

**Testimony of  
The Legal Aid Society**

on

**The Mayor's Fiscal Year 2021  
Preliminary Budget**

Presented before

**The New York City Council**

**Finance Committee**

**Justice System Committee**

Presented by

**Janet Sabel, CEO and Attorney in Chief**

**Adriene Holder, Attorney in Charge, Civil Practice**

**Tina Luongo, Attorney in Charge, Criminal Defense Practice**

The Legal Aid Society welcomes this opportunity to testify before the New York City Council Committees on Finance and on the Justice System concerning the Executive Budget for Fiscal Year (FY) 2021 and its impact on The Legal Aid Society's client services. We thank Chairman Dromm and Chairman Lancman and the respective Committee Members for this opportunity.

### **COVID HIGHLIGHTS CRITICAL WORK OF LAS AS FIRST RESPONDERS**

The New Yorkers we serve at The Legal Aid Society faced serious problems before the COVID-19 pandemic: unstable employment, unaffordable housing, over-policed communities, aggressive immigration enforcement. This crisis has exacerbated these existing conditions. And while many individuals and organizations can and have spoken about the disproportionate impact of the pandemic on communities of color and low-income communities – we at The Legal Aid Society actually represent the individuals and communities hardest hit. We are on the front lines as the first responders in our criminal defense, civil, and juvenile rights practices – fighting to ensure that our clients and communities have access to health care, can maintain their homes and their jobs, can obtain services and emergency relief, and we never stop fighting to protect our clients' lives and liberty.

The stakes could not be higher for our clients. They are unable to pay rent and are struggling to feed their families. Our homeless clients are risking their health in congregate shelters. Frontline workers, coming from the Black and brown and low-income communities we serve, risk their lives in unsafe workplaces. Our detained and incarcerated clients put their lives at risk each day they are in a congregate setting, with no recourse.

Aware of these problems, we at The Legal Aid Society advocated with our community partners for a comprehensive eviction moratorium, we ensured the safety of domestic violence survivors through extending protection orders, and we made the case for electronic access to court and online applications for benefits to minimize exposure of our clients to potential illness. We also engaged in a massive campaign to file writs in every court to obtain the release of several hundred vulnerable clients who are currently incarcerated in jails, prisons and ICE detention centers.

And we are not stopping. Our staff is working around the clock in all five boroughs to meet the growing needs of the clients and communities we serve, and we are doing this from our crowded apartments while caring for our children and vulnerable family members.

As the COVID pandemic moved the City to shelter-in-place in mid-March, virtually all 2,000+ employees – lawyers, social workers, investigators, paralegals, administrative and support staff -- began working remotely. And while this has put an extraordinary strain on our staff and on our existing technological resources, within days we developed a robust online communications strategy to offer clients concise, accessible information on how the current crisis will impact them

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from housing, to benefits, to employment, to childcare, to court appearances. We are appearing remotely in court and answering hundreds of hotline calls daily from across the City. We are also disseminating client resources through our social media channels to reach our clients and other New Yorkers where they are, even if we cannot meet with them personally. Please visit our COVID webpage:

<https://www.legalaidnyc.org/get-help/COVID-19/COVID-19-information-for-clients/>

With an annual caseload of more than 300,000 legal matters, The Legal Aid Society takes on more cases for more clients who cannot afford to pay for private counsel than any other legal services organization in the United States. Our work is amplified by volunteer help from law firms, corporate law departments and expert consultants, all coordinated by Legal Aid's robust Pro Bono program. Together, we bring a depth and breadth of perspective that is unmatched in the legal profession.

The Legal Aid Society's unique value is our ability to go beyond any one case to create more equitable outcomes for individuals and broader, more powerful systemic change for society as a whole. In addition to our annual caseload, LAS's law reform representation for clients benefits some millions of low-income families and individuals in New York City. The landmark rulings in many of these cases have a statewide and national impact.

