

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON COURTS
AND LEGAL SERVICES

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April 15, 2015
Start: 1:10 p.m.
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HELD AT: Council Chambers - City Hall

B E F O R E: Rory I. Lancman
Chairperson

COUNCIL MEMBERS:
Vanessa L. Gibson
Ben Kallos
Carlos Menchaca
Vincent Ignizio
Mark Levine

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

Steven Banks
HRA Commissioner

Molly Murphy
Special Counsel to Commissioner

Sarah Zuiderveen
HRA

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Adriene Holder
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Andrew Scherer
Impact Center of New York Law School

Susan Jacobs
Center for Family Representation

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

Kate Rubin
Bronx Defenders

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New York Lawyers for Public Interest

Brenna DeVaney
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Housing Court Answers

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Maria Vera Roman
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Joseph Speda

Carmen Vega Rivera
CASA

Randy Gillard [sp?]
CASA

Carlos Rivera
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Maria de La Cruz
Community Action for Safe Apartments

Garrett Wright
Urban Justice Project

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

James Heart

Masacatsu Suzuki [sp?]

Alejandra Nassir [sp?]

La Sudez [sp?]

Naila Moore

Pratt Area Community Council

2 CHAIRPERSON LANCMAN: Good afternoon. I

3 am Councilman Rory I. Lancman, Chair of the Committee
4 on Courts and Legal Services, and we're here today to
5 discuss Intro 736 sponsored by Council Member Mark
6 Levine and Speaker Melissa Mark-Viverito, which would
7 establish an Office of Civil Justice headed by Civil
8 Justice Coordinator appointed by the Mayor. We are
9 joined by Council Member Mark Levine, and I know
10 other Council Members will be coming in and out of
11 the hearing throughout the afternoon. We have all
12 watched enough television to know that someone
13 charged with a crime is advised of their right to an
14 attorney, and "if you cannot afford an attorney, one
15 will be appointed for you." There is widespread and
16 growing recognition of the importance of legal
17 representation in civil cases as well, particularly
18 when what is at stake might be your home, your
19 sustenance, your personal safety, your health, or
20 custody of your children. Our Chief Judge Johnathan
21 Litman [sp?] has made the expansion of access to
22 civil legal services the hallmark of judicial policy
23 making in New York, particularly through the
24 establishment of the statewide taskforce to expand
25 access to civil legal services. New York City has

1 embraced this challenge with gusto. The Council, the
2 Speaker Mark-Viverito's enthusiastic leadership
3 doubled its funding of civil legal services this year
4 to approximately 23 million dollars. The
5 Administration spends another approximately 25
6 million dollars on civil legal services. These
7 include specific programs to provide legal assistance
8 to domestic violence victims, tenants facing
9 eviction, and homeowners facing foreclosure,
10 veterans, immigrants, indeed in almost every kind of
11 civil case imaginable, including relating to public
12 benefits, disability, food stamps, home care,
13 Medicaid, Medicare, hurricane Sandy claims, LGBT
14 issues, and estate planning. But we are just
15 scratching the surface of the vast and largely unmet
16 legal needs of New York City's low and middle income
17 residents. Establishing an Office of Civil Justice
18 headed by a Civil Justice Coordinator would
19 centralize our effort to understand, analyze and
20 identify the legal representation needs of New
21 Yorkers and oversee the effectiveness of our civil
22 legal services funding. Today's hearing on Intro 736
23 will explore the need for such an office and the
24 issues relating to its creating and operation, and I
25

2 look forward to hearing testimony of our witnesses
3 and the questions from our members. With that, I
4 would like to invite Council Member Mark Levine, the
5 sponsor of Intro 736 if he has a brief opening
6 statement.

7 COUNCIL MEMBER LEVINE: Thank you so
8 much, Chair Lancman, for your excellent remarks. The
9 status quo and civil courts in New York City today
10 doesn't meet anyone's standard of justice. When an
11 undocumented immigrant who might not speak English
12 and certainly doesn't understand the American legal
13 system is forced to confront the deportation hearing
14 without an attorney, I don't think that meets the
15 ideals of justice that we hold dear in this country
16 and the city. When a mother who's been a victim of
17 domestic violence is forced to confront the hearing
18 on child custody of her kids in Family Court
19 attorney, once again, we're not achieving any
20 reasonable standard of justice. And most certainly
21 we're not achieving justice in Housing Court where
22 today 10 percent or fewer of tenants have attorneys
23 while 90 percent of landlords do, landlords who are
24 aggressively pushing for eviction cases, and sadly
25 winning far too many because of the unequal playing

1 field that confronts tenants in Housing Court. This
2 problem in Housing Court is singularly massive,
3 150,000 cases a year, approaching 30,000 evictions a
4 year. Tens of thousands of additional cases where
5 tenants leave their apartments "voluntarily" during
6 proceedings out of fear, often taking a buy-out which
7 is paltry [sic] at best. Even judges are speaking
8 up. The Chief Judge of New York State, Johnathan
9 Litman [sp?] has been a singularly powerful voice in
10 calling for reform in this area, but even judges on
11 the front lines, on the bench, tell us privately that
12 they are aghast at the uneven playing field in their
13 courtroom, and they are requesting reforms. And I am
14 thrilled that our city is answering that call,
15 thrilled that we have a Commissioner of HRA Steve
16 Banks, who more than any in history, profoundly feels
17 the importance of this issue, knows more about it
18 than perhaps anyone else in city government. It has
19 been so effective at increasing our city's response
20 in his year in office. The City Council together
21 with the Mayor's Office have put in now close to 50
22 million dollars, an incredible amount, a huge
23 increase. But now we have a challenge. If we want
24 to build on this and get to the day where every
25

2 single low income New Yorker who needs representation
3 in Civil Court has it, we have got to build the
4 infrastructure. We've got to build the base. We
5 need a single point person in the Administration who
6 can be an internal advocate for this cause, who can
7 coordinate among multiple agencies, who can
8 coordinate with a wide variety of external players.
9 These include not just traditional legal service
10 nonprofits, but pro-bono law firms, law schools,
11 foundations, and many others who are thankfully
12 moving into this space. We need solid data on the
13 performance of existing contracts in this area. We
14 need to know whether we're delivering real results
15 for low income people in civil court arenas, housing,
16 immigration, Family Court. We need to get a report
17 to the public and to the City Council on a yearly
18 basis on just how great our impact has been, how
19 effective our spending is, and how large the unmet
20 need is. We know it's massive, but we need to
21 understand who is unserved and where are they, and we
22 need a game plan, a game plan over the short term
23 over the next coming years to get to the day where
24 every single New Yorker who needs an attorney in
25 Civil Court has one. And I am thrilled that the

2 office that we're creating in this Intro, Intro 736,
3 will solve every one of these problems. By creating
4 an Office of the Civil Justice Coordinator, we are
5 elevating this issue to a level it's never been
6 inside this Administration and it's going to build an
7 incredibly solid base for us to move forward and grow
8 in this critical arena, and we're funding it.
9 Yesterday, in the Council's preliminary budget
10 response, we called for two million dollars in
11 funding for this office, which would fund 22
12 positions, a mix of attorneys and researchers and
13 support staff. So there will be robust staffing in
14 place to live up to the promise of this office. I
15 just wanted to thank a number of people who have been
16 incredibly helpful in getting us to this moment,
17 including of course, the Speaker of the City Council,
18 Melissa Mark-Viverito, who is truly passionate. This
19 is a personal cause for her. She's been incredible
20 in leading us forward on this. On the Council
21 central staff, Laura Pulpa [sp?], Rob Newman, Matt
22 Gewalb [sp?], Josh Hanshaf [sp?], Rob Calandra, Isha
23 Rites [sp?], on my own staff, Amy Flattery has worked
24 tirelessly over the last year to bring this to
25 reality. And I have to offer a singular and special

2 recognition to my Chief of Staff, Aya Keefe [sp?],
3 who has been so determined and relentless and
4 brilliant in bringing together an unprecedented
5 coalition behind this issue. We really all owe her a
6 debt of gratitude, and she has my sincere thanks and
7 admiration for this. With that, Mr. Chairman, I'll
8 return it back to you. I look forward to our
9 discussion today. Thank you.

10 CHAIRPERSON LANCMAN: Thank you, Council
11 Member Levine, and we all appreciated the
12 accompanying beep that came with most of your
13 testimony. Hopefully the clerks have gotten a handle
14 on that. Some administrative matters, we--if you want
15 to testify, you need to fill out a slip and hand it
16 to the clerk in the rear, the Sergeant at Arms in the
17 rear. Every panel will have a time limit if we could
18 adhere to it. That would be in everybody's interest.
19 And with that, we'd like to welcome the Commissioner
20 of HRA and his team to give testimony. Commissioner,
21 and if either of your associates there are going to
22 be testifying, if we could swear you in and we'll get
23 started.

24 COMMISSIONER BANKS: Sure.

2 CHAIRPERSON LANCMAN: Do you affirm to
3 tell the truth, the whole truth and nothing but the
4 truth in your testimony before this committee and to
5 respond honestly to Council Member questions?

6 COMMISSIONER BANKS: I do.

7 CHAIRPERSON LANCMAN: Thank you very much.
8 Mr. Sergeant at Arms, could we put 10 minutes on the
9 clock? Ten minutes?

10 COMMISSIONER BANKS: And I'll appreciate-
11 -

12 [cross-talk]

13 COMMISSIONER BANKS: I'll appreciate your
14 indulgence if I run beyond 10 minutes. I have to my
15 left Molly Murphy, Special Counsel to the
16 Commissioner, known to the City Council, and to my
17 right is Sarah Zuiderveen, who's the Deputy
18 Commissioner at HRA, and has been overseeing the
19 expansion of the legal services initiatives at HRA as
20 well as our Rental Assistance Programs and other
21 homeless prevention programs. I want to thank you as
22 the Chair for your leadership on this issue. I want
23 to thank Council Member Levine who's been a leader
24 and a champion on this issue and a colleague and
25 someone who I've enjoyed partnering with over the

1 years, and Chairperson Lancman, I think this is the
2 first time I've been before you in this context, but
3 I appreciate all of the things that you've been
4 involved in over the years that have been important
5 issues in the other context in which we knew each
6 other. I want to thank you for inviting us to appear
7 before the committee today to discuss the role civil
8 legal assistance plays in providing access to justice
9 and to testify regarding Intro 736 that provides for
10 the creation of a Civil Justice Office in New York
11 City which is certainly a concept that we support.
12 As you know, every day in all five boroughs, the
13 City's Human Resources Administration is focused on
14 carrying out the Mayor's priority of fighting poverty
15 and income inequity and preventing homelessness.
16 With an annual budget of 9.7 billion dollars and a
17 staff of 14,000, HRA provides assistance and services
18 to some three million low income children and adults,
19 including economic support and social services for
20 families and individuals through the administration
21 of major benefit programs, cash assistance,
22 supplemental nutritional assistance program benefits,
23 food stamps, Medicaid, and child support services,
24 homelessness prevention assistance, educational,
25

2 vocational and employment services, assistance for
3 persons with disabilities, services for immigrants,
4 and civil legal aid, and disaster relief. And for
5 the most vulnerable New Yorkers, HIV/AIDS services,
6 adult protective services, home care and programs for
7 survivors of domestic violence. As part of our
8 reorganization of the agency over the last year to
9 carry out the Mayor's priority of addressing poverty
10 and preventing homelessness, we've created the
11 Homelessness Prevention Administration headed by
12 Bruce Jordan [sp?] at HRA, a long time caseworker and
13 now leader in this area at HRA. In this new program
14 area of the agency we streamline all of our existing
15 programs targeted at homelessness prevention and
16 establish two new programs to enhance our ongoing
17 efforts to provide low income New Yorkers with access
18 to legal assistance regardless of whether they are
19 HRA clients, and I want to emphasize that. This
20 access to legal assistance that we've been putting in
21 place is regardless of whether or not New Yorkers are
22 HRA clients. First, we have the early intervention
23 outreach team. That's the Homelessness Prevention
24 Administration's newly created central office whose
25 mission is outreach to families, individuals in need

2 of legal assistance or emergency rental assistance,
3 and the team's work is currently based on early
4 warning referrals that we're getting from Housing
5 Court Judges with early warning referrals soon to be
6 added for NYCHA tenant arears cases and NYCHA's
7 Section 8 eviction cases as well as adult protective
8 services referrals and referrals from New York City
9 marshals. The outreach team makes referrals to
10 tenant counsel to legal services organizations in
11 accordance with contractual allocations that have
12 been set through our current legal assistance
13 initiatives unit, and that's been the advantage of
14 consolidating those contracts at HRA that we could
15 link people who are coming to us with rent arears
16 problems with available counsel. Of particular
17 relevance to the hearing today, we established a
18 legal assistance initiatives unit that manages the
19 HRA legal assistances program. The provision of
20 legal assistance is part of HRA's overall effort to
21 address poverty and prevent homelessness and to
22 advance this effort in the city Fiscal Year that
23 began on July 1, 2014. So, less than a year ago, the
24 Mayors consolidate all of the civil legal assistance
25 programs in the city's baseline budget at the Human

2 Resources Administration. This consolidation has
3 been implemented to coordinate, to enhance
4 coordination and effectiveness of these important
5 programs. The consolidation of HRA currently
6 includes legal services funding that had been
7 allocated previously to the Department of Homeless
8 Services, the Department of Housing Preservation and
9 Development, the Department of Youth and Community
10 Development, and the Mayor's Office of Criminal
11 Justice. The new contracts at HRA fund anti eviction
12 legal assistance, immigration legal aid and a range
13 of other civil legal services that are vital to
14 vulnerable New Yorkers. These legal assistance
15 programs provide civil legal help to clients
16 regardless of whether they are applicants or
17 recipients of HRA's other benefits and services. The
18 Civil Legal Services programs and the 18.8 million
19 dollars in associated funding in the city's baseline
20 budget that have been consolidated HRA are as
21 follows: 3.5 million for anti-eviction legal
22 services, which represents an increase of 7.1 million
23 above the previous funding levels as part of the
24 Mayor's new initiatives to prevent homelessness that
25 were announced last September, and 5.3 million in

2 legal assistance for immigrants, including legal
3 services for survivors of domestic violence,
4 immigrant workers and immigrant city residents with
5 legal needs involving citizenship or current
6 residency. In addition, during the course of this
7 fiscal year, two further legal assistance programs
8 have been developed at HRA. A new program in the 13
9 zip codes in and around the zoning areas that will
10 provide access to legal assistance for community
11 residents identified as victims of tenant harassment
12 in order to prevent displacement, keep families and
13 individuals in their homes and maintain affordable
14 housing. When fully implemented, this program will
15 fund 31 million dollars in civil legal assistance and
16 five million dollars in HRA support services on an
17 annualized basis. A new program to assist children
18 and adults with disabilities obtained federal
19 benefits in place of state and local benefits for
20 appeals, counsel review and federal service, court
21 services, approximately two million dollars when
22 fully implemented is an additional program that we're
23 currently developing and are implementing. There's
24 also a new 660,000 dollar program to support legal
25 assistance to help New Yorkers benefits from the

1 President's executive action for immigrants as that
2 begins to be rolled out. These initiatives that I've
3 summarized in the base line budget represent an
4 unprecedented commitment of resources by the
5 Administration for civil legal assistance. For
6 example, the prior Administration invested up to six
7 million dollars in annual base line funding for anti-
8 eviction legal services for families. In contrast to
9 the current Administration's investment of
10 approximately 45 million dollars for direct civil
11 legal assistance to prevent homelessness and
12 displacement when these programs are fully
13 implemented. No other municipality allocates even a
14 small fraction of what New York City has commitment
15 to provide these programs for access to justice.
16 Moreover, as we testified at our agency's preliminary
17 budget hearing, we are developing a study to evaluate
18 the remaining need for legal assistance in Housing
19 Court after taking into account the Administration's
20 new commitment of resources to provide representation
21 to preserve housing. Unfortunately, recent estimates
22 of need and the cost of meeting that need are based
23 on data from the 1990's. When we complete the
24 evaluation, we'll report on the outcome to the
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2 council as part of the reporting specified in
3 legislation under consideration today. In addition
4 to the Administration's commitment of resources in
5 the baseline budget as part of the FY 15 budget
6 agreement between the Mayor and the City Council,
7 there's an additional 17.6 million dollars in
8 discretionary funding that's been added to the city
9 budget for this year for the following programs:
10 11.725 million for civil legal services including
11 citywide civil legal services, legal services for low
12 income workers, legal assistance to obtain
13 unemployment insurance benefits and federal
14 disability benefits, legal services for survivors of
15 domestic violence, legal services for veterans, and
16 anti-eviction in SRO housing legal services, a
17 million dollars for the unaccompanied minors
18 initiative, and 4.9 million dollars for a unique
19 family unity project to keep immigrant families
20 together and avert deportation. Included with the
21 testimony is a report on both the base line budget
22 programs in the discretionary funding that presents
23 the breadth and depth of each of the current
24 initiatives, both in the base line and those that are
25 in the discretionary funding from the council. In

2 combination as Chief Judge Johnathan Litman [sp?] has
3 done for the Judiciary Civil Legal Assistance
4 Initiative, these programs prioritize providing civil
5 legal assistance in core matters involving the
6 essentials of life, legal problems in the area of
7 housing including evictions, foreclosures, and
8 homelessness, family matters including domestic
9 violence, children and family stability, access to
10 healthcare and education and subsistence income
11 including employment wages, disability and other
12 basic benefits of consumer debts. As illustrated by
13 this summary of available legal assistance programs
14 that have been consolidated at HRA, we currently
15 oversee essential legal assistance programs for low
16 income New Yorkers. These programs emphasize the
17 provision of preventive legal assistance that can
18 avert or reduce the need for litigation and highlight
19 the need for provision of comprehensive services that
20 require a seasoned, well-trained civil legal services
21 staff to address complex inter-related legal matters.
22 Bringing all these services together at HRA enables
23 the city to utilize existing HRA mechanisms to claim
24 available state and federal reimbursement for these
25 kinds of legal services programs to streamline the

1 contract management process to avoid duplication of
2 effort and maximize resources for the actual direct
3 provision of legal assistance and enhance planning to
4 address service gaps in the evaluation of emerging
5 new legal needs and responsiveness as emergencies
6 arise. In light of the Mayor's commitment to access
7 to justice as evidence by this unprecedented
8 municipal commitment of resource to civil justice
9 efforts, we are pleased to highlight HRA's civil
10 legal services programs and continue to counsel with
11 the partner--to partner with the council as Intro 736
12 moves through the legislative process to enactment.
13 In view of the consolidation of the city's legal
14 services programs at HRA and the dramatically
15 increased legal services funding that the mayor's
16 already allocated HRA, we greatly appreciate that the
17 legislation provides that such an office may be
18 established by the Mayor within any department, the
19 head of which is appointed by the Mayor. This
20 provision will make it possible for the
21 Administration to continue with the new initiatives
22 that are already under way. We look forward, as I
23 said, to continue to partner with you on these
24 important efforts to provide access to justice. We
25

2 appreciate all the efforts that you are leading, and
3 we thank you again for including us in this hearing.
4 We welcome any questions that you may have.

