay, a few more. I want to ask
24 you about the NYPD.

25 STEVEN BANKS: Apologies, I didn't hear it.

2 COUNCIL MEMBER CABÁN: NYPD. The brand is
3 strong; we're staying in the lane.

4 STEVEN BANKS: A lane both you and I are familiar
5 with.

6 COUNCIL MEMBER CABÁN: That's right, so the NYPD
7 has a practice of unlawfully arresting people for low
8 level offenses and then instead of issuing them
9 DAT's, those Desk Appearance Ticket's that are
10 statutorily required by CPL 15020. The result of
11 that has been that hundreds of New Yorkers are being
12 subjected to the harms and dangers of remaining an
13 extended police custody. Our city legislature has
14 made it clear right; they have determined that they
15 should be able to return to court with a DAT to face
16 these charges and the impact of this is also very
17 serious. We saw last year at least five New Yorkers
18 die in NYPD custody. And so, in the case of Douglas
19 versus the City of New York. The NYPD is continuing
20 to fight to maintain its practice of arresting people
21 and then issuing those DAT's only after they are held
22 in detention at police precinct, rather than having
23 the practice of issuing that ticket right. Right
24 where they are stopped or in the immediate area of
25 which that stop takes place.

2 So, what are you going to do to ensure that the
3 NYPD complies with the 15020 requirement that people
4 receive those DAT's in lieu of arrests?

5 STEVEN BANKS: Absolutely, I'll take a look at
6 Douglas and I know we're talking more next week, so
7 I'm sure we'll talk more about Douglas and other
8 matters.

9 COUNCIL MEMBER CABÁN: Great, thank you. I'm
10 going to reference a couple more cases, so again, I
11 know you that you got to look at them but I just -

12 STEVEN BANKS: That's what I'm here for.

13 COUNCIL MEMBER CABÁN: Okay, so use and
14 disclosure of sealed youth records, and this actually
15 came up in a different context recently when we were
16 exploring legislation around uh body worn camera
17 footage and allowing CCRB to get access but what came
18 out of those questions was essentially a concession
19 that there is sort of a practice of kind of
20 comingling and sharing information that should be
21 sealed across different areas and agencies. And so,
22 we've been able to figure out that the NYPD has a
23 practice of illegally accessing, using and disclosing
24 sealed records, including sealed youth records that
25 are you know whether they are juvenile records that

1
2 resulted in a favorable determination or uhm a
3 decision not to prosecute or a dismissal or a
4 withdrawal, repetition or adjustment of the case and
5 there is another case and see versus the City of New
6 York where the NYPD is fighting litigation to end
7 that practice.

8 What will you do to ensure that the NYPD complies
9 with the family court protections against disclosure
10 of sealed records? Because you know, in some cases
11 what's happening is that disclosing these records
12 with prosecutors, the NYPD is stripping young people
13 of their presumption of innocence and confidentiality
14 that the family court is designed to protect. So,
15 like what's the plan here?

16 STEVEN BANKS: When became the Social Services
17 Commissioner, I reviewed a lot of cases and we settle
18 a lot of cases. I will promise you I will be taking
19 a look at all of our cases. Where there's interest
20 of the city to litigate, we'll litigate. Where we
21 should resolve the case, we'll resolve it.

22 COUNCIL MEMBER CABÁN: Yeah, some new policies,
23 some more oversight.

24 STEVEN BANKS: I hear you.
25

2 COUNCIL MEMBER CABÁN: Yeah, okay. I mean and
3 then just more broadly, I'm assuming that the
4 approach will be the same to sort of ensure that the
5 NYPD complies with State law protections against
6 disclosure of sealed criminal records.

7 STEVEN BANKS: Yeah.

8 COUNCIL MEMBER CABÁN: Generally.

9 STEVEN BANKS: I served with Jesse Tisch in the
10 last Administration. We worked very closely
11 together, particularly during the pandemic. I know
12 we will work very well together in my role if you
13 confirm me and her role that she's already got.

14 COUNCIL MEMBER CABÁN: Alright, thank you very
15 much and for indulging me Chair.

16 CHAIRPERSON UNG: Of course. While seeing no
17 other members have any questions. I want to thank
18 Mr. Banks for taking the time to join us today and
19 now you are excused.