The Legal Aid Society relies on city funding to maintain and develop our Civil and Criminal Defense Practices.

For the Criminal Defense Practice, funding from the Executive budget supports the constitutionally mandated trial-level and appellate-level legal services we provide as the City's primary public defender. In addition, special annual allocations from the City Council support:

- our Community Justice Unit, which provides invaluable legal services to the Cure Violence/Crisis Management System community-based organizations;
- the Prisoners' Right Project, which services detained and sentenced persons in local jails and those New York City residents serving a prison sentence upstate; and
- our Pre Arraignment Diversion Project that provides critical early intervention to those arrested and awaiting arraignment to increase the likelihood someone can be released on their own recognizance or to a program or services in the community.

For our Civil Practice, the Executive and City Council budget provides crucial funding for Legal Aid's comprehensive immigration, low-wage worker, and general civil legal services assistance for low-income New Yorkers who have nowhere else to turn for legal help.

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We are mindful of the financial challenges the City and State faces, particularly with the threat of reductions in federal funding posed by the Trump administration and in the wake of this unprecedented pandemic. However, the demand for legal services has not waned and now is more critical than ever.

We ask the City to maintain the current funding for The Legal Aid Society so that we can continue to meet the needs of New York's most vulnerable and impacted communities, however they experience this pandemic and wherever they need to access our services. We need your continued support to ensure that we can continue to provide comprehensive legal services to Black and brown and low-income communities across this City.

### **MAINTENANCE OF PAY PARITY FUNDING**

In addition to our request for maintenance of the status quo in our programmatic funding, we ask the City to maintain the Pay Parity commitment agreed to last fall. The City exhibited important leadership last year when it recognized the need to ensure parity of salaries between the City's lawyers and the City's defenders and legal services lawyers. The City made an extraordinary contribution to the economic stability of Legal Aid's hardworking attorney staff when the City supplemented our existing program revenue with a "parity" supplement for our most junior attorneys. Although we have not yet received the parity dollars in last year's budget, we at Legal Aid immediately turned over the parity dollars to our staff and negotiated a new living wage salary scale for our staff on the expectation that the parity dollars would be baselined in FY21 and beyond. It would be an extraordinary hardship if, after taking this critically important step, the City were to decline to meet its parity commitment going forward. We ask, too, that the City Council supplement our NYIFUP program with a comparable parity supplement for junior attorneys. While COVID-19 interfered with our ability to resolve the second phase of our parity discussion, we expect when PAUSE is lifted and the City reopens for business to renew our discussion about the expansion of the parity dollars for our more senior attorneys and supervisors, as these critical dollars were promised by the City and our staff deserve wages on par with the City's lawyers.

### **THE CIVIL PRACTICE: FIRST RESPONDERS FOR THE MOST VULNERABLE DURING COVID-19**

It has been yet another year in which the Trump administration has espoused hostile anti-immigrant rhetoric, in which government policy has increasingly become preoccupied with division, and in which the most marginalized continue to be disproportionately impacted. As if this were not enough, the COVID-19 virus has exacerbated and exploded the hardships faced by low-income communities of color. Throughout this crisis, The Legal Aid Society has done what it does best and has been front and center in the fight for justice for our clients and our communities. Every practice area within The Legal Aid Society has contributed to our robust response to the pandemic.

The Legal Aid Society has continued to fight on behalf of New York City's immigrants. We have advocated strongly to ensure the safety of our immigrant clients held in detention following the rapid spread of infection through many detention facilities. We sounded the alarm that these detention centers were ill-equipped to navigate this highly infectious disease, and took immediate action. Since mid-March, together with our NYIFUP partners, Brooklyn Defender Services and The Bronx Defenders, we have successfully secured the release of nearly 150 individuals held in Immigration and Customs Enforcement (ICE) detention through individual and group habeas petitions, winning bond hearings, and directly advocating with ICE.