5 CHAIRPERSON LANCMAN: Thank you very
6 much, and look at that clock. That's pretty good.
7 Everyone else, watch and learn. First, let me
8 welcome Council Member Vanessa Gibson who's a member
9 of the committee and also chairs the Committee on
10 Public Safety, and I think we have questions starting
11 from Council Member Levine.

12 COUNCIL MEMBER LEVINE: Thank you, Mr.
13 Chair. I thank you for the excellent testimony,
14 latest validation of the incredible work HRA's doing
15 already in this area. Our legislation gives the
16 mayor the option to make the Civil Justice
17 Coordinator direct report to the Mayor, which is the
18 case for the Criminal Justice Coordinator or to make
19 it a direct report to a Commissioner. And we presume
20 and welcome the prospect that this will be housed at
21 HRA because of you begin the perfect leader for this
22 effort. I presume there are other pieces of the
23 civil justice service work perhaps in immigration and
24 family that are housed in other agencies currently.

2 Is everything under HRA, and if not, how will you
3 interface with other agencies?

4 COMMISSIONER BANKS: Well, currently, the
5 vast, vast majority of all of the funding it involves
6 civil justice is at HRA. Some of it is still in the
7 process of being transferred. This was a tremendous
8 effort and I'll give tremendous amount of credit to
9 Sarah Zuiderveen for managing this effort of moving
10 all these contracts and expanding them at the same
11 time to HRA. I think that there are still some areas
12 that we're focused on and I think as we've tried to
13 do in the Administration, I mean obviously I've been
14 outside of government for my professional life except
15 for the last year, but there's a tremendous amount of
16 collaboration among agencies. So, to the extent that
17 there are programs remaining outside of HRA
18 currently, there's a tremendous amount of
19 collaboration, and I think that for example, the
20 placement of the anti-harassment initiative at HRA is
21 the recognition in the Administration of the ability
22 for us to manage these program, get them up and to be
23 able to coordinate with other agencies to ensure that
24 frankly the civil justice needs are being met by low
25 income New Yorkers, who in many respects are the most

2 vulnerable to the kinds of legal issues that you're
3 concerned about and we're concerned about.

4 COUNCIL MEMBER LEVINE: Right, okay. You
5 currently have staff that's overseeing existing
6 contracts, correct?

7 COMMISSIONER BANKS: We do. We were
8 provided with additional staff as part of our new
9 initiatives in order to properly manage these
10 programs.

11 COUNCIL MEMBER LEVINE: How big is that
12 staff?

13 COMMISSIONER BANKS: Currently we have
14 additional staffing of 19 to manage the programs.

15 COUNCIL MEMBER LEVINE: So it would
16 defeat the purpose in part of the new office in the
17 budget allocation if the new displaced or picked up
18 some of the work of your existing administrators.
19 I'm sure that's not your intention, but can you just
20 reassure us that this would be additive, not
21 replacing existing work?

22 COMMISSIONER BANKS: Well, I think as in
23 all matters, all these things will be subject to the
24 budget discussions that the Administration and the
25 Council have. I think as you see we're committed to

2 ensure that we have robust staffing. There are
3 additional obligations in terms of reporting and
4 assessing need that are in the legislation, and as I
5 identified at our preliminary budget hearing in
6 February, we're planning on conducting our own
7 assessment needs in Housing court. I don't think
8 there's any reason to wait to go in with that, and
9 obviously, we'll consult with providers and others,
10 including yourself in that effort. So, I think that
11 the exact amount of staffing one needs with the
12 existing staff we've already got is certainly a
13 conversation that's appropriate to have in the
14 negotiations in the bill and the budget.

15 COUNCIL MEMBER LEVINE: Right. So, I
16 think what you're referring to is that at this point
17 the Council made a proposal in its budget response
18 for two million dollar budget for this office and
19 staff about 22 people, but that's yet to be worked
20 out in agreement with the Administration in the
21 months ahead. Is that correct?

22 COMMISSIONER BANKS: Correct. I also
23 think that it's a fair analysis for us to do together
24 of here are the obligations that are contemplated for
25 this work. Do we have the staffing already in place

2 to meet those, yes or no? I think we feel confident
3 in what we have to manage what we've got. I think
4 that we'll certainly look with you at all the various
5 aspects of this as the process proceeds, but bear in
6 mind that independent of everything that's happened
7 in legislative process, as a matter of the
8 collaborative work and partnership we have with the
9 council and with the providers, we identify the need
10 to study the gap because we don't want to be dealing
11 with the 1993 study. I know it well. I don't know if
12 that's dating me to say that I know that study well.
13 Between 1993 and the present there's a lot that's
14 happened. There are obviously economic pressures.
15 There are issues around the housing market, but at
16 the same time, the Chief Judge has invested a
17 tremendous amount of resources into the system,
18 statewide and in the city. HRA's invested a
19 tremendous amount of resources in the system. The
20 Council and its discretionary funding has invested a
21 tremendous amount in the system. We want to take an
22 analysis of what's the base line need and see what we
23 are now, and that may look very different than simply
24 extrapolating based upon the 1993 data, but we

2 clearly as you can see, a prioritized the services to
3 address the problem that you see and we see.

4 COUNCIL MEMBER LEVINE: So it's your
5 understanding that this office could prepare an
6 updated study that would help us to ask, answer
7 similar questions about just who is appearing in
8 front of civil courts, demographic questions, income,
9 the types of cases and other needs that we could
10 actually get a good statistically robust picture of
11 that, thanks to the work of this office.

12 COMMISSIONER BANKS: Absolutely. We want
13 to know for ourselves in terms of targeting rent
14 arears, in terms of targeting rental assistance, in
15 terms of targeting legal services. Are we targeting
16 appropriately? How do we meet what the issues are
17 that are emerging every day? And there are new
18 issues that emerge, things that in 1993 were issues
19 and may not be issues now, and there are new ones
20 that have arisen. So, we want to be able to take a
21 fresh look and provide the information in a
22 transparent way.

23 COUNCIL MEMBER LEVINE: Okay. There's a
24 growing world of external partners, not just people
25 under contract from the city but pro-bono providers

2 of services in civil arena. Law schools are getting
3 into this. The state court system is investing
4 heavily in this. Foundations are even funding
5 increasingly provision of legal services in Housing
6 Court and other arenas. How could this office--how
7 will this office work with all those various external
8 partners?

9 COMMISSIONER BANKS: Well, I can give you
10 an example of current collaboration that I think is
11 maybe a good example for the future. So, the Chief
12 Judge, HRA and Robin Hood have all put in a certain
13 resources to try to expand availability of counsel,
14 particularly to create a--for recent law graduates to
15 create an additional expansion of services. And so
16 working together, not having any one entity say well,
17 we're going to do everything, but have everyone work
18 together and try to then leverage the dollars as
19 maximizing resources. I think that's a good model
20 for moving forward. You mentioned a number of
21 different constituencies, pro-bono assistance, the
22 court system, foundations, these of course are
23 entities that we're already working closely with and
24 by essentially codifying the work that's going on I
25 think that it gives a very strong base, as you

2 pointed out, to build on and to accomplish more. You
3 know, as you know, in my prior life that you referred
4 to, I spent a great deal of time working pro-bono
5 providers, and I think that that's a piece of the
6 equation as well. Historically there have been
7 challenges in terms of delivery pro-bono services in
8 a Housing Court context. I think we have an excellent
9 group of institutional providers. We have an
10 excellent group of pro-bono providers, and it's
11 another area that should be looked at.

12 COUNCIL MEMBER LEVINE: A key question
13 we're hoping to answer is impact and effectiveness of
14 these programs. How do you understand we might
15 measure that?

16 COMMISSIONER BANKS: Well, there are many
17 different measures that one looks at. You know,
18 entry into the shelter system is certainly one that's
19 historically been a measure to look at. Being able
20 to retain housing is a measure to look at, and these
21 are a number of the things that the contractors are
22 already reporting on, and we want to test and
23 evaluate are there any other measures that we should
24 be looking at as we proceed. The consolidation of
25 all the programs at HRA under the Mayor's leadership

2 was really intended to enhance effectiveness and
3 avoid duplication. In another world, providers had
4 multiple contracts and each contract required a
5 different kind of reporting, different kind of
6 measures, and we're moving to a world of trying to
7 have uniform measures, uniform reporting. That's
8 going to conserve administrative resources for
9 contractors, but also give us all much better
10 picture, as you say, what's the real impact of all
11 these dollars. There's a lot of dollars being put
12 into the system from the Administration, from the
13 Council, from the Chief Judge, from foundations.
14 Providers are making tremendous use of all these
15 additional resources and we want to give a full
16 picture of what the real impact is.

17 COUNCIL MEMBER LEVINE: One of the
18 strongest cases for providing civil legal services is
19 that it saves the city money over time. We're
20 spending so much on homeless shelters and building
21 new affordable housing and mental health services.
22 Would this office be able to help us get a precise
23 fix on just what the fiscal impact of this work is
24 for the city?

2 COMMISSIONER BANKS: I mean, that's
3 worked. That's work that we are already looking at,
4 and the legislation certainly provides an effective
5 framework to enhance that effort by, again, by
6 codifying the focus on all these issues.

7 COUNCIL MEMBER LEVINE: Great, okay.
8 There's a five year plan called for in this
9 legislation. I'm on the record as expressing a
10 strong believe that the city needs to make a
11 commitment to a right to counsel, certainly in
12 Housing Court and other civil arenas. The bill's
13 wording doesn't exactly use that language, although
14 it certainly, I think, talks about ambitious growth
15 in the service provision. Could you tell us what you
16 understand this five year plan will be planning for
17 or what it will be driving at, what the ultimate goal
18 is?

19 COMMISSIONER BANKS: Look, the ultimate
20 goal is really reflective of the dialogue that we've
21 been having together now, which is let's get the
22 facts about what the dollars are that are currently
23 out there. Let's get the facts about what the impact
24 of those dollars are. Let's understand what
25 additional targeting is needed if any. Should the

2 dollars we've already got out there be targeted more
3 effectively? I see the reporting as a way to just
4 make it clear in a transparent way about what the
5 situation is, and I think that that will give us all
6 both the executive and the legislative branch a much
7 more robust knowledge base to make judgements about
8 what's needed going forward. You know, as I said at
9 the conference at New York Law School back in the
10 fall, I have a lot of experience with developing
11 programs to increase access to justice and we
12 certainly see these programs as part of that
13 continuum.

14 COUNCIL MEMBER LEVINE: That's my last
15 question. So I want to close by reiterating a point
16 I made in my remarks that I see this as essential
17 infrastructure building that we must have as a city
18 if we're to meet the massive, massive unmet needs in
19 civil court and get to what was my dearly held goal
20 of getting to receiving a right to counsel in Housing
21 Court. My colleague, Vanessa Gibson, has been
22 obviously and incredibly effective champion on that
23 with me as well, and I'm really grateful to have you,
24 Commissioner, sitting across the table from us as
25 such a great partner in this effort. Thank you.

2 COMMISSIONER BANKS: Thank you very much.
3 We look forward, as I said, to continuing to partner
4 with you.

5 COUNCIL MEMBER LEVINE: Thank you, Mr.
6 Chairman.

7 CHAIRPERSON LANCMAN: Thank you, Council
8 Member Levine. We've also been joined by Council
9 Member Carlos Menchaca from Brooklyn who is a member
10 of this committee and is also the Chair of the
11 Council's Immigration Committee. Now, we have--we'll
12 hear questions from Council Member Gibson.

13 COUNCIL MEMBER GIBSON: Thank you very
14 much. Thank you, Mr. Chair. Thank you for your
15 leadership and for holding this hearing today, and to
16 my colleagues who are here, and Commissioner, thank
17 you so much for your presence, for the work that you
18 have been doing in your tenure as Commissioner of
19 HRA. You've truly been very effective, and when I've
20 called you, you've answered. So I do appreciate
21 that. So, just going through your testimony and
22 understanding a lot of what Intro 736 is calling for,
23 you know there's been a major and aggressive campaign
24 for many advocates and tenant leaders on focusing on
25 civil legal services, particularly in Housing Court.

2 So, I frame my comments as a representative in the
3 Bronx that represents every court house in the Bronx
4 and that's including Housing Court. And so looking
5 at this legislation and I know there's a five year
6 plan that really looks for this coordinator to, as it
7 says, coordinate all of the civil legal service
8 contracts. So, last year when many of the contracts
9 that HRA now has used to be under MOCJ under Public
10 Safety of which I chair, I had questions then about
11 the capacity of HRA to manage these contracts, to
12 expedite many of these contracts. So I know Council
13 Member Levine talked about the positions that you are
14 looking to fill. So, my question is, with the work
15 that we have done in increasing access for services
16 for immigrants and battered women, so many
17 populations that really need, what are we looking to
18 do in the short term? Because this bill, this
19 coordinator is going to put everything together and
20 coordinate and oversee a lot of the implementation to
21 me on a five year time frame. So, my question is what
22 are we looking to do to coordinate these providers
23 and services in the short term? And I say that
24 because every day someone is being evicted in our
25 city, and these are preventable evictions. So, what

2 is that we're looking to do in the immediacy to try
3 to coordinate and integrate a lot of these services
4 to really provide the resources necessary for many
5 New Yorkers?

6 COMMISSIONER BANKS: Thank you for your
7 kind words, first of all, and second of all, let me,
8 just to address your question. I think there's two
9 things that we're ready to be able to do in the short
10 term, but looking back over the past 10 months, it
11 was an immense undertaking to consolidate all these
12 programs that had been a patchwork into one agency,
13 and I think having done that now , we have the
14 ability to manage and go forward. And so, in an
15 extremely short period of time, we took what was a
16 patchwork and have now made it a program. And I
17 think the next step is to ensure that we're doing
18 exactly what I think you put your finger on, which is
19 with all the resources that we have got, which is
20 still not every resource that everyone would say is
21 needed, but with all the resources we currently got,
22 how can we more effectively target what we've
23 currently got to try to address those kinds of
24 emerging situations that you are describing. The
25 equally important thing to do is, as I said, to get a

2 better idea of what the need is. We know what the
3 need is intuitively, and I don't mean to imply that
4 oh, you know, is there a need, is there not a need.
5 But I think that there are--there's been a
6 substantial investment by many, many entities, the
7 council, Chief Judge, HRA, foundations. The impact
8 is real. Providers every day are making an impact
9 with those dollars. We want to quantify that. We
10 want to measure that. We want to report effectively
11 to you. You put discretionary dollars in. You know,
12 we owe it to everyone to have a very transparent
13 reporting process of what's the impact. We don't
14 want to do it on the, you know, we'll get your report
15 on Monday, because that's going to be imperfect. So
16 we're designing a way to appropriately study this.
17 We're going to consult with people that are close to
18 us on the ground. I think you've noticed at HRA over
19 the last year we haven't been doing things behind
20 closed doors in a vacuum. They've been very
21 consultative and that's certainly going to be the
22 case for this in order to ensure that we can give you
23 the information that you're interested in and we can
24 have the information for own management that we're
25 interested in. So I think, again, to sum up two

2 immediate things, looking at all the dollars that are
3 there, in a short run can we target them more
4 effectively? And two, in the short run, can we
5 determine baseline need in order to be more proactive
6 in addressing some of the emergency issues that you
7 raised? And justifiable raised with us.

8 COUNCIL MEMBER GIBSON: Right. So as you
9 mention, I mean, we all recognize what the needs are,
10 right? We have data right now that can pretty much
11 tell us geographically income based where much of the
12 need is when you look at civil legal services, and
13 vulnerable New Yorkers. So, at the end of this
14 period for this coordinator, if we're looking at this
15 five year time frame, what are we hoping to achieve
16 from this coordination of services as well as all of
17 the necessary reporting in data that we will gather?
18 What is our end goal with this justice coordinator?