20 STEVEN BANKS: Thank you very much. I'm going to
21 remain for any of the public comments.

22 CHAIRPERSON UNG: Of course, and now we will move
23 on to the public testimony at today's hearing. If
24 you wish to testify and you haven't done it yet,
25 please see the Sergeant at Arms to fill out an

1
2 appearance slip. Just a quick reminder, all members
3 of the public will have two minutes to speak. We're
4 going to first start with Twyla Carter and Melanie
5 Hartzog.

6 TWYLA CARTER: Good afternoon Council Members.
7 My name is Twyla Carter; I'm the Attorney and Chief
8 and CEO of the Legal Aid Society. The nation's
9 oldest and largest nonprofit law firm, which is also
10 celebrating its 150th Anniversary this year.

11 I am here today to express our full support for
12 the confirmation of Steve Banks, as New York City's
13 new and next Corporation Counsel. A historic
14 appointment as Mr. Banks would be the first person
15 from the Legal Aid Society to serve in this role.

16 Mr. Banks has spent his entire career standing up
17 for New Yorkers who are overlooked and undervalued.
18 He brings a deep understanding of these struggles
19 along with a relentless drive to turn advocacy into
20 meaningful policy, helping to establish the nations
21 first right to shelter for people experiencing
22 homelessness.

23 As former Commissioner of DSS, Mr. Banks oversaw
24 both the Department of Homeless Services and the
25 Human Resources Administration. During his tenure,

2 the city made meaningful progress in reducing the
3 shelter systems general population and took decisive
4 action to close the city's cluster sites. An
5 expensive, poorly regulated model, ill-suited to
6 helping people move quickly and safely into permanent
7 housing. He also implemented the first right to
8 counsel program in housing court in the nation. He
9 consolidated services, reduced barriers to benefits,
10 expanded rental assistance programs, and often
11 successfully worked to move bureaucracy in a
12 compassionate direction.

13 Given his experience and unique perspective on
14 the challenges faced by the people and communities
15 that we serve. If Mr. Banks is confirmed, we expect
16 to see a law department that moves with that same
17 conviction. We expect Mr. Banks to continue
18 upholding the right to shelter for all New Yorkers,
19 including our newest neighbors.

20 In compliance with Emergency Executive Order 2,
21 we await the opportunity to discuss consolidating the
22 shelter system so that all New Yorkers have access to
23 shelters offering the full array of amenities and
24 services. We also look forward to him making
25 significant progress toward ensuring that the shelter

2 system is accessible to people living with
3 disabilities in compliance with City, State, and
4 Federal law in the Butler settlement.

5 We would also expect Mr. Banks to enforce the
6 City FHEPs expansion and reform legislation dually
7 enacted by the City Council to ensure that
8 vulnerable, low income New Yorkers can move out of
9 shelter and remain stably housed in affordable
10 apartments. We expect him to fully cooperate with a
11 newly appointed remediation manager in Nunez vs.
12 City. We expect him to work toward eliminating the
13 city's problematic and unconstitutional gang
14 database, which is currently facing legal challenge
15 and to improve the deplorable conditions facing youth
16 detained at the city's two juvenile detention centers
17 among other critical measures that reflect New York
18 City's values.

19 Finally, Mr. Banks record gives us reason to
20 expect leadership that is principle, progressive and
21 grounded in legal expertise. We hope and expect that
22 Mr. Banks would use this role not to protect power
23 for its own sake but to advance the rights and
24 wellbeing of the New Yorkers who need it most. That
25

2 was his legacy at the Legal Aid Society and it should
3 be the standard he brings to this office. Thank you.

4 CHAIRPERSON UNG: Thank you Mr. Carter and now
5 I'd like to call up Mr. Mcquire and Mr. Komatsu.

6 BRENDAN MCQUIRE: Good afternoon. Thank you for
7 the opportunity to testify here today. My name is
8 Brendan Mcquire, I'm a partner at the law firm
9 WilmerHale. I recently served as the Chief Counsel
10 to the mayor and City Hall from 2022 to 2023, and
11 earlier in my career as an Assistant U.S. Attorney in
12 the Southern District of New York.