The Legal Aid Society rapidly responded to the housing and homelessness crisis exacerbated by the COVID-19 pandemic. Along with community partners, we were instrumental in advocacy efforts that led to a residential and commercial eviction moratorium. We swiftly developed a new remote, single point of access for clients seeking housing-related services and began staffing a live answer housing helpline to screen and advise callers on their eligibility for a range of emergency and ongoing benefits. We have appeared on emergency matters referred to us by the Courts that include illegal lockouts and emergency repair cases.

Moreover, we have been at the forefront of advocacy to provide homeless shelter residents and street homeless individuals with hotel isolation accommodation due to the risks inherent in congregate housing provided by the Department of Homeless Services (DHS). Following our most recent advocacy, DHS staff have made numerous changes to their procedures, including conducting follow-up interviews remotely and no longer discharging family units they find ineligible during the crisis.

Legal Aid's foreclosure prevention advocacy has swiftly responded to the crisis in an effort to keep New Yorkers in their homes. With the loss of employment and of income from the pandemic, many of our clients desperately need mortgage relief in order to preserve their homes. Legal Aid's Foreclosure Prevention Project has worked closely with community partners including local elected officials and community press outlets to develop an outreach program and critical fact sheets to explain homeowners' rights and warn of scammers who seek to exploit the crisis.

The Legal Aid Society has amplified our efforts to advise and train on key Employment Law issues. Given that this unprecedented public health crisis has brought our economy to a virtual halt, with unemployment rates soaring, requests for services from our Employment Law Unit (ELU) have exploded in the last few months. Legal Aid staff are working around the clock to share their technical expertise on employment and unemployment law and benefits; protection for whistleblowers and from retaliation for seeking a safe work environment; increased health and safety standards including increased use of personal protective equipment; rules and requirements around testing and tracking; exploitation of workers through misclassification as independent contractors; and so much more. In April alone, the Unit handled 287% more cases than in prior

months, conducted dozens of virtual trainings for community members, legal advocates, elected officials, workers' centers, PTAs, synagogues, trade groups, and others; appeared on media and news outlets; and have been fielding calls, emails, and inquiries from New Yorkers across the city.

The COVID-19 crisis has created unprecedented challenges for New York City's school system and The Legal Aid Society has responded on behalf of its students. Our Education Law Project has built on its expertise in supporting low-income students, with and without special education needs, to ensure reliable access to remote learning during the school closure. We have surveyed the vast majority of our clients to assess their remote learning needs, helped them apply for devices and internet access where needed, continued to participate in special education meetings and impartial hearings, and counseled parents on their children's rights to continued special education services. Our Education team participates in weekly calls with Department of Education representatives to stay updated on developments, and to determine how to successfully escalate situations where students' needs are being ignored. Since schools closed, The Legal Aid Society has been in communication with the DOE to make its Regional Enrichment Centers available to students in temporary housing and students in foster care. Our staff continue to call on the DOE to institute measures and reforms to aid in students' ability to learn remotely including setting standards for remote learning that include an opportunity for direct instruction, feedback and support from their teachers and service providers.

Legal Aid's Health Law Unit has been on the frontlines of efforts to advocate for increased access to health services for vulnerable New Yorkers during the COVID crisis, whether it involved protecting Medicaid eligibility and homecare services or leading advocacy calls with the NYC Human Resources Administration to win critical changes in the processing of remote Medicaid applications. We continue to represent individual low-income New Yorkers as they navigate a health care system that has become more challenging during the pandemic. We have helped clients secure access to medical services such as dental implants and increased home care hours, have intervened to assist clients who lost Medicaid coverage despite recent policy changes, and have assisted those who have faced challenges directly related to the crisis such as unavailability of their home care workers.

Legal Aid's specialized Domestic Violence team has worked hard to advocate for survivors of domestic violence during the current crisis – both pushing for systemic changes to ensure their safety and simultaneously continuing to provide support to clients remotely. Survivors are uniquely vulnerable during the current crisis. We advocated together with our community partners for blanket expansions of temporary orders of protection until the courts re-open – ensuring that survivors of domestic violence continue to be protected from their abusers while the courts are closed.