19 COMMISSIONER BANKS: Look, I would hope
20 that there would be two take-aways that we wouldn't
21 have to wait five years for. Take-away number one is
22 to enhance the impact of what we're currently doing
23 with the current dollars that are there. And take-
24 away number two is that the information is available
25 to the executive and the council about what the costs

2 are, what the range of needs are. You and I, in
3 other contexts I think we did this when we both were
4 in different places, could project needs, but yet
5 we're all operating from an IBO study that had as its
6 basis in 1993 study as to need and cost. And what
7 we're looking to do at HRA is to have a 2016 analysis
8 as to need and cost and then the discussion can go
9 from there.

10 COUNCIL MEMBER GIBSON: and is there any
11 correlation with this legislation and what HRA's
12 goals are under some of the state regulations over
13 our housing stock, like repealing ERA [sic] Stat,
14 rent reform and some of the other things, does that
15 play into this conversation? Because it's very much
16 a part of the same dynamic of the homelessness issue
17 and the affordability crisis. Investing in our
18 housing infrastructure, is that a part of the
19 conversation?

20 COMMISSIONER BANKS: Well, certainly, as
21 you know, independent of this conversation, the Mayor
22 and the Administration have been very clear on where
23 the Administration and the Mayor stands on those
24 issues, and certainly was very forceful in his budget
25 testimony at the end of February. So, I think we all

2 see the inter-relationships between people who are
3 HRA's clients who, I think you've heard me say this
4 before, they're working full time and they're still
5 eligible for our services. That raises issues about
6 the minimum wage--

7 COUNCIL MEMBER GIBSON: Right.

8 COMMISSIONER BANKS: which is another
9 inter-related piece of this in terms of housing
10 affordability and being able to retain housing. So,
11 I guess the short answer to your question, is the
12 Administration--the agencies in the Administration
13 are not operating in a vacuum. And so the agencies
14 such as HRA that are very focused on fighting poverty
15 and income inequality are working, you know, very
16 much as part of a team effort to address the other
17 kinds of problems you're talking about, displacement
18 from rent regulation issues. The anti-harassment
19 funding that the Mayor committed to that we're
20 ramping up is very much focused on the kinds of
21 issues that come about when preferential rents get
22 raised for example.

23 COUNCIL MEMBER GIBSON: Right.

24 COMMISSIONER BANKS: And all the kinds
25 of things that I know you see your district.

2 COUNCIL MEMBER GIBSON: Okay. Thank you
3 very much, Commissioner, I appreciate your leadership
4 and the work you're doing and I look forward to
5 working with you. Thank you, Mr. Chair. Right on
6 time.

7 CHAIRPERSON LANCMAN: Thank you, Council
8 Member Gibson. We've been joined by our Speaker
9 Melissa Mark-Viverito who was one of the co-sponsors
10 of this legislation and who as I said in my opening
11 remarks has been a champion of the issue of providing
12 access for civil legal services and underserved New
13 Yorkers and highlighted this issue in her State of
14 the City Address. So, Madam Speaker, if you're ready
15 we'd love to hear your remarks.

16 SPEAKER MARK-VIVERITO: Well, I'll be
17 brief, and apologies for being late. I was coming
18 from another event, but thank you so much Chair
19 Lancman for holding this hearing, and Mark, great to
20 be with you here in this legislation. I think it's a
21 very exciting legislation, and it was good to hear--
22 see a tweet from one of the reporters saying that you
23 guys were supportive of it, so I'm very happy. This
24 is going to go a lot smoother, right? So nice to see
25 you, Commissioner. So, I just want to--I don't want

1 to really say--I know a lot has been said, but you
2 know, we have in the one year that I've been here, a
3 couple of months that we've been Speaker, you know,
4 we've put in so much more money into legal services
5 last year than we had in a long time, and this is
6 something that we're very committed to to ensuring
7 that people have representation. So, the Council has
8 historically funded initiatives to provide civil
9 legal services to low income residents and has
10 continually strived to better fill the legal needs of
11 this population. We know that the fact remains that
12 low income families are not getting the legal help
13 they need. Every day individuals in our city are
14 facing legal battles and are losing their homes,
15 losing out on public benefits, losing financial
16 support for their children. To name a few areas of
17 concern, because without representation, they are
18 ill-equipped to fight the bare essentials of life in
19 our legal system. So, obviously, improving access to
20 the civil legal system will benefit tens of thousands
21 of New Yorkers throughout the city making sure they
22 have the tools they need to get the justice they
23 deserve, and I definitely look forward to my
24 colleagues, not only as this office is rolled out so
25

2 to speak, but considering we have an Office of
3 Criminal Justice, we definitely think that there
4 needs to be an Office of Civil Justice that is
5 looking proactively at how can we continue to assess
6 the needs that exist and figure out how we can be
7 more responsive as government in filling those gaps.
8 So we're very proud of this work. We're very proud
9 of what we've been able to achieve in partnership.
10 You have an incredible history, Commissioner, and it
11 was really wonderful to work with you outside of this
12 role. So I know your commitment is very genuine,
13 very real and on behalf of all New Yorkers, and we
14 want to be equal partners with you on that. So,
15 thank you to my colleagues and thank you, Chair
16 Lancman, and look forward to hearing--

17 COMMISSIONER BANKS: [interposing] Thank
18 you very much, Speaker. We look forward to
19 continuing to partner with you.

20 COUNCIL MEMBER LANCMAN: Our next member
21 to ask questions is Carlos Menchaca from Brooklyn.

22 COUNCIL MEMBER MENCHACA: Thank you,
23 Chair. And as everyone on the committee and our
24 Speaker said, we're really excited to continue to
25 work with you and to kind of build on the success

2 that you've already brought to, you and the team have
3 brought to HRA and to all these really very
4 complicated questions. As things continue to move
5 forward, and I don't want to kind of repeat some of
6 the pieces, so I'll find a couple of new areas for
7 inquiry, and the first place that I want to look at
8 is in the 13 different zip codes that are focused on
9 some of the rezoning. We think a little bit about
10 that in--on our side, on the Council side, and there
11 are definitely more than those zip codes kind of
12 going through some development questions. Does HRA
13 have a plan to think about other places and thinking
14 about maybe Sunset Park that is going through a lot
15 of development as well? Maybe not housing just yet,
16 but some other kind of waterfront developments, and
17 I'm wondering if HRA has a way to think about that as
18 not just a budget response or a kind of budget
19 solution, but another kind of critical component
20 within HRA to think about inequality as it pertains
21 to say workforce jobs. Kind of share with us any
22 ideas you have on that.

23 COMMISSIONER BANKS: I think that's a
24 good question. I appreciate it. I mean, in terms of
25 the services that we provide, as you know, they're

2 broader than legal services and so employment
3 services are very important to us, and you know, we
4 committed to phase out the WEP program. We're
5 committed to getting people connected to employment
6 that enables them to move on a pathway out of poverty
7 as opposed to back and forth from the case load. So
8 I think we'd be very interested in partnering on how
9 we could make our other programs effective in
10 averting the need for legal services, if I'm
11 following the question. The needs that the legal
12 services programs are aimed at addressing in many
13 respects are focusing on other problems further
14 upstream. And in part, HRA, is taking on this role
15 of preventing homelessness to deal with the upstream
16 effects on the Department of Homeless Services.
17 You're raising something that's of very great
18 interest to us, which is even before you need legal
19 services, what kind of other services can we be
20 focusing on, and we'd be very interested in having
21 that kind of discussion with you and other members
22 about what we could do in districts to try to address
23 those kinds of things.

24 COUNCIL MEMBER MENCHACA: Is there any
25 metric that you can kind of think about or explain as

2 you kind of looked at the kind of initial roll out
3 for the 13 zip codes that are going through the
4 rezonings as a model for us to think about for other
5 kind of development?

6 COMMISSIONER BANKS: I think there may--I
7 think the metrics there is measuring something
8 different than what we were just talking about. I
9 think the metrics there are about displacement and
10 enabling people to remain in their communities. Not
11 so different from what you're asking, but I think the
12 matrix works a little bit differently because it's,
13 you know, how many people came and needed legal
14 services because they don't overcharge or because the
15 heat and hot water was turned off, or you know,
16 living in a building where those were issues. And
17 that may be outside of rezoning areas, and that's why
18 we have other dollars to try to target those kinds of
19 problems, which really I think goes back to what I
20 was saying to Council Member Gibson, which is we have
21 dollars, and we want to work with the providers and
22 work with you to ensure that they're targeted as
23 effectively as we can. Outside of the rezonings we
24 have other dollars that are targeted in zip codes
25 that are producing the most numbers of applicants for

2 shelter. And so getting all of these programs to
3 work in concert was part of the idea of bringing it
4 all under one roof. So, the matrix may be different
5 depending on the program, but the goal is going to be
6 the same, trying to keep people in their homes, but
7 to take it beyond that, the employment matrix is
8 really important to us to help people not have to
9 remain on the case load if they're working fulltime,
10 and we've got 26,000 out of the almost 90,000 people
11 who are obligated under federal and state law to work
12 to be involved with the work programs working full
13 time. So we want to work with you and others to help
14 move people off the case load. I think there's a lot
15 of opportunities for collaborative work there.

16 COUNCIL MEMBER MENCHACA: Well, and I'll
17 throw something out there that I think we can follow
18 up on even as we move through the next phase of the
19 budget discussions, but our district offices can be a
20 place for temperature checks on some of these
21 questions and some of these kind of boiling point
22 issues. A lot of them, most of the constituent case
23 work is referred out to legal, and it'd be great to
24 kind of think about how our district offices are kind
25 of showing some information and data for us to think

2 about connecting to your kind of big revamping of
3 HRA, and which leads to me to the next piece on
4 immigration services and the new RFP that's coming
5 out soon. The--it would be great to kind of get a
6 sense of what the goals are for that new RFP. I
7 think there's a lot of questions about how people are
8 going to re-access since it's changing from an on-
9 base line to baseline, and you can kind of give us a
10 little bit about what that, what people can expect.

11 COMMISSIONER BANKS: Right. I think a
12 top line view of it is there's a great diversity of
13 providers that exist, and there are small providers
14 that are, you know, citywide. There are small
15 providers that are local. There are big providers
16 that are local, big providers that are citywide, but
17 what we want is to end up with a network that's
18 understandable by clients. And sometimes we talk
19 about the alphabet soup of penetrating the
20 combination of government and agencies, and we want
21 to create a system that you can navigate if you need
22 help, and that's a system that has large and small,
23 local and citywide. it's a system that I think we
24 have but not in a coordinated collaborative way, and
25 we've talked in the concept papers that we put out

2 about encouraging people to work together. And that,
3 if it is only one sort of message to take away from
4 it, we're looking for people to partner together, to
5 work together, because in the end that's a system
6 that clients can navigate more easily. The other
7 tendency historically is everybody feels the need to
8 provide very service, and for some kinds of issues
9 it's best to get them under one roof. For other
10 kinds of issues it's best to have people working
11 together and collaborating to get things delivered
12 based on what clients need. So there are several
13 moving parts that are aimed at trying to address the
14 complexity of negotiating what exists if you're a
15 client, and the other piece of everybody should
16 provide their highest and best service in ensuring
17 the highest quality as a result of that. So, I think
18 that's--hopefully that will be a take-away, and if
19 people read it and don't get that take-away there's
20 always the question and answer period, and we're
21 going to reinforce what I just said.

22 COUNCIL MEMBER MENCHACA: Yeah, right.

23 And I want to always kind of bring this back to the
24 district office in allowing us to be partners on the
25 ground. We build those relationships and really--and

2 I think it doesn't--this is not an immigration issue
3 at all. This is all the different silos of
4 experience for New Yorkers, but allowing us to be
5 partners with you in delivering some of these
6 services and allowing us to kind of build those
7 bridges where we can be kind of focal points for all
8 of you. Have you thought about that on the HRA kind
9 of restructuring on that front?

10 COMMISSIONER BANKS: As you know, we, you
11 know, essentially are trying to address 20 years'
12 worth of challenges that the agencies has had, and we
13 have a staff that has been really embracing changes
14 that we're making, but change doesn't happen
15 overnight. A lot of changes we've made, I think
16 you'd have to say over 10 months, have happened over
17 night, but there's a lot more to do, and I think in
18 partnering in communities is an area which, again,
19 we're very interested in in evaluating how to be more
20 effective there. I think we've got a number of
21 dedicated staff who do a great job with community
22 outreach, and I think that we want to be able to
23 ensure that we can be as effective as you--as we can
24 be as you are gauging things and problems and

2 emerging issues and to make sure that we're being
3 responsive.

4 COUNCIL MEMBER MENCHACA: Okay. Thank
5 you so much.

6 CHAIRPERSON LANCMAN: Thank you. Let me
7 acknowledge and welcome Council Member Ben Kilos from
8 Manhattan who also is a member of the committee and
9 also chairs the Government Operations Committee in
10 the Council, and I understand that the Speaker has
11 some questions for the Commissioner.

12 SPEAKER MARK-VIVERITO: Yeah. I just
13 have one question in particular, and I just want to
14 also just, you know, recognize again as I had
15 indicated in my opening remarks about the level of
16 commitment that this Council has made. In Fiscal
17 Year 14 we had allocated 12 million dollars, 12.4
18 million dollars to legal services, and last year we
19 adopted 23 or applied 23 million. So, it's a 87
20 percent increase, and the list of all the legal
21 services that are now housed all under HRA, we have a
22 large amount that is there.

23 COMMISSIONER BANKS: Absolutely.

24 SPEAKER MARK-VIVERITO: So, obviously,
25 our commitment is a strong one. We just released our

2 budget response yesterday, and one of the things that
3 had come up during our preliminary budget hearings is
4 something that we talk a lot about as transparency in
5 this budget process, and we also recognized the
6 significance of HRA's legal services program. We
7 asked for more transparency. So we would like and we
8 had asked about thinking about creating a U of A for
9 all legal services under HRA. Would you consider
10 providing a U of A in your budget, specifically
11 outlined for legal services as part of the
12 accountability and transparency that we're seeking?

13 COMMISSIONER BANKS: I mean, certainly,
14 you know, the legislation is focused on transparency
15 for what is happening. You know, I think people are
16 just reacting to the request from or the response
17 from yesterday. I know enough about the process from
18 my prior life to know that we're going to be engaged
19 in a back and forth with you, and we want to be
20 transparent so you can see what's happening with
21 these programs. So, I think it's certainly a
22 conversation we're ready to have with you. I get
23 what the goal is and I think we can be helpful in
24 trying to get a result that you'd like us to get to.

2 SPEAKER MARK-VIVERITO: Well, then we
3 definitely look forward to engaging with you on that,
4 considering how it's all being consolidated now,
5 under--

6 COMMISSIONER BANKS: [interposing]
7 Understood.

8 SPEAKER MARK-VIVERITO: your agency and
9 that there is additional funds that are being placed,
10 it'd be great to be able to know and be very
11 transparent about how, what that is in the budget.
12 So we'll keep asking that as we move forward and
13 hopefully arrive at a place where we'll all will be
14 comfortable by the executive budget.

15 COMMISSIONER BANKS: I hope so too, and
16 also we want to be transparent about the impact as
17 well so that you and we and the other people that are
18 funding these services can see alright, this is the
19 kind of impact that we're getting from the dollars
20 that you're putting in and we're putting in, and
21 we're very focused on trying to develop metrics that
22 work for providers, that work for you, work for us
23 and the other stakeholders, the Chief Judge and
24 foundations. We're very cognizant of bringing all
25 the programs to HRA of eliminating the past world

2 where, you know, everybody had a separate contract
3 with a different agencies and each agencies contract
4 required a different thing. We want to have a
5 uniformity for what the measurements are, but also
6 trying to be respectful. The providers have
7 contracts with the, you know, state agencies and with
8 foundations and others, and we want to try to align
9 everybody's metrics so everybody's measuring the same
10 thing. What's the impact of all the dollars and what
11 can clients expect to get when they negotiate a
12 network that we're now managing? Which I think will
13 help with your oversight as well.

14 CHAIRPERSON LANCMAN: Thank you. You
15 know, before I let you go I'll just make the
16 observation. Last night I spoke on a panel at the
17 City Bar Association that was focused on language
18 access in the courts, and I made the point that this
19 is a really special moment in our city for
20 accessibility to legal services. We have a mayor and
21 his Administration that is understanding of the issue
22 and enthusiastic about it. We have a council led by
23 a Speaker that is understanding about the issue and
24 compassionate about it, and we don't want to lose
25 this opportunity because I hate to break it to you,

2 one day, you know, we'll all be doing other things.
3 Sorry, now you know.

4 COMMISSIONER BANKS: I was at my last job
5 for 33 years.

6 CHAIRPERSON LANCMAN: As a term limited
7 Council Member, we all get an expiration date as soon
8 as we're sworn in. So we're very conscious of it.
9 and you know, hopefully this will come to pass and we
10 will institutionalize and imbed within the fabric of
11 city government the concept of responsibility and
12 ownership for making sure that people have access to
13 legal services at the moments in their lives, as
14 Justice Litman put it, that can be every bit as
15 important, as impactful as in a criminal proceeding.
16 I had the opportunity this past year since the
17 Speaker appointed me the Chair of this committee to
18 work with our friends at MOCJ and the Criminal
19 Justice Coordinator and the amount of thought and
20 effort that goes into coming up with a systematic way
21 of looking at the criminal justice system is
22 something that we want to emulate, the civil justice
23 system as well, and I'm sure that's something that
24 you're enthusiastic about as well.