13 I'm here today to express my strong support for
14 Steven Banks, his nomination as Corporation Counsel.
15 Steve and I got to know each other at a challenging
16 time while we were arguably on opposite sides of a
17 very complex crisis for the city, the influx of
18 asylum seekers from the border.

19 Steve was assisting Legal Aid and its
20 negotiations with the Administration about the
21 response to the crisis and in particular, the
22 challenges posed by the City's Right to Shelter Law.
23 Suffice to say, Steve and I had clients that had
24 different perspectives on the crisis and he and I
25 sometimes disagreed but we always trusted that the

2 other was operating in good faith and we shared a
3 commitment to forging a pragmatic and durable
4 solution that was consistent with the law and the
5 interest of all stakeholders.

6 In the years after I left City Hall, we remained
7 in touch and worked in private practice on a handful
8 of pro bono matters together as well. I'd like to
9 just highlight three qualities that my view uniquely
10 position Steve to serve the city at this critical
11 moment.

12 First, Steve understands both the art of advocacy
13 and the value of compromise. The asylum seeker
14 crisis was unprecedented in its urgency and its
15 complexity. We spent many hours together navigating
16 not only the legal landscape but operational policy
17 and political challenges. What distinguished Steve
18 was not only the rigor of his legal analysis but his
19 instinct at meaningful solutions require listening,
20 adjusting, and finding common ground.

21 He knows how to argue forcefully but he also
22 knows how to solve problems. That combination is
23 rare and is essential for the Corporation Counsel.

24 Second, Steve appreciates that the Corporation
25 Counsel is the lawyer for the city, not for the Mayor

1 or any particular elected official. He has worked
2 with the law department and he has litigated against
3 the city. He understands the requirements of the
4 role, independence, communication, clarity of
5 judgement, and a commitment to the city's legal
6 obligations, rather than political interests.

8 CHAIRPERSON UNG: I'm sorry Mr. Mcquire, just
9 wrap it up.

10 BRENDAN MCQUIRE: I'll wrap up, thanks. In
11 short, Steve Banks is the kind of lawyer our city
12 needs as Corporation Counsel, a principle advocate,
13 an independent counselor and a committed defender of
14 the public interest. Thank you for your time.

15 TOWAKI KOMATSU: Hi, I'm Towaki Komatsu. Earlier
16 today I filed a motion in Komatsu versus City of New
17 York, case number 21 CV11115, in which Mr. Banks has
18 been a defendant. That was a notice of appeal to get
19 that case to the second circuit. This is a public
20 hearing about the nomination of Mr. Banks. He's made
21 false statements today, this hearing itself. There
22 were many more Council Members in the room before I
23 stepped up here to testify to people like you. So,
24 there's a case of [INAUDIBLE 02:44:53] that confirms
25 that individuals have a right to speak, to

1
2 communicate directly to government personnel. Where
3 are they?

4 So, the point of the matter is this. You guys
5 talked about the first amendment today. That's not
6 the honor to my detriment, so with regards to today's
7 public hearing, I'm going to ask a second circuit to
8 void today's public hearing on the basis that it
9 violated second circuit judge Barrington Parker's
10 decision to [INAUDIBLE 02:45:18].

11 Also, with regards to Mr. Banks, I had a
12 conversation with him on August 24, 2021, with
13 regards to OTA fair hearings. HRA has a legal duty
14 to provide people who litigate matters against HRA
15 with discovery prior to those fair hearings. I
16 recorded the conversation I had with them on August
17 24, 2021, in which he stated that he would not comply
18 with my discovery rights.

19 So, with regards to that point, [PLAYING
20 RECORDING 02:45:47-

21 CHAIRPERSON UNG: Excuse me sir, we do not allow
22 the playing of audio or video at the witness table.

23 Seeing no other people signed up to testify, the
24 public hearing of this nomination is now closed and
25 this concludes today's business. I would like to

1 COMMITTEE ON RULES, PRIVILEGES, ELECTIONS,
STANDARDS AND ETHICS 143

2 thank again the nominee, the members of the public,
3 my colleagues in this Committee, the Committee
4 Counsel, and staff and Sergeant at Arms. The meeting
5 is hereby adjourned.

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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 February 14, 2026