In the face of the economic devastation brought by COVID-19, The Legal Aid Society has continued its work advocating for financial rights of New Yorkers. Legal Aid's Community Development Project has been deeply engaged during the pandemic with the New York City Crisis Management Team and the NYC Department of Small Business Services Emergency Response Unit to assist small businesses and nonprofits to understand their contractual obligations during COVID. This work involves providing expert advice on a wide range of issues, including commercial leasing, rent obligations, lease provisions that may excuse non-performance, conditions under which leases may be terminated, employment and payroll, intellectual property, tax, filing insurance claims for business interruption losses, and guidance in applying for grants and loans from the City, State, and federal governments.

The Legal Aid Society's Consumer Law Project has also responded to the extraordinary level of unemployment, and the management of our clients' personal debt. We have dramatically expanded our efforts to provide individuals facing collection with practical assistance with debt collections, and wage garnishments. In addition to advocacy around the Paycheck Protection Program, Legal Aid staff are representing consumers with emergency court appearances, while also advocating for suspension of debt collection with local agencies, courts, the legislature and executive branches.

The Legal Aid Society also successfully advocated at the federal level to expand the groups of people to whom federal CARES Act recovery rebate checks are automatically issued – including veterans and recipients of SSI. This will result in many of the most vulnerable New Yorkers getting much needed funds far more expeditiously. For our low-income clients ineligible for automatic recovery rebate payments, we are developing a program to assist their use of the IRS online non-filer tool for their recovery rebates. In addition, the Low-Income Tax Practice has conducted training on accessing recovery rebate funds, and has created materials to help guide clients and community organizations in obtaining the benefit.

At a time when the lowest-income New Yorkers are at their most vulnerable, The Legal Aid Society's public benefits practice has been steadfastly advocating at the federal, State and City levels to expand access to benefits both for clients currently in receipt of cash assistance and SNAP and also for those suddenly unemployed as a result of the pandemic. Not only has our staff assisted current clients with increased benefits, but they have managed to assist new clients access benefits, a task made all the more challenging given the closure of work centers and the barriers presented by having to now serve clients remotely.

During the pandemic, Legal Aid has also continued its leadership role in expanding access to benefits for immigrants, including through our ongoing litigation against the "public charge" immigration rule which punishes immigrants for using certain government benefits. See *Make the Road NY v. Cuccinelli*, *Make the Road NY v. Pompeo*. In April, we filed a motion together with the

State and City of New York seeking an injunction to set aside the public charge rule during the remainder of the crisis so that non-citizens in New York and across the nation will not hesitate to use health care and other government benefits they are eligible for and need to get through the public health and economic crisis we now face in every community.

The Legal Aid Society is grateful for the fundamental commitment the City has shown to supporting the most vulnerable New Yorkers and we are proud to stand as partners in a shared goal of defending those in the greatest social and economic need. Legal Aid has been steadfast in its commitment to advocating for those least able to advocate for themselves.

As we look towards the future, we are emboldened by our successes and renewed in our goal of ensuring that nobody is denied access to justice because of poverty. Building on over 140 years' experience and as the largest nonprofit providing low-income legal services in the nation, we will continue to stand on the forefront of efforts to protect society's most vulnerable as we confront the next phase of legal challenges.