2 COMMISSIONER BANKS: Absolutely,
3 absolutely.

4 CHAIRPERSON LANCMAN: Terrific. Well,
5 thank you so much for your testimony today.

6 COMMISSIONER BANKS: Thank you very much.
7 We appreciate it, and as I said, we look forward to
8 continue to partner with you.

9 CHAIRPERSON LANCMAN: Thank you. So--
10 yes? [off mic] Thanks for coming. So we have a lot
11 of people who want to testify today, and we're going
12 to try to divide up the panels in an orderly way.
13 We're going to call up--it looks like we have at
14 least two panels of legal services providers, which
15 we'll try to divide up in a sensible way, and then we
16 have some advocates with us today and then members of
17 the public, but everyone, anyone can hand in a slip
18 to the Sergeant at Arms at any time and add
19 themselves to the list. So, our first panel of legal
20 services advocates are our friends from the Legal Aid
21 Society, Adriene Holder, Raun Rasmussen from Legal
22 Services New York City, Randal Jeffrey from NYLAG,
23 and Michael Grinthal from MFY Legal Services. In
24 addition, I understand that there's a representative
25 from the Manhattan Borough President Gale Brewer. Is

2 that Adele Bartlett? Adele, if you are here and you
3 would like to testify, why don't you come up with
4 this panel to testify first. If we have any
5 questions, we can ask you, and then you can go on
6 your way. Can you get her a chair? Can we get her a
7 chair? Okay, she found a chair. Raun? Everyone, if
8 everyone could scrunch to their right we could fit
9 everyone. This is a five person table, I know it.
10 I've seen it done. So we're going to do five minutes
11 per person. You're all professional testifiers.
12 When the--what? When the bell rings, the next words
13 out of your mouth are, "In conclusion." Thank you.
14 We're going to swear everyone in, just because we
15 don't want the city folks to feel we don't trust them
16 in particular. So if you would all raise your right
17 hand. Do you affirm to tell the truth, the whole
18 truth and nothing but the truth in your testimony
19 before this committee and to respond honestly to
20 Council Member questions? Terrific. So, Mr.
21 Sergeant at Arms, if we could set the clock at five,
22 and if we can first hear from the representative from
23 Manhattan Borough President Gale Brewer's Office,
24 Adele Bartlett.

2 ADELE BARTLETT: Thank you. Oh, it's on.
3 Thank you. Good afternoon. I'm here for Gale
4 Brewer, the Manhattan Borough President, and first I
5 offer thanks to the committee and Chairman Lancman
6 for moving ahead on this crucial issue. We strongly
7 support the proposed legislation to create an office
8 of civil justice. For years we've seen and helped
9 constituents struggle through civil legal proceedings
10 without adequate representation. Going to court is
11 always stressful, and in some cases is it's
12 dangerous. For those without legal counsel or
13 adequate financial resources, those stresses can
14 destroy their lives. We desperately need legal
15 representation for tenants in Housing Court. As a
16 Council Member and as Borough President my staff and
17 I often have to go from agency to agency on behalf of
18 indigent constituents trying to get them help to
19 prevent their eviction. A fully funded empowered and
20 staffed Office of Civil Justice Coordinator promises
21 to reduce the injustice faced by many civil
22 defendants who are without counsel and to limit
23 resulting family hardships. I applaud the
24 Administration and this Council and this Committee
25 for bringing this proposal forward. It's long

2 overdue. The facts are well-known and sobering. We
3 have 60,000 homeless, a record high, many of them
4 families and children that the city must shelter at
5 about a cost of about 38,000 dollars a year. For the
6 last year that we have data, nearly 30,000 households
7 were evicted through Housing Court proceedings. In
8 the last decade, more than 100,000 units of regulated
9 housing have been lost in Manhattan alone, and
10 evictions played a significant role in those losses.
11 We know that once a regulated apartment becomes
12 vacant, the chances of it remaining affordable and
13 available for another family are quite slim. The
14 city and state housing laws and court proceedings are
15 notoriously complex and arcane, and nearly 90 percent
16 of the landlords who have brought civil proceedings
17 are represented and 90 percent of the tenants are
18 not. We've seen multiple studies also showing that
19 expert legal representation can prevent evictions in
20 an astonishingly high percentage of cases. So these
21 facts compelling as they are individually are deeply
22 intertwined. We have to face the fact that a key
23 factor in keeping our affordable housing is found in
24 preventing evictions, and that the most effective way
25 to do that is through the provision of legal counsel.

1 I believe that a civil justice coordinator's office
2 if adequately led, staffed and funded would be able
3 to limit evictions and resulting homelessness
4 reducing the homeless shelter population and its
5 related cost. I also believe that with representation
6 more tenants will be able to raise the issue of
7 repairs needed in their homes and actually obtain
8 those necessary repairs. While I support the pending
9 legislation that would ensure legal representation in
10 eviction proceedings for very low income households,
11 we must help a wider group of New Yorkers. The
12 proposed Office of Civil Justice Coordinator could do
13 just that. I would hope to see it do much more and
14 serve a greater need by coordinating and monitoring
15 cases and managing efficiently an expansion of free
16 and low cost legal services, something I consider
17 essential to basic fairness and justice. But the
18 challenge is not only to assist the lowest income
19 tenants. We must address the needs of all working
20 families and individuals who need representation in
21 legal matters, but are ineligible for public
22 assistance or existing legal services programs, yet
23 they're completely unable to afford a private lawyer
24 at prevailing cost. The office created by this
25

2 legislation should be charged with supporting and
3 coordinating agencies and programs that assist
4 working families and individuals. It should also
5 work with those agencies to develop more innovative
6 programs and new models for providing adequate legal
7 representation in civil matters for all who require
8 it. In sum, I strongly support the legislation and to
9 create a robust Civil Justice Coordinator with a
10 clear legal mandate and adequate funding and staffing
11 to address the issues outlined above. Thank you.

12 CHAIRPERSON LANCMAN: Thank you. If
13 there are any questions of the Borough President's
14 representative, do that now, otherwise, I know she
15 has a lot to do today. No? Okay. Thank you very,
16 very much.

17 ADELE BARTLETT: Thank you.

18 CHAIRPERSON LANCMAN: You're welcome to
19 stay, but I know you have a busy schedule.

20 ADELE BARTLETT: No, I can guess what
21 you're going to say.

22 CHAIRPERSON LANCMAN: These folks, on the
23 other hand, they've got nothing else to do. You're
24 up.

2 RAUN RASMUSSEN: Thank you, Council
3 Member Lancman, members of the Committee. My name is
4 Raun Rasmussen. I'm the Executive Director of Legal
5 Services NYC, and I'm really thrilled to be here to
6 testify today in favor of the creation of the
7 council, the Office of Civil Justice. This is really
8 a historic moment in New York City and New York State
9 actually. We have an unprecedented partnership with
10 the Mayor, the Chief Judge, the Council and all of
11 the provider's community to deliver civil legal
12 services to low income New Yorkers. We've had an
13 incredible increase in funding over the past several
14 years from the state and over the past year from the
15 city. We've brought the funding streams as we've
16 just heard and therefore, the provision of the
17 programs under one agency that is, you know, managed
18 by the run-by, someone with deep understanding of
19 what it takes to deliver effective services to the
20 city. We've got, thanks in part to Council Member
21 Levine, an incredibly exciting interest in creation
22 of a right to counsel for people who are threatened
23 with eviction. And now, with the creation of the
24 Office of Civil Justice, we have an opportunity to
25 build forever into the infrastructure of the city,

1 the pursuit of justice. That's an incredibly
2 exciting development for this city. New York City is
3 blessed with an abundance of creative, highly
4 effective providers of civil legal services. This
5 office will allow us all to contribute in a more
6 productive, comprehensive look at what it takes to
7 deliver those services effectively and a well-
8 coordinated and efficient way. With the Office of
9 the--with the creation of this office, the city is
10 also bringing itself to a place where it can partner
11 even more effectively than it already does with the
12 Office of Court Administration and the Chief Justice,
13 who you may know has recently included 85 million
14 dollars for civil legal services providers throughout
15 the state. Just an unbelievable commitment of his
16 energy and vision and funds. And this creation of
17 this office will allow the city to step into that
18 discussion and effort in a much more robust way than
19 it has done up until now. There's really no better
20 time for this initiative. With the booming economy,
21 our clients are actually--they're having greater
22 opportunities for employment and advancement, but
23 they're also being threatened even more with
24 displacement, as you all know, because of some of the
25

2 development that's going on around the city. And so
3 their need for civil legal services are even greater.
4 So, this is a historic moment, as I said, and a
5 terrific opportunity for this city to devote the
6 resources that are necessary to study how we can do
7 what we've been doing for many, many years even
8 better on behalf of our low income neighbors. Thank
9 you.

10 ADRIENE HOLDER: Good afternoon. I'm
11 Adriene Holder. I'm the attorney in charge of the
12 civil practice of the Legal Aid Society, and I too am
13 really very excited and welcome this opportunity to
14 testify before you, the New York City Council
15 Committee on Courts and Legal Services concerning
16 this creation of an Office of Civil Justice in New
17 York City. And I'd like to thank each of you
18 personally who have been real heroes in carrying some
19 very significant issues whether its housing or
20 immigration, the understanding of how the courts are
21 supposed to function, access to benefits. You all
22 are really at the cutting edge, and we really do
23 appreciate your leadership and the strategies that
24 you all are pushing forward to move this issue. We
25 applaud the City Council and the New York City

2 Administration's emphasis on addressing income
3 inequality and access to justice through the
4 establishment and expansion of legal initiatives.
5 And so you all know, through your visionary
6 leadership just in this past year, you greatly
7 expanded a range of civil legal services target
8 specifically to the most vulnerable New Yorkers,
9 those facing eviction, homelessness, immigrant
10 children fleeing oppression, detained immigrants
11 facing deportation, survivors of domestic violence,
12 and members of our communities dealing with gun
13 violence. This same leadership established during
14 this fiscal year the nation's first program
15 guaranteeing legal representation for immigrants
16 facing deportation, and we could not be more proud to
17 stand with you all as we're showing the nation what a
18 city that actually has vision and compassion can
19 actually do that makes sense economically and also on
20 a humanitarian level. At the same time, the Speaker
21 and the City Council established this Committee on
22 Courts and Legal Services, a committee charged with
23 promoting access to legal representation to ensure
24 equal justice under the law and working with
25 community partners and city agencies to identify ways

1 to meet that fundamental goal. This body realized
2 that for years criminal justice issues were supported
3 by a separate office, the Mayor's Office of Criminal
4 Justice with a Criminal Justice Coordinator, while
5 the critical issues of civil legal services were not
6 focused on by any particular city office. And in
7 fact, Chair Lancman asserted that the issue of legal
8 services would benefit from an independent committee
9 focused on legal representation issues across of
10 range of subject matters, and we so appreciate that
11 now this is really coming fully to fruition with your
12 committee and now with this bill. So given the City
13 Council's strategic leadership and investment in
14 civil legal services, we support Intro 736 which will
15 establish an Office of Civil Justice headed by a
16 coordinator to advise and assist the Mayor's respect
17 to delivery and implementation of key civil legal
18 services to those New Yorkers most in need. Among
19 other things, and we're excited about this, a
20 coordinator would have the power and duty to review
21 and prioritize budget requests, submit annual reports
22 of the legal services needs of New Yorkers and
23 availability of free or low cost legal services.
24 This is particularly critical and wonderful, also as
25

2 an opportunity given the tremendous expansion of
3 civil legal services. There are already lessons that
4 have been learned by our community, the legal
5 services community and even the courts and with the
6 community partners and agencies that we work with.
7 And so that already will be available in the first
8 year. But notably, Intro 736 explicitly prioritizes
9 expansion of housing related civil legal services
10 needs to low income city residents. We view this
11 priority as further supporting the effort of
12 guaranteeing a right to counsel for low income New
13 Yorkers in Housing Court, and to that end, we also
14 urge enacting Intro 214 which would of course
15 establish a right to counsel and the implementation
16 of a program to provide free legal representation to
17 low income tenants in eviction, foreclosure or
18 ejectment cases. So, the creation of this office is
19 consistent with the City Council's establishment of
20 the nation's first program guaranteeing legal
21 representation for immigrants facing deportation, and
22 is also consistent with the visionary leadership and
23 commitment you all have made to addressing these
24 issues for all low income and vulnerable New Yorkers.
25 And so we again applaud you all for where you stand

2 and we will continue to stand with you and make
3 ourselves available as a community to work with you
4 in furthering these goals. Thank you.

5 CHAIRPERSON LANCMAN: Thank you.

6 RANDAL JEFFREY: Chair Lancman, Council
7 Members and staff, good morning and thank you for the
8 opportunity to speak to the Courts and Legal Services
9 Committee about Intro 736. My name is Randal
10 Jeffrey, and I'm the Director of the General Legal
11 Services Unit at the New York Legal Assistance Group,
12 a nonprofit law office dedicated to providing free
13 legal services in civil law matters to low income New
14 Yorkers. NYLAG is deeply appreciative of the
15 commitment by the City Council and the Administration
16 to increasing the availability of civil legal
17 services. Thanks to the financial support the city
18 has shown, civil legal service organizations such as
19 NYLAG have been able to expand the breadth of our
20 services and increase the number of New Yorkers we
21 are able to serve each year. Still, the need for
22 civil legal services for low income New Yorkers
23 remains enormous. We know that having a lawyer makes
24 a huge difference. In Housing Court, for example, the
25 likelihood of an eviction drops dramatically when a

1 tenant is represented. Numerous studies show that
2 tenants represented by counsel default less often,
3 receive better settlements and win more often at
4 trial. Landlords who know that tenants are
5 represented by attorneys are less likely to attempt
6 to deceive or bully tenants out of their homes. We
7 are gratified that the city recognizes the need to
8 provide these critical services to those who could
9 not otherwise afford them, and we enthusiastically
10 welcome the creation of an Office of Civil Justice to
11 coordinate these efforts. We especially want to
12 thank Speaker Mark-Viverito and Council Member Mark
13 Levine for their tireless efforts and advocacy for
14 civil legal services and the creation of this
15 dedicated office. In particular, we believe that the
16 Civil Justice Coordinator as the head of the Office
17 of Civil Justice will be able to make immense impact
18 on the expansion of services throughout New York City
19 by performing a focused assessment of the needs for a
20 variety of civil legal services, planning for the
21 expansion of legal services to meet these needs,
22 determining the most effective way to provide them,
23 and studying the effectiveness of various approaches
24 to the delivery of legal services. We believe that
25

1 the work of the Office of Civil Justice will
2 demonstrate conclusively the benefits of civil legal
3 service programs in the city to tax payers as well as
4 to the poor and near poor New Yorkers whose lives and
5 prospects are greatly improved. In addition, NYLAG
6 is a member organization of the Right to Counsel
7 Coalition, and we are strongly committed to a
8 codified right to counsel in Housing Court for low
9 income New Yorkers. We are encouraged by and
10 grateful for the recent substantial increases in
11 funding for housing services over the past several
12 years, but that funding is not permanent and is
13 vulnerable to changing priorities and economic
14 ecstigencies [sic]. By passing this legislation, New
15 York City will ensure that the tenants most in need
16 of counsel in Housing Court will be guaranteed
17 representation. In sum, creation of the Office of
18 Civil Justice is a visionary step for our city and a
19 demonstration of our commitment to providing critical
20 support for the most vulnerable amongst us. By
21 playing a leadership role in advocating for a city
22 funded Right to Counsel in Housing Court, the Civil
23 Justice Coordinator will build on that vision and
24 make New York the first jurisdiction in the nation to
25

2 level the playing field between landlords and tens;
3 in eviction proceedings as well as in other
4 proceedings in Civil Courts. I want to once again
5 take the opportunity to thank Chair Lancman and the
6 members of the committee for their outstanding
7 leadership and commitment to legal services. We look
8 forward to a continued conversation about the role of
9 the Office of Civil Justice and the Civil Justice
10 Coordinator. Thank you.

11 CHAIRPERSON LANCMAN: Thank you.

12 MIKE GRINTHAL: Good afternoon. My name
13 is Mike Grinthal. I'm a Supervising Attorney at MFY
14 Legal Services. Again, thank you to the committee,
15 to the Chair, to the Speaker, and to Council Member
16 Levine for all of your leadership and hard work on
17 this issue, and thank you for the opportunity to be
18 here at this first step on this historic journey
19 towards a Right to Counsel in New York City. MFY
20 Legal Services is grateful and applauds the expansion
21 of legal services funding over the past--over recent
22 years, and we strongly support Intro 736 as a--again,
23 as a first step towards a Right to Counsel for those
24 facing loss of their homes in Housing Court. We know
25 that we know from our experience that the cost of

1 evictions to New York City has been vastly
2 underestimated. We know as everybody else knows that
3 a certain percentage of people who are evicted in
4 Housing Court go to shelters at 36,000 dollars a bed,
5 but we also know that of the percentage who do not go
6 to shelters and who are not counted in that, many are
7 also being housed at expense to the city. For
8 example, many people who would be our clients if we
9 had greater capacity, seniors and disabled people are
10 being warehoused essentially in hospitals, rehab
11 facilities and nursing homes where they don't need to
12 be, except for the fact that they have nowhere else
13 to go. For example, Ms. M, a client of MFY's was
14 evicted on a default judgement in Housing Court while
15 she was hospitalized after a traffic accident. She
16 was, other than her temporary injuries, healthy and
17 able to live independently. Thankfully, her hospital
18 reached out to the court which assigned her case to
19 MFY through the Assigned Counsel Project, which is in
20 many senses a pilot program of a Right to Counsel,
21 and we were able to get the default judgement
22 vacated. We were able to get her back into her home
23 where today she's living independently in her rent
24 stabilized apartment. If not for the intervention of
25

1 an attorney, she would--her eviction would be
2 permanent and she would spend the coming years
3 bouncing from hospital to rehab facility to nursing
4 home despite the fact that she can live
5 independently. She would--the cost to the city from
6 all those facilities, which are basically the most
7 expensive way to house somebody that we know of,
8 would be missing from the estimates that we have so
9 far for how expensive eviction is to New York City.
10 So we applaud the creation of the Office of the Civil
11 Justice Coordinator, because it will be empowered to
12 study and capture all of these costs and all of these
13 potential savings that we know about, but that have
14 never been quantified up until now. We see dozens of
15 cases like this. We see hundreds of cases like this.
16 We know that it's happening. The hospital bed
17 shortage in short in New York City can be said to be
18 caused directly by unresolved cases in Housing Court.
19 That's why MFY Legal Services applauds the
20 introduction, Intro 736. We strongly support its
21 passage. We also strongly support the hearings on
22 the other Right to Counsel Bills including Intro 214
23 that have more than 35 co-sponsors and are still
24 before the committee.
25

2 CHAIRPERSON LANCMAN: You all did very
3 well. Our first questioner will be Council Member
4 Mark Levine.

5 COUNCIL MEMBER LEVINE: Thank you, Mr.
6 Chairman. I wonder if any of you all could speak on
7 the phenomena we're all familiar with, that you can't
8 serve everyone who shows up looking for help, and if
9 you could even perhaps quantify that as we try to
10 grapple with just how far we have to go to meet all
11 the outstanding legal service needs.

12 RANDAL JEFFREY: At my organization, the
13 New York Legal Assistance Group, you know,
14 unfortunately we have to--we're unable to provide
15 services to the majority of clients who are seeking
16 free legal services from our organization. We're
17 overwhelmed with clients calling us on a daily basis.
18 Sometimes each day 60, 70, 80, or more clients calls
19 us each day looking for services. Plus, we meet
20 clients every day in our community offices throughout
21 all five boroughs of New York City. So, the demand
22 is strong. We try to meet the demands as best as
23 possible and to prioritize cases, but unfortunately
24 at this time we're not able to serve everybody or

2 even the majority of clients who call us up looking
3 for services, and that's unfortunate.

4 ADRIENE HOLDER: At the Legal Aid
5 Society, we in the past year, we were able to
6 represent more than 46,000. We'll work on 46,000
7 cases that had an impact over 116,000 individuals.
8 What we find is that during the height of the
9 recession, we actually were turning away eight out of
10 every nine that came to us, and it's actually the
11 hardest thing that you do. We're actually talking
12 about where you actually get to meet people, and our
13 folks, staff, you know, screens folks and then they
14 find that they actually have merit. They're eligible
15 for our services and have some type of merit to their
16 case. That number has gone down some for a number of
17 reasons, principally being some expansion that we've
18 experienced at the city level, but also the
19 tremendous investment of resources from the state
20 level, but its still, the need is still overwhelming.
21 And so it's the hardest thing that our folks do, to
22 actually have to tell someone after hearing their
23 story that they're going to only be able to give them
24 advice or brief service. What we've always
25 appreciated is that here at the city and with the

2 City Council you all understand that it's not just
3 about the touches, although that's significant to
4 have a presence in a community, to be able to do
5 outreach, to be able to see people, whether it's on
6 our Mobile Justice Van or it's through our community
7 partners in the community based organizations that we
8 work with, or whether it's in collaboration when we
9 work together on cases. That's important, but to
10 actually be able to provide meaningful, full
11 representation, and to be able to also be able to
12 tease out the different issues that come out. I
13 always say that intake is by incident of paper.
14 People think that they have a housing issue because
15 they have an eviction notice or a marshal's notice,
16 but oftentimes as we continue to screen those cases
17 as providers, our folks realize that there's also an
18 underlying benefits issue and there's more income
19 supports that are needed in the household, that there
20 might actually be an immigration issue. There may be
21 a disability issue, or there may be a child that
22 everyone thinks is doing just okay, but maybe that
23 kid has an individualized education plan and there's
24 more that we can do to really kind of right-side that
25 family, not only stabilize the housing but be able to

2 deal with all those other issues. We're finding that
3 with the investment that you all have been making
4 that you understand that to really be able to provide
5 that meaningful service, that there's a real
6 investment that needs to be made and we appreciate
7 that, and we're hoping that with your continue
8 direction and vision that we're going to be able to
9 see more resources and better efficiencies where
10 we're going to be able to address those in a
11 meaningful way. I would hope that with the
12 establishment of an Office of Civil Justice that we
13 would also see that there are these other issues that
14 are emanating from these cases and from these clients
15 and their lives and their households that need to be
16 addressed, and that would be a priority also.

17 RAUN RASMUSSEN: So, I'll just add that
18 demand for legal services is one of the hardest
19 things to measure, and because you know, when people
20 don't get services when they request it, then the
21 word goes out on the street that you might as well
22 not ask, or people don't know about the availability
23 of legal services, or people don't know that they
24 have a legal problem that could be addressed by a
25 legal services provider. The Chief Judge's taskforce

2 on civil legal services in the most recent report
3 estimated that after the addition of the 70 million
4 dollars that had been provided statewide, that at
5 best the civil legal services the community was
6 providing, a third--addressing a third of the need.
7 Some of us who are on the committee thought even that
8 was overstating what was the amount that was being
9 met. But this is a very tough number to address, and
10 I think all of us are forced to triage, and I know
11 that we at Legal Services NYC try to take those
12 cases, try to prioritize those cases where we can
13 solve the problem both in the short term and the long
14 term, meaning that we want to provide services that
15 are going to result in long term change and long term
16 stability for our client's lives. But in every
17 practice area there are different, you know, attempts
18 to fine tune the triaging, but unfortunately that's
19 still the world that we're in.

20 MICHAEL GRINTHAL: I'll just say quickly,
21 MFY, like everybody else, triages at our highest
22 level of triage, which is cases where we can say if
23 we take this case and go to court with them we'll
24 prevent an eviction, and if we don't, we know that
25 they'll be evicted. We can take fewer than half of

2 those, and we rarely can take any cases from the
3 lower levels of triage where we're saying this is
4 bit of a long-shot but we could make a difference, or
5 this person's probably going to lose their home, but
6 we could make it work better. We could give them
7 time to move, time to hook up with benefits that they
8 need to land softly. We usually can't even touch
9 those.

10 [background noise]

11 COUNCIL MEMBER LEVINE: I think that's a
12 landlord trying to intervene in this hearing.

13 [laughter]

14 CHAIRPERSON LANCMAN: Council Member
15 Gibson?

16 COUNCIL MEMBER GIBSON: I know, I'm
17 starting to lose my hearing here. Sorry, we're used
18 to that here. There are lot of extensive renovations
19 going on at City Hall. But I first wanted to applaud
20 all of you from MFY to NYLAG to Legal Aid and Legal
21 Services, I think each of you I have worked with more
22 than I can say. So I want to thank you, because
23 collectively and individually your organizations have
24 saved hundreds of my tenants in the Bronx from being
25 evicted, and I know as many of you know, when I call

2 you, you answer. So I appreciate that, and we have
3 many of my tenant leaders who are here, and I know
4 many of them will agree when I say that you guys have
5 done a phenomenal job. So I appreciate that you are
6 always part of the conversation, whether it's this
7 bill, 736. I appreciate the support you have of this
8 bill. I think it's a great stepping stone with a lot
9 of the work we're doing here. We're making gradual
10 steps towards and end goal, and you know, having a
11 universal Right to Counsel like 214 calls for is
12 where we really want to be. And so if we have to
13 make baby steps, then I'm okay with that, as long as
14 we're moving forward and we're not moving backward,
15 right? So I wanted to ask, with a lot of the
16 investment that we have made in this Administration,
17 upwards of about 23 million dollars, is there any
18 area that you can identify where you have seen the
19 greatest improvement in your civil legal service work
20 in terms of the clientele that you have served?
21 Where has the greatest improvement been? I mean,
22 when you look at housing there's so many different
23 facets of it, so can you just give us a little bit of
24 an understanding of where the greatest improvements
25 have been? If anyone has anything to add?

2 ADRIENE HOLDER: I mean, there's been
3 improvements in all areas, and I'm not just saying
4 that. It really is the case that I think all of us,
5 you know, as a community because we all do talk and
6 we do talk about the issues. I think that we've seen
7 tremendous improvement in the provision of housing,
8 but I have to say, you know, looking at the
9 investment that's been made with immigration, we
10 really are providing a right to counsel in those
11 forums. For those young people who were part of the
12 round up at the borders, the unaccompanied minors,
13 and also for the detained immigrants who are some of
14 the most vulnerable and whose families are left
15 behind in the community, and that has just been so
16 significant. And again, to look at the issues that
17 come out of those cases or for those families that
18 are impacted to being able to address their housing
19 issues, their benefits issues and so on. You know,
20 this investment that you all have made as a City
21 Council through your initiatives that fund a number
22 of the programs, not just the ones up here, but you
23 know, that are part of our community as well as the
24 community based organizations that we rely on to
25 provide supportive social services. It's been

2 tremendous, but I have to say, where I sit at the
3 legal aid society I'm actually being able to see my
4 staff so energized and completely overworked as we've
5 had to staff up and ramp up very quickly, that Right
6 to Counsel for immigrants has been amazing.

7 RAUN RASMUSSEN: And I'll just add,
8 there's an incredibly exciting potential for the new
9 anti-displacement initiative, which is going to
10 deliver targeted legal services in highly--in
11 communities that will be highly impacted by some of
12 the new rezonigns that are proposed. And that
13 initiative will provide opportunities for increased
14 collaboration among service providers, increased
15 collaboration with community based organizers, and
16 essentially a right to counsel in those
17 neighborhoods, and that's an incredibly exciting
18 opportunity for--and potential for low income
19 residents of New York City.

20 RANDAL JEFFREY: I just wanted to add how
21 and to echo how exciting it is for legal service
22 organizations like NYLAG to know about the increased
23 city funding as well as the state funding to provide
24 civil legal services and to know which staff we've
25 been able to hire to provide services under those

2 grants, and then to see and know about the clients
3 whose lives are changed by the legal services
4 provider by that staff. It's just one example. At
5 NYLAG we run volunteer lawyer for a day consumer
6 protection project program up in the Bronx and in
7 Queens as well as in Staten Island on a limited
8 basis, and we serve hundreds if not thousands of
9 clients through those programs each year, and those
10 programs are able to, you know, help thousands of
11 clients deal with their consumer debt issues and get
12 those issues resolved and be able to come away with a
13 tangible result in not owing the money that they
14 thought they owed or reaching a settlement with the
15 debt collectors and move forward in their lives. So
16 yes, definitely we've seen improvements. There's a
17 lot more to do be done, but we have seen
18 improvements.

19 COUNCIL MEMBER GIBSON: Right. So in--
20 did you want to add? I'm sorry. MFY?

21 MICHAEL GRINTHAL: I just wanted to say
22 briefly, the assigned counsel project through which
23 seniors over the age of 60 are referred by the court
24 to us has been a huge program for us and allowed us
25 to do things that we couldn't do before, and one of

2 the two aspects of that that are the most powerful
3 are first of all, that it is a right to counsel
4 project coming through the courts, and second that
5 it's coupled with social services and supports
6 through the Department for the Aging.

7 COUNCIL MEMBER GIBSON: So, in addition
8 to the coordination of a lot of the legal service
9 contract providers, with this Civil Justice
10 Coordinator, what I'm also hoping, and I encourage
11 you if you are a part of the conversation, that there
12 has to be a major emphasis on education and
13 empowerment. What I have found through many efforts
14 in all of the work we've done with law clinics and
15 legal clinics, the mobile units, and the working
16 groups and the forums, you know, the best way we can
17 also prevent a lot of these evictions in addition to
18 legal representation is education, right? Because
19 many of our tenants across this city don't know what
20 their rights are as a tenant, and so I've been doing
21 a lot of work around education and empowering our
22 residents, because knowledge is power and it allows
23 you a tool that no one can take away from you. So, I
24 am hoping that, you know, as we look to continue to
25 build momentum and support with 736, we also

2 understand that there has to be a component on
3 education and empowerment, and then that leads me to
4 my next statement, because when you look at the
5 population of the clientele that you serve, I'm sure
6 there's a cross-section and a mixture of many first
7 time clients, first timers that have never been
8 evicted, never been to Housing Court etcetera, but
9 you have a lot of repeaters that are in and out of
10 this system for many reasons, a lot of the social
11 service components that you described. But do you
12 think because these are--they're not too necessarily
13 different populations, right? Equal challenges, but
14 some of them, you know, require a little bit more
15 than others. Do you think that in conversations with
16 736 and all the other bills we need to put everyone
17 together in terms of figuring out the best level of
18 service, or should we focus on some of the intricate
19 challenges with repeaters, and I hate to use that
20 word, but you get what I'm saying, those that are in
21 and out of Housing Court several times over a year
22 and other factors as compared to someone who's a
23 first timer? Does that make sense? So do we
24 separate those populations and look at some of the
25 intricate challenges facing? I look at repeaters as

2 a more challenging population, because that means
3 there's something wrong if someone is facing eviction
4 more than once in a year, as compared to someone
5 who's never been to Housing Court who's facing their
6 first eviction. I've seen both, and that's why I'm
7 asking the question in terms of the population you
8 serve.

9 RAUN RASMUSSEN: Well, I think one of the
10 main reasons for the repeaters are often the poorest
11 of the poor, and so that population needs additional
12 supports in terms of income supports. Sometimes they
13 may need coping skill supports. So, I know that all
14 of our offices have social workers and bring social
15 workers into the mix as needed, particularly in the
16 family area where domestic violence is involved. But
17 the problems that our clients face, and you know, the
18 majority of our clients are under the federal poverty
19 level, which is a stunningly 12,000 dollars for an
20 individual and 24,000 for a family of four. But we
21 also serve people up to three and 400 percent of the
22 federal poverty level if they have different kinds of
23 problems. Often homeowners who have unique problems,
24 but across the board, the legal issues tend to be the
25 same. And so there are a lot of similarities in

2 terms of what needs to be done to address the range
3 of our clients, and then there are some discreet
4 areas, and with respect to the repeaters, I think
5 really it has a lot to do with helping them get out
6 of poverty, which is the cause for their repeated
7 problems.

8 ADRIENE HOLDER: I mean, in some ways,
9 you guys have already done some of that. So, you
10 know, we talked about--my colleague talked about the
11 Assigned Counsel Program, and so you know, you all
12 had an understanding that there needed to be this
13 nexus also with an agency, the Department for the
14 Aging, and their resources being able to be coupled
15 with the resources of the not for profits and the
16 legal services programs to be able to get more robust
17 outcome for vulnerable seniors. And with the Housing
18 Help Program, where we're able to target in three of
19 the most vulnerable boroughs, target those
20 neighborhoods where often times you have people who
21 you would say, you know, constantly require services,
22 but targeting those neighborhoods where people
23 actually--those zip codes where you actually find
24 people leaving a zip code going directly into the
25 city shelter system. You all understood in

2 collaboration with United Way originally and then
3 later on Robin Hood, that there needed to be, you
4 know, a legal services provider that could get those
5 cases from the very beginning of the case. I would
6 agree that a lot of times what is the singular issue
7 really, although there's a lot of social services
8 issues, really is poverty. And again, you guys are
9 addressing that, and so as an Administration there's
10 been enhanced, you know, vouchers and other ways in
11 which to try to address some of the issues again
12 around income inequality and opportunities for people
13 to have real livable wages. And you guys see the
14 whole--we're here to talk about the legal services
15 component, but you all are seeing and addressing the
16 whole range of that, and again, we appreciate you
17 all's vision in understanding that there's a lot of
18 points to try and to address this in a meaningful
19 way.

20 CHAIRPERSON LANCMAN: Thank you. Let me
21 just ask a couple of questions. I don't know if this
22 has been touched on yet, but are you concerned that
23 with the establishment of an Office of Civil Justice
24 and Civil Justice Coordinator that--what's been your
25 experience with contracts being consolidated with

2 HRA? Have they touched your different organizations,
3 and does the potential for further consolidation and
4 centralization concern you?