It is essential that we continue this momentum as we seek to build upon our past efforts to serve those in the greatest economic and social need across our City. New York City is the leader in the nation in creating universal access, or a "right to counsel" for low-income New Yorkers in both Housing and Immigration Courts. Created by New York City legislation, Universal Access to Counsel in Housing Court is one of the nation's first right to counsel programs for low-income tenants facing eviction in housing court, providing high quality legal representation to prevent homelessness, as well as provide legal support in the fight against tenant harassment, gentrification and displacement. Citywide, housing attorneys represent all eligible tenants for full representation, regardless of merit. The New York Immigrant Family Unity Project (NYIFUP) is the nation's first universal legal representation program for detained immigrants, providing high quality, holistic representation to New Yorkers detained and facing deportation who cannot afford an attorney. The Unaccompanied Minor Children and Families Initiative has been providing free legal assistance to Unaccompanied Children and Adults with Children fleeing endemic gang violence and domestic abuse since 2014, and the Immigrant Opportunities Initiative (IOI) serves immigrants and new Americans who are seeking citizenship, permanent residence, or another immigration status or are seeking employment legal services after having been exploited by their employers. The Mayor and City Council have been clear that the rapid expansion of direct legal services initiatives in both housing and immigration are to be phased-in over time. These right to counsel practices must also be included in support for City-funded pay parity.

In addition to our urgent request for the Council's support of pay parity for staff in City-funded right to counsel initiatives, for Fiscal Year 2021, we also respectfully request New York City Council maintain the longstanding support for the following citywide initiatives:

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## **Critical Civil Legal Services Initiatives Supported by the City Council**

**The Legal Services for Low-Income New Yorkers** program provides funding to support the entirety of the work of LAS's Civil Practice which has been essential during this unparalleled time of the COVID-19 pandemic. This includes providing legal services to, survivors of domestic violence, senior citizens, persons with disabilities, persons with HIV, and other vulnerable children and adults. This program also funds community legal education, hotlines and other outreach activities. The sustained and increasing demand for our services by the City's most vulnerable residents underlines LAS's need for increased funding. **We respectfully request a restoration of \$2 million, so that we can continue providing essential services to thousands of families and individuals in New York City.** The Legal Services for Low-Income New Yorkers program also provides legal representation in appeals of denials of federal disability, and Unemployment Insurance benefits previously funded under The Unemployment Insurance/Supplemental Security Income (UI/SSI) Advocacy Program. Securing these State and federal benefits saves City public assistance dollars which is critically important as we face the worst recession since the Great Depression.

**The New York Immigrant Family Unity Project (NYIFUP)** has represented detained immigrants facing deportation since 2014, helping to ensure New York families are not separated simply because they cannot afford an attorney. The nation's first universal legal representation program for detained immigrants, NYIFUP provides high quality, holistic representation to New Yorkers detained and facing deportation who cannot afford an attorney. NYIFUP attorneys carry a full caseload of deportation defense cases, and provide services including master calendar, bond and individual merits hearings, appeals, and social work services. Many of our NYIFUP clients are long-term permanent residents or other non-citizens with strong family ties and long work histories. As noted above, together with our partners, The Bronx Defenders, and Brooklyn Defender Services, during this COVID-19 crisis we have successfully secured the release of more than 150 detained individuals, through a mixture of federal court individual and group habeases, bond redetermination hearings in immigration court, and through advocacy with ICE. Given that COVID-19 is running rampant in the ICE detention centers, our NYIFUP work securing these releases is literally saving lives. **We respectfully request a restoration of \$5,533,334 to maintain this vital program.**

**Federal Immigration Representation for New Yorkers (FIRNY)** is a new LAS initiative that will fund a team dedicated to providing federal court representation to protect immigrant New Yorkers from the broadened enforcement priorities of the Trump Administration. Funding will increase our capacity with a flexible team who can continue our rapid response

to changes in the political climate, whether filing writs of habeas corpus in federal district court and petitions for review in federal courts of appeal, or ensuring LAS's capacity to pursue federal litigation on behalf of our immigrant clients. FIRNY will ensure we remain nimble and have dedicated staff available to respond to the needs of our clients during this period of tumultuous changes to immigration policy. **We respectfully request \$710,000 to support this essential work.**