5 RAUN RASMUSSEN: We're looking for that
6 glorious day when the contract on consolidation
7 process results in, you know, fabulous new ways of
8 doing business. It's very much a work in progress.
9 We've got a great partnership with HRA. We had good
10 healthy working relationships with the agencies that
11 administered the contracts before then, and we're
12 working out all the glitches right now. Sarah
13 Zuiderveen, who was sitting next to Steve,
14 Commissioner Banks, when he testified has been just
15 incredible in making the impossible seem possible
16 now, which is to bring the contracts together. As
17 was testified to earlier, up until now the reporting
18 requirements have been very significantly different
19 from agency to agency and contract to contract, and
20 we're hoping that the bringing together of the
21 contracts under one agency is going to lead to some
22 consistencies, some similar approaches in terms of
23 the data that's collected, in terms of the ways that
24 the data is collected and that will lead to some
25 efficiencies for us. So, I think, you know, speaking

2 for Legal Services NYC, we're very appreciative of
3 what has happened up until now, and we're looking
4 forward to some of the improvements that we think
5 will continue to occur as a result of the
6 consolidation of those contracts.

7 RANDAL JEFFREY: On behalf of NYLAG, I'd
8 also like to echo the praise for the Human Resources
9 Administration and its endeavors to consolidate the
10 contracts and to really streamline the process, and
11 we're really looking forward to this being an easier
12 reporting process with the consistency in the reports
13 and the metrics, and we very much appreciate the
14 efforts that HRA has made to reach out to us and
15 their availability to us and our staff as we work
16 with them through the contracting process.

17 CHAIRPERSON LANCMAN: So, under the
18 heading of be careful what you wish for, you're
19 concerned that the establishment of a centralized
20 Office of Civil Justice might remove the flexibility
21 that the Council has, the Administration has to
22 address needs as they might arise or experiment. You
23 know, MOCJ is terrific and I work with Liz Glazer.
24 She is terrific, but it is an institution, and
25 there's a, I don't want to say down side, but a flip

2 side to the amount of enormous analysis and research
3 that they do before they commit to any particular
4 direction, you know. Now we can kind of do things on
5 the fly. Are you concerned about losing any of that
6 flexibility, worried about flexibility getting lost?

7 RAUN RASMUSSEN: I'm not sure that--
8 maybe. I think it's a real question. When the
9 contracts started getting consolidated, I
10 immediately--where Legal Services NYC is federally
11 funded by the Legal Services Corporation, and I
12 flashed on 1980 when President Reagan came into
13 office and tried to zero fund Legal Services
14 Corporation nationally, and the lesson learned from
15 that was the need of all of the providers nationally
16 to diversify their funding sources. And you know,
17 when all of the funding is one place, if the person
18 who's in charge of that, whether it be the Mayor or
19 the head of the agency changes and is not as
20 favorable to what you've been doing, then that
21 creates a potential for a problem. I mean, we have
22 incredible opportunity now because of the people,
23 because of the commitment of the Administration and
24 the City Council to the work that we all do, to the
25 solutions that we all provide to make huge advances.

2 We're hopeful that actually with respect to
3 flexibility that some of the planning that is going
4 to occur, we think, for you know, the first time in
5 the city may allow for some additional opportunities
6 for creativity, for, you know, opportunities for, you
7 know, targeted new initiatives and also for multi-
8 year funding opportunities that will allow the
9 providers to plan more effectively in terms of
10 delivering services. So, we're hopeful that this is
11 going to be mostly all a positive, but mindful that,
12 you know, history shows that things can change.

13 ADRIENE HOLDER: And I just want to add,
14 I completely agree with what Raun is saying. I just
15 want to add, though, that I think we all do agree,
16 though, that this is a great opportunity. And so,
17 you know, I think it's a great question, Chairman,
18 that you asked and it's one that we should always be
19 mindful of and have in our mind as we continue to
20 plan and map out where such an office could go and
21 understanding that it has to have some sustainability
22 and vision that outlasts, you know, any of the
23 current Council Members and leadership that would be
24 in the form of a coordinator, but it is a tremendous
25 opportunity that I think that we need to go in full

2 steam ahead on, because it is the idea that, you
3 know, together that we could really figure out the
4 best ways of which to provide these services in New
5 York City.

6 CHAIRPERSON LANCMAN: I think it's more
7 something for the Council to be cautious about, that
8 the creation of this office in this position, that we
9 don't see ownership and authority completely to this
10 new entity. Because one day, as I said to Steve
11 Banks and as you observed, it's going to be different
12 cast of characters, and it may not be this magical
13 alignment of people who care deeply about this issue
14 and have committed to it. Thank you very much for
15 your testimony.

16 RANDAL JEFFREY: Thank you.

17 ADRIENE HOLDER: Thank you so much.

18 CHAIRPERSON LANCMAN: Our next panel if
19 they are here in desires of testifying is Andrew
20 Scherer, the Impact Center New York Law School, Susan
21 Jacobs for the Center for Family Representation, Kate
22 Rubin from Bronx Defenders, McGregor Smith [sic], or
23 is it Smyth, from New York Lawyers for the Public
24 Interest, and Brenna DeVaney from the New York City
25 Bar Association. We might need an extra chair or

2 two, so let's see when they get up here. If we could
3 have them on the ends, that'd be better. Okay, if
4 you would all raise your right hand? Do you affirm
5 to tell the truth, the whole truth and nothing but
6 the truth in your testimony before this committee and
7 to respond honestly to Council Member questions?
8 Welcome, and we'll just go from right to left.

9 ANDREW SCHERER: Well, thank you very
10 much. Good afternoon. I'm Andrew Scherer. I'm the
11 Policy Director of the Impact Center for Public
12 Interest Law at New York Law School, and I was
13 teaching all morning so I've lost my voice, but I'll
14 plot ahead. The Impact Center was launched by New
15 York Law School in the fall of 2014, just recently to
16 advance the public interest, to support the practice
17 of public interest law and to help New York Law
18 School Students become public interest law
19 practitioners. As part of my role there, I'm also
20 directing a Right to Counsel Project, and I'm also an
21 active member of the New York City Coalition for the
22 Right to Counsel in Housing Court. A little bit about
23 myself, I have a very long history in civil legal
24 services and the movement for access to justice for
25 over 30 years. Starting the late 70's I was a civil

2 legal services attorney with Legal Services NYC. My
3 last nine years there I was the Executive Director
4 and Raun Rasmussen succeeded me in that position.
5 When I was a young attorney representing tenants in
6 the South Bronx in the days when the Bronx was really
7 truly burning, I saw the transformative difference we
8 could make for our clients. Since leaving legal
9 services in 2010, I traveled the country, and to some
10 extent the world, in a consulting role advising,
11 evaluating and visiting civil legal services programs
12 and I've seen the enormous impact that legal help has
13 on people's lives everywhere and the problems that
14 fester when they cannot get the legal help they need.
15 I concluded in my early days in legal services and I
16 continue to firmly believe that access to assistance
17 for fundamental matters such as loss of one's home
18 must be a right. In fact, I wrote my first law
19 review article on this topic about 30 years ago now.
20 After many years in the proverbial wilderness in
21 spite of great efforts by City Council Members over
22 the years, it's really, really heartening to see the
23 progress being made towards meaningful access to
24 justice in New York City in particular. The City
25 Council, the Administration have displayed amazing,

2 unprecedented, overwhelming commitment to access to
3 justice. The increased funding in civil legal
4 service, for civil legal services through the efforts
5 of the Mayor, the Speaker and the Council amount to--
6 the amounts both already realized and those projected
7 are just awesome, astounding. And the creation of
8 the Civil Justice Coordinator's Office through Intro
9 736 is another example of that awesome commitment.
10 Intro 736 represents an important and critical step
11 in building an infrastructure in New York City to
12 assure access to justice. The office's mandate under
13 the city charter provision is to do all the right and
14 necessary things to further access to justice,
15 examine needs, coordinate services, assess efficacy
16 and capacity, and plan for expansion of services.
17 The charter provision, I think, rightly prioritizes
18 the expansion of legal assistance with housing
19 matters. Without doubt, this office is a necessary
20 step towards a civil right to counsel in housing
21 matters, necessary but not alone sufficient. I urge
22 the Administration, the Speaker, the Council to now
23 take the bold next step to establish through
24 legislation through Intro 214 a right to counsel for
25 people who face losing their homes in legal

2 proceedings. Establishing a right does what no
3 amount of funding can do, and we've heard discussion
4 here today. In fact, Council Member, you talked
5 about the fact that you're not always going to be
6 there. Circumstances really change over time, but if
7 you create a right, it really completely shifts the
8 dynamic for the long haul. It sets--it sends a
9 powerful message about respect and human dignity.
10 The funding can clearly easily be eliminated with a
11 change in political climate. A right is far more
12 difficult, if not impossible, to take away. The
13 time's right. This is a problem-solving
14 Administration that is in partnership with the
15 Council, not afraid to take on big important issues,
16 not afraid to make change where change is needed.
17 There's a broad consensus that this is the type of
18 change that's needed. On December 5th of 2014 we
19 hosted, the Impact Center, hosted at New York Law
20 School a public forum on the right to counsel.
21 Council Members Levine and Gibson were there, and
22 I've attached to my testimony some select quotes from
23 some of the people who were there who were experts
24 during the day talking about why this is such an
25 important thing to do. Let me just talk briefly

2 about some of the reasons the city should do it, but
3 then some of the reasons that the city really can do
4 it. I think there's some trepidation that maybe this
5 isn't something that can't be done. It should be
6 done to shift the paradigm, to create not a system
7 where you pay to play, but where you get access to
8 justice regardless of who you are in our society.

9 CHAIRPERSON LANCMAN: Andrew--

10 ANDREW SCHERER: It--

11 CHAIRPERSON LANCMAN: [interposing]

12 Andrew?

13 ANDREW SCHERER: Yes? Am I al--that was
14 my bell? Aw man, and I'm really just--I'm just
15 warming up here. In conclusion--

16 CHAIRPERSON LANCMAN: [interposing] In
17 conclusion.

18 ANDREW SCHERER: In conclusion, let me
19 say. There's a lot of reasons to do it. Let me just
20 talk about the reasons that you can do it, because I
21 think that's a bigger concern. And one is you do
22 have the legal authority to do it, the delegation of
23 power from the--

24 CHAIRPERSON LANCMAN: [interposing] We're
25 talking about the Right to Counsel?

2 ANDREW SCHERER: Yeah, yeah.

3 CHAIRPERSON LANCMAN: And so far as this
4 bill doesn't address that, I'm going to ask you to--

5 ANDREW SCHERER: [interposing] Okay.

6 CHAIRPERSON LANCMAN: to say in
7 conclusion--

8 ANDREW SCHERER: [interposing] In
9 conclusion--

10 CHAIRPERSON LANCMAN: and then a--

11 ANDREW SCHERER: [interposing] This is a
12 very important first step towards creating a right to
13 counsel, and I think the first and foremost ask of
14 this coordinator's role should be to make sure that
15 that happens. So, these changes that you're putting
16 in place really last and they're not just temporary.

17 CHAIRPERSON LANCMAN: Very good. Thank
18 you very--

19 ANDREW SCHERER: [interposing] You're
20 very welcome. I'm happy to answer any questions at
21 the appropriate time.

22 SUSAN JACOBS: [off mic] And I won't
23 yield my time. Good morning, afternoon. My name is
24 Susan Jacobs, and I'm the President and Executive
25 Director of the Center for Family Representation.

1 Thank you Council Members Lancman and Levine and the
2 members of the Committee on Courts and Legal Services
3 for the opportunity to testify today about this
4 important issue. CFR applauds the Speaker Mark-
5 Viverito, Council Member Levine and the entire
6 Council for your leadership in shining a light on the
7 need for comprehensive legal services for poor and
8 low income New Yorkers. Each year, we provide over
9 2,000 families with free legal assistance and social
10 work services that enable children to stay with their
11 families safely, keeping them out of a foster care
12 system that has devastating consequences. Since 2007
13 in Manhattan and 2011 in Queens, we've been the
14 leading indigent legal services provider for parents
15 in child protective cases. Our unique model which is
16 used as an interdisciplinary team of an attorney and
17 a social worker and a parent who reunited with her
18 child has provided a lot of information about what
19 these kinds of services can do if essentially
20 expanded in a civil legal services realm. On
21 average, 50 percent of our children never enter
22 foster care, and we serve over--historically have
23 served over 6,000 families with this team. Our
24 perspective on the creation of an Office of Civil
25

2 Justice and the need for increased support of civil
3 legal services in the city comes from our unique
4 position as a provider essentially of mandated civil
5 legal services. We are sort of in that sense a
6 hybrid. As the institutional provider in Queens and
7 Manhattan Family Court we have worked with the
8 Mayor's Office of Criminal Justice and have seen
9 firsthand how a coordinator can assist in ensuring
10 increased access to legal services. When we meet our
11 clients in Family Court, we serve them there and we
12 see that the crisis that we may resolve there are not
13 sufficient, the resolution is not sufficient to make
14 sure that they continue on their way to stability.
15 The challenging circumstances of their lives require
16 us to do more to ensure their long term stability
17 than just being in Family Court. So we've created an
18 initiative to serve them with more civil legal
19 services, and our experience is children often enter
20 foster care because they were interrupted in getting
21 public benefits because housing was a challenge, and
22 there's a need for greater support in accessing many
23 services for these families. If we can expand the
24 menu of services through the umbrella that this bill
25 and program will provide, we will be able to provide

2 housing and public benefits advocacy under the same
3 roof as our Family Court advocacy. We will therefore
4 be able to maximize efficiency and families will not
5 have to go hither and yond for support. A few
6 observations about the proposed legislation. We
7 think it's critical that the office has the ability
8 and time to survey the array of legal services
9 available and needed. Second, that effort should
10 involve data about these services citywide.
11 Importantly, the office might also benefit from
12 having an evaluative function so the quality and
13 impact of services can be assessed. Third, we think
14 that the office could also be instrumental in
15 supporting innovative model of service delivery by
16 providing agencies with information about population
17 needs as well as funding to innovate. In our
18 experience, being able to be nimble and responsive to
19 client needs is the key to successful representation
20 and really goes to the question you asked the last
21 panel. I'd like to end with a quick example of a
22 family we met which we could have helped more if we
23 had civil legal services support. We met Natalie, a
24 single mother with three children when the
25 Administration for Children Services brought a case

2 of educational neglect against her. All three of her
3 children have muscular dystrophy and are wheelchair
4 bound. They lived in public housing. They were
5 placed in a building without elevator access. Even
6 though she requested transfers, her requests were
7 unanswered. Children were not going to school
8 because she could not carry them up and down stairs,
9 and unfortunately they were removed and placed in
10 foster care until she could secure appropriate
11 housing, which took over 14 months. Had we had a
12 housing attorney and those resources, we could have
13 initiated proceedings in Housing Court to demand
14 necessary repairs. We thank the Council and this
15 committee for your continued work on expanding
16 access.

17 CHAIRPERSON LANCMAN: Thank you very
18 much.

19 KATE RUBIN: Hi. I'm Kate Rubin. Good
20 afternoon, and I manage the civil action practice at
21 the Bronx Defenders. We're also a member of LEAP,
22 which is a network of 14 legal services providers
23 here in the city, and we're one of the three
24 providers in the ground-breaking New York Immigrant
25 Family Unity Project that the Council created, the

2 first public defender system for detained immigrants
3 in removal proceedings in the country, which has been
4 incredibly exciting. So we thank you for the
5 opportunity to testify. You have my longer written
6 comments. I didn't know I would have a whole five
7 minutes. So I just have a whole--a few short bullets.

8 CHAIRPERSON LANCMAN: There is no
9 obligation to use all the time.

10 KATE RUBIN: I don't think I'm going to
11 take them all.

12 CHAIRPERSON LANCMAN: On the other hand,
13 you cannot make a deal with the person next to you
14 and give them.

15 KATE RUBIN: So, first and foremost, we
16 enthusiastically support Intro 736. We look forward
17 to working and partnering with an Office of Civil
18 Justice. We see a really robust role for our
19 coordinator. One of the key things that we hope the
20 Civil Justice Coordinator will do is work with courts
21 and agencies to collect data and share data and
22 implement policy reforms that will both reduce the
23 need for and sustain the impact of civil legal
24 services. And coming from the Bronx Defenders, we
25 urge that those collaborations include the usual

1 suspects, HRA, NYCHA, everybody else, but also
2 Department of Correction, Probation, NYPD and other
3 agencies that really kind of broadly impact our
4 client's lives. As the city takes tremendous steps
5 to strengthen legal services, and it is a truly
6 exciting moment, I want to underscore the importance
7 of a diverse community of providers to meet diverse
8 needs. This includes small programs with deep ties in
9 neighborhoods, new and innovate models and citywide
10 programs that serve clients in multiple boroughs,
11 even without physical borough based offices, and we
12 have a number of examples of that in the LEAP
13 Coalition. But I especially want to highlight the
14 model of holistic defense that we have at the Bronx
15 Defenders. We offer a comprehensive civil legal
16 services within a city funded criminal and family
17 defense office. When an immigrant family is facing
18 eviction because the bread winner is detained and in
19 removal proceedings, when a woman's cash is subject
20 to civil forfeiture after she was falsely arrested
21 for prostitution or a child remains in foster care
22 because of unsafe conditions in her mother's
23 apartments, our civil action practice attorneys and
24 advocates provide early and effective intervention.
25

2 So, just three quick lessons from holistic practice
3 that we think are helpful in this conversation. One,
4 legal services providers must be equipped to serve
5 people with criminal history. We know millions of
6 New Yorkers have criminal records. We know the vast
7 majority of those are concentrated in low income
8 communities of color, and the future of civil legal
9 services really must include this group specifically.
10 Two, most clients will seek services first where
11 they've received them before and early intervention
12 can save money, but also prevent worse consequences
13 down the road, and that includes light touches. So,
14 if a client has an open criminal case, a CLE [sic]
15 consult can actually prevent a deportation or
16 preserve a job. And three, that interdisciplinary
17 teams really work. So each member of our staff has
18 different training and a social worker might pick up
19 on something that a criminal defense or even a
20 housing attorney might miss. So, finally--1:30 left.
21 We echo our colleagues in the Right to Counsel NYC
22 Coalition calling on the Council to sort of take the
23 next step beyond Intro 736 and expand Right to
24 Counsel starting with Intro 214, ensuring a

2 fundamental right to counsel in housing court in New
3 York City. Thank you.