**The Unaccompanied Minor Children and Families Initiative** has been providing free legal assistance to Unaccompanied Children and Adults with Children fleeing endemic gang violence and domestic abuse since 2014, with the support of the New York City Council. With the NYC Bar Association's resolution supporting universal access to legal services for children in removal proceedings, LAS, along with our partners in the citywide Immigrant Children Advocates' Relief Effort (ICARE), are evaluating this initiative closely to determine how best to scale the program and realize the Bar Association's vision of universal representation. This traumatized and vulnerable population is especially in need of highly competent legal representation to advance their asylum claims, Special Immigrant Juvenile Status (SIJS) cases, and other avenues of relief. With the New York State Family Courts closed for all but emergency hearings during the NYS on PAUSE period, we have successfully obtained SIJS special findings orders on an emergency basis for young clients who were about to age out of eligibility. **We respectfully request \$1,107,750 to continue this essential work for immigrant youth.**

**The Legal Services for Low-Income Workers Program** provides legal services to low-income workers across a range of areas, including discrimination, wage theft, unemployment benefits, criminal record sealing, family and medical leave claims, and supporting the victims of forced labor and labor trafficking. Low-wage workers are particularly vulnerable to exploitation by employers, who take advantage of their often-undocumented or economically precarious situation to underpay or abuse workers. Through our new Case Closed project, LAS supports clients in sealing their criminal records under a recent New York law – enabling them to move on with their lives and support their families through accessing improved employment opportunities. In addition to addressing the systemic problems of the New York unemployment insurance program that have been exposed during the COVID-19 crisis, we will need to assist workers who continue to be misclassified or suffer discrimination or retaliation for commenting or complaining about workplace safety. **We request a restoration of \$50,000 from the New York City Council to coordinate and report on the work of a coalition of community-based organizations serving low-wage workers.**

**The DoVE Initiative** supports the Family Law and Domestic Violence Practice (Family/DV) serving all five boroughs. Through our citywide network of community-based domestic

violence (DV) organizations, neighborhood law offices, and centralized special units, the Family/DV Practice is able to provide comprehensive legal and social services to survivors of domestic violence throughout the City. **We request \$20,000 per Councilmember to continue providing these essential services.**

### **THE CRIMINAL DEFENSE PRACTICE: FIRST RESPONDERS IN THE COURT, JAILS AND THE COMMUNITY DURING COVID-19**

The expansive reach of the Criminal Defense Practice runs from its dynamic advocacy of clients in court to its presence and partnership in communities. As the primary public defender in New York City, staff zealously and tirelessly work to protect the rights of the most marginalized and disenfranchised in society, and our scope as the country's largest public defender goes beyond any single case or client. Our community engagement, impact litigation, and broader advocacy consistently strive for increased fairness and humanity in the criminal justice system and seeks to reduce the devastating and permanent consequences of system involvement for our clients. **Today, we are asking for maintenance of our funding for pay parity and for our key initiatives: a \$1 million restoration for the Prisoners' Rights Project (PRP), an enhancement to \$ 1.5 million for our Anti-Gun Violence Initiative/ Community Justice Unit (CJU) and a restoration of the 940,000 for our Pre-Arrestment Project (PAP).**

The Criminal Defense Practice includes experienced trial offices in every borough, an Appeals Bureau, a Parole Revocation Defense Unit, Special Litigation Unit, and the aforementioned Prisoners' Rights Project and Community Justice Unit. In each area, the Practice has developed innovative model projects that garner expertise and push both the practice and discourse of criminal justice forward. In the past year, the Practice represented over 200,000 clients in trial, appellate, and post-conviction matters and have pushed for critical reforms that end injustice and discrimination based on race, gender and poverty.

Day in and day out, our staff works to protect and fight for clients navigating justice system involvement. Our effectiveness stems from our work before, during, and after a criminal case. For example, Practice staff field intake inquiries from clients needing assistance, engage in vigorous bail advocacy, and work with clients' families to mitigate the larger impact of an arrest. Holistic advocacy is the hallmark of our representation; our attorneys, paralegals, investigators, and social workers explore all angles of allegations and charges, relentlessly seeking to avoid unnecessary, unjust incarceration and connect clients with critical resources that address ongoing needs and obstacles.

Our staff tackles every issue confronting our clients, pressing on questions like the validity of eyewitness identification and the need for access to police disciplinary records. The Practice's units devoted to DNA and digital forensics evidence and litigation apply the latest advances in order to

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challenge the government and secure evidence essential to the defense of our clients. We elicit narratives that often include compelling stories of innocence and false accusations, a fuller development of the facts, and critical context. The results are dismissals, acquittals, placement in alternative to incarceration programs, reversals and even the clearance of wrongful convictions decades later.

Our courtroom advocacy goes far beyond individual cases. Through the work of our law reform units – Special Litigation and Prisoners’ Rights Project – systemic change is achieved. The Legal Aid Society was the driving force of fundamental reform when we sued, and won, the right for people who are arrested to be arraigned within 24 hours of arrest.

As the City’s primary public defender, we believe advocacy must not only take place in the courtroom, but in the communities where our clients live and work. Every day our defenders are engaging clients, community members, and advocacy groups helping to amplify the voices of people affected by a broken criminal justice system.

Since the Mayor declared a State of Emergency on March 13, the staff in the Criminal Defense Practice have been working tirelessly amid the pandemic to continue providing legal representation to the most vulnerable New Yorkers. The stay-at-home order and changes in the operation of the courts forced our Practice to re-invent our operations and build-out the technological capacity of our staff to work remotely. This pandemic has also created a humanitarian crisis in our jails and prisons. The Special Litigation Unit’s Decarceration Project, the Prisoners’ Rights Project, and the Parole Revocation Defense Unit have been working in tandem, diligently ensuring the release of as many clients as possible, but especially those who are most vulnerable to COVID-19. During the past month we have filed a number of mass and individual writs of habeas corpus, made bail applications and negotiated cases that have resulted in the release of our clients from Rikers Island, DOCCS, Parole custody, and Immigration Detention.

The COVID-19 pandemic has prompted an integrated approach from the entire Criminal Defense Practice in order to ensure the release of our clients trapped at the dangerous COVID-19 breeding ground that is Rikers Island. As we anticipated, the jail quickly became the epicenter of the virus spread with an infection rate far surpassing that of the City and State. The reality that jails and prisons pose as breeding grounds for communicable diseases led us to file our first mass writ of habeas corpus in New York County for hundreds of incarcerated clients at a time when there was only one reported COVID-19 positive person on Rikers. The COVID-19 infection rate ballooned by more than 300 percent, and sadly a number of our clients and DOC employees have perished due to the virus. These COVID-19 release writs focused on incarcerated clients who are 50+ and or medically vulnerable, many in custody simply for a technical parole violation. So far, the mass writs have resulted in the release of at least 300 individuals to date.

We are not only fighting to release those most vulnerable to the virus, but to release as many incarcerated individuals as possible as the infection rate of COVID-19 at Rikers puts all clients at high risk of being infected. In addition, our data team has been updating charts on the increasing infections at Rikers; an incredibly useful tool for trial attorney's bail applications and individual writs.

Over the last month alone, our Prisoner's Rights Project has worked to field over 1000 email requests for assistance from staff as well as an average of 55 calls to their hotline a day from individuals both inside and outside of DOC facilities. PRP has seen an 95% increase in hotline calls during this time compared to complaints received last year. While the bulk of these requests are medical concerns for those worried about the impact of COVID-19, PRP has also worked on both individual and mass writs. PRP has been in conversations with DOC to make sure they are solving the issues that attorneys are facing when contacting clients as well as fielding concerns over the miscommunication of mail delivery policy changes inside DOC facilities. At the State level PRP has been filing mass writs and working on a labor law dispute that would require all corrections officers to wear masks and protective gear while in DOC facilities. With this additional work, most of which is time sensitive, PRP has been seeking ways to mitigate the large influx of requests they must attend to. They have created detailed questionnaires for staff attorneys to use when talking to their clients who are incarcerated, which allow for full information gathering and more efficient follow-up. An increase in the volume of calls to the PRP hotline has prompted the need for additional staff to help field calls and follow up with clients, with calls coming in every two minutes.