4 CHAIRPERSON LANCMAN: Thank you.

5 BRENNA DEVANEY: Good afternoon,
6 Chairperson Lancman and members of the Committee on
7 Courts and Legal Services. Thank you for providing
8 the New York City Bar Association with the
9 opportunity to testify before you today on the
10 creation of an Office of Civil Justice in New York
11 City. My name is Brenna DeVaney and I'm fortunate to
12 serve as the Chair of the City Bar's Pro-bono and
13 Legal Services Committee, but I'm here testifying on
14 behalf of Debbie Raskin [sp?], President of the City
15 Bar, who regrets deeply that she was unable to appear
16 before you today. The City Bar, as you many know, is
17 a membership organization of over 24,000 members, and
18 our testimony here today is informed by the work of
19 our pro-bono and Legal Services Committee and our
20 Housing Court Committee. 736 would create an Office
21 of Civil Justice to advise and assist the Mayor with
22 respect to the delivery of civil legal services to
23 those New Yorkers very much most in need. This bill
24 explicitly identifies housing related civil legal
25 services needs as a priority of the office's work,

2 which comports with the growing citywide consensus
3 that has emerged in support of providing low income
4 tenants with the right to counsel in Housing Court.
5 Let me start by saying that the City Bar
6 enthusiastically applauds the Council's significant
7 and game changing commitment to addressing and
8 serving civil legal services needs of New York's low
9 income individuals. We acknowledge and appreciate
10 the council's very keen understanding of how
11 important it is to support a fair civil justice
12 system in its city. For its part, the City Bar has
13 long supported the notion that legal representation
14 should be provided in civil cases involving
15 fundamental needs to those who cannot afford
16 attorneys as a way to level the playing field in
17 court and provide meaningful access to justice. To
18 that end, as a general matter, we support the
19 creation of an office within the city government
20 whose mission is to ensure that civil legal services
21 are funded and provided in the most efficient way
22 possible to those most in need. However, in order to
23 make such a program a lasting reality, legislation is
24 absolutely needed to establish a right to counsel in
25 civil cases involving a basic necessity of life like

1 shelter. The place to start is Housing Court.
2
3 Therefore, while we support the long term goals of
4 736, we also very strongly urge the Council to pass
5 214 post-haste and to expedite the implementation of
6 a program to provide free legal representation to low
7 income tenants in eviction, foreclosure and ejectment
8 proceedings. In this city of growing income
9 inequality, shrinking affordable housing stock and
10 increasing homelessness, a clear consensus has
11 emerged that the Housing Court representation program
12 is needed and it's needed now. Moreover, getting a
13 program up and running in Housing Court can provide
14 important lessons and guide posts, which can then be
15 studied by the Office of Civil Justice as a part of
16 its mandate under 736. I've attached to this
17 testimony our memo in support of 214, and I would
18 like to highlight a few points here. As discussed,
19 214 provides low income tenant respondents defined as
20 individuals at or below 125 percent of the federal
21 poverty level with a right to counsel in Housing
22 Court or in other courts where litigants are
23 defending against ejectment or foreclosure
24 proceedings. We explain at pages five through seven
25 of our report why we think financial eligibility

2 should be increased to 200 percent of the federal
3 poverty level, and I refer you to that discussion. I
4 recognize that eligibility is not the subject of
5 today's hearing, but I think it's an important point
6 for you to consider. Only 20 percent of low income
7 people in New York City and the United States as a
8 whole have access to legal counsel in civil legal
9 cases. The lack of representation dramatically
10 effects outcomes for low income people. Represented
11 parties benefit statistically from more fa--and have
12 more favorable outcomes in Housing Court, and in New
13 York City Housing Court, the vast majority of
14 litigants without representation are racial
15 minorities. The benefits of having a right to
16 counsel in housing cases are particularly compelling,
17 and my colleagues have outlined quite a number of
18 them, so I won't do that again. But I do note that
19 in addition to supporting families and lowering
20 crime, we can expect savings, money savings for the
21 city of New York and New Yorkers. Finally, I should
22 note that pro-bono legal services should not be seen
23 as a suitable replacement or an alternative to legal
24 aid services for the poor, including but not limited
25 to the housing context. In conclusion, on behalf of

2 the City Bar, I thank the City Council for its
3 commitment to increasing access to justice and the
4 significant work that it has done to move awareness
5 around this issue. Please call upon the City Bar if
6 we can be helpful as you continue to move these
7 issues forward.

8 CHAIRPERSON LANCMAN: Thank you.

9 MCGREGOR SMYTH: Thank you. My name is
10 McGregor Smyth, and I'm the Executive Director at New
11 York Lawyers for the Public Interest. And definitely
12 thank you to the Speaker and Council Member Levine
13 and the Chair for the opportunity to speak today.
14 You know, under the incredible leadership of this
15 Council, we really are at this tremendous and
16 exciting moment of the new investment by the city in
17 civil legal services. You know, the creation of a
18 new Office of Civil Justice provides an opportunity
19 to talk about forging a broader conception of civil
20 justice and civil legal services to examine the
21 broader needs within these same communities around
22 the city that are not met by the current conception
23 of civil legal services. We are proud to support
24 Intro 736, and we urge you to take a broad view of
25 what civil justice means in 2015 as you build this

2 critical infrastructure that everyone has testified
3 in support of today, to support both traditional
4 emergency room first responder civil legal services
5 but also to focus on longer term more proactive
6 solutions to these really large and complicated
7 problems that our client communities face. We hear
8 about these needs every day. For the past 40 years,
9 New York Lawyers for the Public Interest has been
10 bridging a gap between traditional civil legal
11 services and civil rights. Our community lawyering
12 work is out in communities every day, integrating the
13 power of individual legal services, impact litigation
14 and impact work, comprehensive organizing and policy
15 campaigns. Today, I just wanted to focus a little
16 bit on two communities with special civil justice
17 needs, people with disabilities and immigrants. They
18 share high levels of poverty, significant barriers to
19 opportunity and significant needs that are beyond a
20 traditional civil legal services model often. So two
21 areas in need in particular that I just want to flag
22 for you. The first is meaningful access to
23 healthcare. It's not just the kind of paper rights
24 to health insurance, but it's actually getting the
25 healthcare that you need to improve your life. We

2 see clients every day who can't get to their medical
3 providers. They can't physically access the
4 locations when they get there or the facilities, and
5 then they can't communicate with their providers when
6 they get there because of language access problems.
7 And exponential increase in people who are insured
8 really feeds this problem. Just an example of the
9 range of need, we see tens of thousands of New
10 Yorkers with disabilities who can't use the
11 traditional transit system because of their physical
12 disabilities to get to their medical care, but
13 they're denied access to our para-transit system
14 because New York City transit refuses to provide them
15 with interpretation and translation services that
16 they need, or it's our deaf client who's left scared
17 in an emergency room here in the city for four hours
18 when she went there because of an urgent medical
19 need, and medical providers refuse to provider her a
20 sign language interpreter or even the right notes to
21 her. Or our client with physical disabilities who is
22 denied access to a mammogram that she had to have
23 because she couldn't physically access the machine,
24 we see this time and time again. Or it's the
25 thousands of immigrants, undocumented immigrants with

2 serious health needs who have never seen an attorney,
3 but with the right immigration services can get the
4 status that they need within weeks to access full
5 health insurance. The solutions to these problems,
6 in a way these are traditional essentials of life,
7 but the solutions require an integrated mix of
8 extensive outreach, community organizing, education
9 as Council Member Gibson mentioned before, and legal
10 services that few provide outside of the traditional
11 legal services model. The second big problem to
12 outline is getting and maintaining accessible and
13 stable housing, and the way that we see this come up
14 a lot can't be solved in the context of Housing
15 Court. Its barriers based on disability and
16 language, landlord's refusals to provide reasonable
17 accommodations like grab bars or ramps that lead to
18 constructive evictions, or the shocking
19 inaccessibility of new construction. So, just in
20 conclusion, you know, these real long term solutions
21 require a range of models of legal services, you
22 know, that really integrates and combines organizing
23 and advocacy and legal services, and it's critical
24 that the City Council help ensure that the wide range
25 of needs and models are both studied and supported

2 through this new office that you propose creating.
3 Thank you.

4 CHAIRPERSON LANCMAN: Thank you. Nailed
5 it. Mark, you have any questions?

6 COUNCIL MEMBER LEVINE: Well, several of
7 you mentioned the need for data, and I think
8 understanding impact, and as we make the case for the
9 investment of the public sector here, that is so
10 critical, and now we have quite a lot of this pretty
11 compelling, but I'd like to hear from you about how
12 we could further fill out the data picture, the
13 impact picture, what should we be measuring, how do
14 we get that?

15 ANDREW SCHERER: Yeah, well I'll tell you
16 where I think the biggest gap--we have a lot of debt,
17 as Steve Banks said earlier today, we're relying on
18 some fairly old data, so I'm glad to see that the
19 city is and that HRA is looking to revitalize that
20 data or get some new data on some of the questions
21 that were asked 20 years ago. I was actually
22 involved in that study many years ago. But we were
23 looking at who's in Housing Court and the extent to
24 which they're represented. What we didn't do and
25 what has been done in other parts of the country

2 particularly by the sociology professor Matt Desmond
3 at Harvard is look at the long term consequences of
4 eviction and displacement from people's homes. So we
5 know a bit about it, we know a fair amount of shelter
6 entry, but we don't have any hard data about loss of
7 days in schools about emergency medical care that
8 gets needed about all the long term consequences on
9 people's lives, and I think, you know, we already can
10 show, and if you look at the IBO report and the City
11 Council finance division report we can show in the
12 broad sense that there's savings from providing
13 counsel. What we're not showing is the enormity of
14 those savings, because we're not looking hard enough
15 at the long term consequences. So that's one piece
16 that I would really try to get a handle on, and then
17 of course, you know, we have limited data. It hasn't
18 been--these questions haven't been studied enough,
19 and I really appreciate the fact that that's what the
20 Office of the Civil Justice Coordinator will do, and
21 I would suggest that, you know, there are a lot of
22 resources out there both within the city and without
23 the city and to really put together a group to par
24 [sic] us through what it is that we need to be able
25 to show throw empirical data and what we need to

2 collect. And having run one of these organizations
3 for many years, I know what an imposition it is to
4 collect data, so we have to find the right balance
5 and collect the data that we really need, and I
6 think, you know, Commissioner Bank's idea of
7 consolidating the ask and working with some of the
8 other funders to do that is a fabulous idea. I don't
9 understand why it hasn't been done over all these
10 years, because we need the data, but we also need
11 people to be out there doing the work of represented
12 clients and not interfering too much with their time
13 that way.

14 MCGREGOR SMYTH: Just in my yes [sic]
15 annual [sic], in addition to that there's a need to
16 study and collect data on community needs and
17 solutions that are beyond court based interventions.
18 You know, it's, you know, about early and proactive
19 intervention, you know, that's been mentioned
20 throughout the afternoon, but also, you know, putting
21 a value in valuing the non-court based solutions that
22 do have a concrete impact on people's live, you know,
23 that have actually outcomes that aren't just kind of
24 the basic level of advice and assistance, but that
25 are out of court that have a real outcome. I think

2 there's a real need to value those because of the
3 range of needs that our clients have.

4 SUSAN JACOBS: I would just add that
5 cost-based analysis is important to the savings, not
6 just for the direct service. You know, I can tell
7 you what we save in foster care cost, which is about
8 six million a year, but we don't aggregate the
9 collateral savings, because we don't have that data,
10 and I think for the day when--it will probably come
11 when the same cast of characters is not sitting here,
12 to be able to still talk about the savings is really
13 going to be critical.

14 KATE RUBIN: The last thing I would add
15 to that is that besides data on need and services and
16 impact, there is also--it would also be helpful to
17 have more data from the agencies and courts
18 themselves. So that's something that we work--that
19 Mayor's Office of Criminal Justice has been really
20 great about working with on, and they just yesterday
21 rolled out this big summons project where now we can
22 see precinct level data about every single type of
23 summons, and soon we're going to also have race and
24 ethnicity data, and it would be incredible to have
25 that kind of data from Housing Court, from HRA, you

2 know, from all these agencies, from ACS, from all
3 these agencies that impact our client's lives.

4 CHAIRPERSON LANCMAN: Alright, thank you
5 all very much. Our next panel if they are still here
6 and wish to testify--so, a number of people have
7 signed up to testify, identifying themselves as from
8 CASA. Okay. So we're going to bring them all up in
9 mass. I have Mario. Well, Mario [sic], I can't read
10 the last name. De La Cruz, thank you. Carlos
11 Rivera, Carmen Vega Rivera, Fitzroy Christian, Randy-
12 -sorry, I can't read the last name, and Joseph Sepedo
13 [sp?]. [off mic] And Jenny Laurie from Housing
14 Court Answers, not a CASA person, but I know you've
15 got a time constraint, so we're going to let you go
16 first. So, as the day goes on, and the time when we
17 need to vacate the room gets closer and closer, we're
18 just going to ask everyone to limit their testimony
19 to two minutes, since you're all from the same group
20 in any event, and when we're all ready we will swear
21 you in and get crackin'. Good. Are you testifying,
22 sir?

23 UNIDENTIFIED: [off mic]

24

25

2 CHAIRPERSON LANCMAN: But are you going to
3 speak? I mean, you don't have to. You are going to
4 speak?

5 UNIDENTIFIED: You just have to rise your
6 right hand.

7 CHAIRPERSON LANCMAN: No, no, no, I'll do
8 it. Are you going to testify? Are you going to
9 speak?

10 UNIDENTIFIED: Yes.

11 CHAIRPERSON LANCMAN: Okay, so just get a
12 chair and come on the end. We've got a chair right
13 here. Are you testifying, sir? Alright, you can
14 pull up a chair. You can fit in whatever you want.

15 [off mic]

16 CHAIRPERSON LANCMAN: So, anyone from
17 team CASA who has not submitted a slip, but wants to
18 testify, just make sure that before you leave you
19 give a slip to the Sergeant at Arms raising his hand.
20 We've all gathered around the big, you know, table at
21 thanksgiving, when there's more seats--no, more table
22 and less eats or whatever, so I know we can do it.
23 So if everyone--sir, are you testifying also?
24 Terrific. If everyone would raise their right hand
25 and respond. Do you affirm to tell the truth, the

2 whole truth and nothing but the truth in your
3 testimony before this committee and to respond
4 honestly to Council Member questions?

5 UNIDENTIFIED: Yes.

6 UNIDENTIFIED: I do.

7 CHAIRPERSON LANCMAN: Terrific. So first
8 we'll hear from Ms. Laurie, and then we'll get onto
9 the CASA crew.

10 JENNY LAURIE: Thanks very much for this
11 opportunity to testify. I want to say first of all
12 that it was such a thrill to hear the Speaker talk
13 about this Civil Justice Coordinator and just to talk
14 about the dedication that she has to providing legal
15 services in civil cases in her State of the City
16 speech, and it's been a thrill to hear the Mayor talk
17 about this issue over and over again, and it's been a
18 real thrill to work with Council Member Mark Levine
19 and Council Member Vanessa Gibson on the 214, the
20 Right to Counsel bill. And like some of the people
21 who testified previously, I've been in this business
22 for a really long time, through some really harsh
23 Administrations that did not support legal services
24 in civil cases and so it's really thrilling. I have-
25 -my testimony mainly covers what people have already

2 said, so I just wanted to make a couple of points. I
3 think a Civil Justice Coordinator is a fantastic
4 idea. I am the Executive Director of Housing Court
5 Answer. We run the information tables in the city's
6 Housing Courts and we run a hotline where we help
7 people who are getting evicted, and so we deal on a
8 day to day basis with people who are facing eviction,
9 and I don't have to tell any of you that eviction is
10 devastating. Andy Scherer talked a little bit about
11 Matt Desmond's work at Harvard, and it's, you know,
12 it's been studied, studied, studied. It's a
13 devastating thing for a family to be evicted. The
14 outlying effects are, you know, loss of schooling,
15 loss of jobs, mental health issues for years after.
16 So we strongly support the provision of legal
17 services, particularly for people who are in Housing
18 Court. I wanted to say also that I think part of
19 that, and people have talked about that and
20 particularly Council Member Gibson talked about the
21 importance of educating tenants, and I know CASA here
22 would support this. We really strongly support this
23 funding also for organizing and for case management
24 work and for getting more data out of the Office of
25 Court Administration.

2 CHAIRPERSON LANCMAN: Terrific.

3 JENNY LAURIE: And thanks.

4 CHAIRPERSON LANCMAN: Thank you very much.

5 So now we'll just go down the line and remind you
6 that you have two minutes and to emphasize that
7 there--two minutes each, and there's no shame in
8 saying, "I agree with what everybody else said." And
9 just leave it at that. Okay? Please start. State
10 your name.