In addition, as a result of the pandemic, the entire Practice has had to shift to the new reality of remote representation. The trial office has been working diligently with our information services team to transfer smoothly into a virtual practice with courts closed, including integrating new video conferencing software into our practice. The move to remote representation created a need to quickly roll-out computers to the staff who did not have computers of their own at homes. The MIS team worked to secure and ensure mobile access to essential software for all staff, allowing them to obtain vital information from our remote digital workspace.

It is vital to note that the Council-supported Pre-Arrestionment Pilot Program (PAP), implemented this year to ensure that people with mental health and substance abuse needs are screened prior to arraignments for service needs that will allow for community placement, has successfully pivoted to working remotely from home, through the use of both technology and software provided by The Legal Aid Society. The PAP Mitigation Specialists have continued to assist clients in arraignments, yet through phone and video lines set up through the court. Much as they do when physical court is in operation, the Mitigation Specialists are assisting with oral advocacy, community/collateral contact verification, developing service plans and connecting clients with programs and resources. The PAP Paralegal Casehandlers have been invaluable in researching program operation and closures, and finding out how we can best assist clients with obtaining concrete services such as SNAP and Medicaid during the COVID-19 crisis. In addition, they are working on the PAP forms

that we will use to screen clients moving forward, as well as assisting with data entry and tracking of intakes.

Additionally, the Community Justice Unit (CJU), our unit working within the Crisis Management/Cure Violence Citywide network, has adapted the delivery of its legal services to meet the challenges and demands of the COVID-19 pandemic. Shortly after the pandemic began spreading across the city, the CJU created resource directories covering emergency services such as shelter, food, access to youth programming, a holistic self-care guide for incarcerated people, and shared them with the Crisis Management System (CMS). The immediate response of the CJU along with the CMS was predicated on the fact that the COVID-19 infections rates are higher in Latinx and Black communities, and these groups represent the highest demographics in the catchment areas. As a result, the CJU shared the Prisoners' Rights Project hotline with CMS so community members could access information about loved ones who are incarcerated and find out whether they were eligible for release based on their vulnerability to COVID-19.

The CJU immediately began using virtual technology to keep in contact with CMS sites, participants, and community members. With these tools the CJU is able to provide virtual Know Your Rights workshops, community forums, and legal intakes for community members that have specific legal issues. While abiding by social distancing orders, the CJU recognizes that the need for immediate resources and services has increased, and thus the urgency to remain consistently engaged across remote platforms with partner sites is vital to supporting them and providing them with direct and indirect COVID-19 resources to respond to this crisis. The CJU has seen a 87.5% increase in services delivered during this time compared to services delivered last year.

As our Practice continues to adjust daily to the challenges COVID-19 brings to our work and our communities, we remain committed to providing the same level of services to our clients. The use of hotlines created for our Criminal Appeals Bureau, Parole Revocation Defense Unit and Prisoners' Rights Project have been integral to serving our clients during these times. Not only are the hotlines receiving calls from incarcerated clients, but from their concerned family members as well. The hotlines have received such a large volume of calls that staff members from all units are jumping in to help direct calls to client's attorneys and social workers, or to other service providers.

## **CONCLUSION**

We thank the Council for your long-standing support for The Legal Aid Society's essential criminal defense and civil legal services programs and we thank you for the value you place on our role as first responders during this pandemic. We implore you to preserve our programmatic and parity funding so that we can continue to be on the front lines for all low-income communities and communities of color throughout New York City. We will continue to update you during the FY21

budget process concerning our funding needs so that we can serve clients who depend on The Legal Aid Society to provide access to justice.