11 FITZROY CHRISTIAN: My name is Fitzroy
12 Christian. I'm a CASA leader. I'm also an employee
13 of Housing Court Answers. So between my work with
14 CASA as an organizer and my job as a--at the help
15 desk in Housing Court, I see a lot of horrors every
16 day. I'm not going to over what everybody said, but
17 I would say I appreciate the effort of the City
18 Council and the Speaker to get this Office of the
19 Civil Justice Coordinator going, but I just want to
20 emphasize that we see this as the first step, not the
21 first of a thousand steps, because we can't wait for
22 that, but the first of very few steps. Because if
23 you look at what happens in the Bronx in 2013, 11,000
24 people were evicted. That worked out to be 40
25 evictions per day every day the court is open, and

2 that is about 160 people a day if you consider a
3 family of four that's being evicted. In New York
4 City, 30,000 in 2013 were evicted. That's 450 people
5 per day. That's a whole lot of people without homes.
6 So we are hoping that the very few steps that I
7 anticipate it's going to take between now and 763
8 [sic], and bring in Intro 214 into fruition. We're
9 going to be stopping this time of homelessness, of
10 evictions. Providing counsel is great, but like I
11 said, we can't wait for too much longer, and maybe
12 probably as the next step is not only making legal
13 counsel a right, but making housing a right, and if
14 you could have a New York City version of Article 25
15 from the United Nations, where housing becomes one of
16 the rights we have, then we know that many of us will
17 stay in our homes for much longer than we are being
18 now. Thank you.

19 CHAIRPERSON LANCMAN: Ma'am?

20 MARIA VERA ROMAN: Thank you. Good
21 afternoon. My name is Maria Vera Roman, Vera Roman.
22 I am a member of the Banana Kelly Residence Council
23 and a ten year resident of the Hunts Point Long Wood
24 Neighborhood of the South Bronx. I'm here today to
25 speak on the importance of the Right to Counsel in

1 Housing Court for New Yorkers who face eviction.

2 While the establishment of an Office of Civil Justice
3 is important, the right to counsel must be maintained
4 as a priority in this creation. In our neighborhood,
5 our community is threatened by eviction. The median
6 income in our area is 24,461 dollars for a family of
7 four. It goes without saying that most cannot afford
8 a lawyer to help keep them in their housing. People
9 need tools and support to protect them from eviction
10 and landlords, many of whom have an army of lawyers.
11 Many of the constant evictions occurring in our
12 neighborhood could be prevented through the right of
13 counsel for tenants. The creation of the Office of
14 Civil Justice must recognize that a right to counsel
15 will create a more stable community in turn
16 sustaining our children, neighborhoods and buildings.
17 Safety is a key part of this equation. When longtime
18 residents stay put, it preserves the sense of respect
19 and belonging to the neighborhood. We all know that
20 homeliness [sp?], which is a huge concern for
21 residents of all ages in our community will only
22 continue to grow without concrete protection for low
23 income tenants, not just increase further services,
24

2 but also to clear right to representation of
3 evictions proceedings.

4 CHAIRPERSON LANCMAN: Okay, thank you very
5 much.

6 MARIA VERA ROMAN: Thank you.

7 CHAIRPERSON LANCMAN: Thank you. Sir?

8 JOSEPH SEPEDA: Thank you. Oh, there's a
9 mic. Thank you, and warm salutations, and I'm very
10 happy that you guys are doing work that you're doing.
11 I want to say that I appreciate the massive support
12 of the members of the City Council, particularly the
13 35 Council Members who have and are co-sponsoring
14 Intro 214 plus this 736 intro as well. Other
15 political leaders in our Administration for the
16 principle access of legal assistance to low income
17 people who are facing eviction. Homes, for them to
18 stay in their homes is something that is very
19 important and they need that sanity. When their
20 homes are taken away from them, you know, you lose
21 your center of gravity, and you are placed in a
22 situation where you feel that you don't have any kind
23 of rights, and going--like from my experience when I
24 got evicted was when I went to court I was very
25 scared because I didn't know what I was facing, and

2 then I was facing a lawyer who had all these terms
3 that I wasn't familiar with. So I was very, very
4 much like a fish out of water at that point. And,
5 you know, I'm very happy that to see that you guys
6 are taking steps to do something to prevent this kind
7 of erosion and also this kind of disparity that a lot
8 of people, especially in the city of New York are
9 going through. You know, we know that Intro 214
10 should be the next step after Intro 736 because it's
11 going to stabilize a patient who has been dying for
12 over 50 years. It's time for us to, you know, do
13 what's right and realize that, you know, the scale of
14 justice is unbalanced, especially in Housing Court.
15 And just to recap, I mean, to say the ending is that
16 you know, by you preserving these people in their
17 homes, you're giving back their sanity and you're
18 giving them a future to live for.

19 CHAIRPERSON LANCMAN: Can you just state
20 your name for the record?

21 JOSEPH SEPEDA: Sorry. My name is Joseph
22 Sepeda.

23 CHAIRPERSON LANCMAN: Thank you. Next,
24 please?

2 CARMEN VEGA RIVERA: [off mic] Good
3 afternoon. My name is Carmen Vega Rivera. I'm a
4 resident of the Bronx and a CASA member. I want to
5 start my comments by saying that I appreciate and
6 recognize the importance of the large infusions of
7 funds into the eviction prevention legal services for
8 the next year as promised by the Mayor and by the
9 Speaker, because these funds will greatly enhance the
10 availability of the legal assistance. I also want to
11 underscore, and I'm not only speaking--when I say "I"
12 I'm speaking on behalf of my neighborhoods and
13 members of my community, which I interact with them
14 daily. They were somewhat disappointed that the
15 creation of the Office of Civil Justice has in placed
16 in a separate bill from Intro 214, which creates a
17 city funding right to counsel when tenants face
18 losing their apartments, their homes, and I'm one of
19 those tenants, and I'll tell you a little bit about
20 myself in a few minutes. Having said that, we belie
21 that these two measures should be linked and that the
22 first priority of the Civil Justice Coordinator's
23 Office should be to implement a right to counsel for
24 people who face losing their homes in legal
25 proceeding. In 2008 my life was turned upside down

2 when I was on top of game. I became disabled.
3 Unbeknownst to me, immediately thereafter my landlord
4 started to harass me and threatened me with
5 displacement multiple times. I winded up on Housing
6 Court. I have been there since 2009 and continue to
7 fight the fight trying to keep a roof over my head.
8 My background is that I'm a not for profit executive
9 director formally for a youth agency, ran a
10 philanthropic initiative for a teacher's college and
11 what is a Associate Director for major museums here
12 in New York City. People look just like me, could be
13 different than me. They'd have the same economic
14 background. They could be different than me. All we
15 would have in common is that when we go through
16 Housing Court and we're pro-se [sic] tenants, we lose
17 the battles. The scales are not in our favor. We
18 have to tip the scales, and we have to level the
19 playing field. By getting involved with CASA and by
20 having CASA behind me and learning about what
21 organizing is and having urban justice, I was able to
22 win my case. Right to Counsel does work. Thank you.

23 CHAIRPERSON LANCMAN: Terrific. Thank you
24 for your testimony. Sir, if you could state your
25 name and give your testimony.

2 RANDY GILLARD: My name is Randy Gillard
3 [sp?], and I'd like to thank Mark and Vanessa Gibson
4 and Andy, and this lady who I've been--we've been
5 working together for Intro 214. I want to thank the
6 City Council for this hearing. I agree on a Office
7 of Civil Justice that will assist the needs of all
8 sorts of civil legal services. I also appreciate the
9 massive support from members of the City Council as
10 well as other political leaders in the coalition and
11 other active groups, particularly the 35 Council
12 Members who are co-sponsoring Intro 214, and I'm
13 disappointed that the creation of the Office of Civil
14 Justice has been placed in a separate bill from Intro
15 214, which creates a city funding right to counsel
16 when people face losing their home. I believe that
17 736 and 214 should be linked. The first priority of
18 the Civil Justice Coordinator should be to implement
19 a right to counsel. The funding does not help me
20 right now. It only helps tenants who's being rezoned
21 right now under the zip code 10452, 10453. It does
22 not help much for tenants living outside the two zip
23 codes areas. Tenants cannot wait for a five year
24 plan to be implemented. They need the right to
25 counsel now. I am a victim of Housing Court three

2 years, and it was not for paying my rent, but having
3 a slum lord for a landlord not doing repairs. Housing
4 Court is a very frightening experience when you don't
5 know your rights. I had a lawyer and still was a
6 nightmare, but without my lawyer I would have been
7 homeless and in a shelter costing tax payers money.

8 CHAIRPERSON LANCMAN: Alright, sir? Its
9 two minutes. We get it. I appreciate it. That's
10 very powerful personal testimony. We understand.
11 Thank you very much.

12 CARLOS RIVERA: Okay, good afternoon,
13 Council Members. I applaud your presence today.

14 CHAIRPERSON LANCMAN: Just state your
15 name for the record, please?

16 CARLOS RIVERA: Carlos Rivera.

17 CHAIRPERSON LEVIN: Thank you.

18 CARLOS RIVERA: My name is Carlos Rivera
19 as I stated, and I am a resident of the Bronx and a
20 member of CASA. We are disappointed that the
21 creation of the Office of Civil Justice has been
22 placed in a separate bill for Intro 214, which
23 creates a city funded right to counsel for people who
24 face losing their homes. We believe that the two
25 measures should be linked and that the first priority

2 of the Civil Justice Coordinator Office should be
3 implement the right to counsel for people who face
4 losing their homes in legal proceedings. I was born
5 and raised in the city. While living in my
6 residence, I attended and graduated high school,
7 worked in the neighborhood and managed to obtain a
8 college education. However, since my new landlord
9 bought the property and building where I live, the
10 property manager in the current building I live in
11 has deprived the building and my apartment of
12 essential services such as heat and hot water. Many
13 tenants have been evicted and given up their
14 apartments entirely while also landlords is
15 warehousing apartments. Over the past 20 years, the
16 landlord and I have been in Housing Court ten times
17 over lack of breech of warrant--over breach of
18 warranty of habitability [sic]. The landlord has
19 been engaged in a pattern of malfeasance, misconduct
20 by not--by depriving my apartment and building in a
21 safe, clean and habitable condition. The landlord--

22 CHAIRPERSON LANCMAN: [interposing] Thank
23 you very much. We get it.

24 CARLOS RIVERA: I wish I could have
25 finished. Thank you. Thank you Council Members.

2 CHAIRPERSON LANCMAN: One more sentence?

3 CARLOS RIVERA: I'm sorry?

4 CHAIRPERSON LANCMAN: One more--in
5 conclusion?

6 CARLOS RIVERA: One paragraph?

7 CHAIRPERSON LANCMAN: No, now you're
8 getting greedy. We get it. We hear you.

9 CARLOS RIVERA: Thank you.

10 CHAIRPERSON LANCMAN: And we're
11 supportive. Yes, ma'am? You're last on this panel.

12 MARIA DE LA CRUZ: Thank you for the
13 ma'am. Good afternoon members of the City Council.
14 Council Member Levine and Gibson who I've met and
15 know a little bit better now. My name is Maria De La
16 Cruz [sp?], an organizer of Community Action for Safe
17 Apartments. It's an organization that works to
18 preserve affordable housing and builds community
19 power in the Mount Eden area of the Bronx. First and
20 foremost, I would like to thank you for the increased
21 funding for legal service providers proposed by the
22 Mayor and the Speaker and also for having us here
23 today and having the Civil Justice Coordinator
24 position being discussed. Why do want the Right to
25 Counsel? The funding and the understanding that

2 tenants need representation is important, but the
3 increased funding can easily be taken away and the
4 right to counsel cannot. We're extremely concerned
5 that Intro 736 being separated from Intro 214. The
6 separation can further delay the right to counsel,
7 which is not something our communities can afford.
8 Providing the right to counsel in eviction
9 proceedings is a simple issue of human rights.
10 Providing the right to counsel also assists people
11 that are going to Housing Court and run the risk of
12 losing their homes, creating instability in their
13 lives, and as we've seen in some communities, just
14 stabilizing them. Many folks get evicted from the
15 place that they can most afford. People keep asking
16 why now. Because the Mayor and the Council are
17 committed to preserving affordable housing and
18 bringing the number of homeless families down. If it
19 doesn't happen now, there might be a possibility that
20 a future Administration deciding this is not
21 important and putting it down the shelf. We have
22 heard about a discussion of the cost. So let's
23 discuss a little bit or a few numbers. When it comes
24 to someone getting evicted, the city pays about 3,000
25 dollars a month for shelter cost and other social

2 costs. The human cost is greater. Children miss
3 days of school. Adults miss days of work, loss of
4 employment and stress. But the cost for an attorney
5 would cost about 2,000 to 3,200 per case. We need to
6 preserve units now. So, I just wanted to say,
7 providing funding like we said is not enough, and
8 there's a few examples here like Esti [sp?] whose
9 gone through massive harassment from their owners,
10 and owners use this as a method of getting people out
11 of their apartments. So we don't have a few years.
12 The Mount Eden area of the Bronx experiences heavy
13 harassment and every day we see people that are
14 getting evicted from their units. Thank you very
15 much. That was my "in conclusion."

16 CHAIRPERSON LANCMAN: Very good. Thank
17 you very much. Thank you all for your testimony.
18 Our last panel for the day--our last panel for the
19 day, Garrett Wright [sp?], Community Development
20 Project at the Urban Justice Center, Naila Moore, the
21 Pratt Community--Pratt Area Community Council, James
22 Heart [sp?], Carmen Canjonis [sp?], Masacatsu [sp?]
23 Suzuki [sp?], Alejandra Nassir [sp?] from the
24 Southside HDFC Closures. Please be seated so we can
25 proceed. If--oh, thanks. Terrific. If you would

2 each raise your right hand to be sworn in. Do you
3 affirm to tell the truth, the whole truth and nothing
4 but the truth in your testimony before this committee
5 and to respond honestly to Council Member questions?
6 Terrific. Let's begin. Gentleman on my right, if
7 you could state your name, and we have two minutes on
8 the clock.

9 JAMES HEART: Okay. My name is James
10 Heart, and I just heard about this recently, and I
11 decided to come down today and just talk about
12 certain aspects of this legislation that I'd like to
13 see you put into place, that you have some sort of
14 quality assurance, that all of the attorneys and all
15 of the providers are able to provide a baseline
16 quality advice and service.

17 CHAIRPERSON LANCMAN: I hear you, but I
18 think you'd do better if you just move the mic down a
19 little bit and closer. There you go. Close to your
20 mouth.

21 JAMES HEART: Okay, better? Outstanding.
22 No, I just wanted to make certain that we establish
23 some sort of level of quality of service, your office
24 does that, so that you can disseminate best practices
25 to all of the agencies that are under your

2 coordinator function so that they can implement them
3 in their own individual organizations so that the
4 participants and the, yeah, the clients get quality
5 service regardless of what the nature of their civil
6 litigation practice, you know, service needs are.
7 Thank you.

8 CHAIRPERSON LANCMAN: That's an excellent
9 point, and it's something that the Council is very
10 much focused on. Sir, you're just going to need to
11 bring that mic closer. I can tell.

12 MASACATSU SUZUKI: Good afternoon. My
13 name is Masacatsu Suzuki [sp?]. I play music a long
14 time. I have lived in New York City and a jazz
15 musician. I played at Stevie Wonder, Ray Charles and
16 other great musicians. I was playing over 40 years,
17 and I came to testimony--my English is not so great,
18 so--

19 CHAIRPERSON LANCMAN: [interposing] Well,
20 I can understand you, and if you'd like the lady next
21 to you to translate or read your testimony, whatever
22 you're comfortable with.

23 TRANSLATOR: Well, as you know, hello, my
24 name is Masacatsu Suzuki and I am a New Yorker. I
25 have lived and worked as a jazz musician in New York

2 City for over 35 years. Although Japan is my home
3 base, New York is my home. I manage to make a life
4 here for myself, but it has been very hard to keep
5 it. I live at 85 Habermayer [sic] Street in
6 Brooklyn, and since I entered into my apartment in
7 1995, it has been a constant struggle to keep my
8 home. I have struggled with my landlord shutting off
9 my heat for days in the winter and cutting off
10 electricity for weeks when I needed to work and teach
11 music. I have been attacked with threats of eviction
12 and racial slurs when I fought for my rights. My
13 landlord has taken me to court many times and used
14 the justice system to push me out of my home. When I
15 would go to court I had no way to defend myself and
16 did not get access to a lawyer or even a translator
17 to understand what was going on. I was rejected by
18 the court system, and the landlord's lawyers
19 constantly pressured me to sign and agree to things I
20 had no understanding of. I had no way to defend
21 myself in court. I took all of my money to pay for a
22 lawyer, but he did not provide the right support or
23 defense for me and did not ensure that I would
24 continue to be protected in that apartment. I went to
25 Le Suarez [sic], a place that helps people like me

2 who are beat down by landlord harassment and provides
3 me the support to keep fighting. They find me a
4 lawyer at Brooklyn Legal Services, and I finally feel
5 like I have found the help that I have been searching
6 for for all these years, but it does not end here. I
7 will continue to fight for myself and my home in the
8 face of harassment and discrimination. And in
9 conclusion, Mr. Suzuki thinks that Intro 736 is just
10 the start but it does not end here. We need to pass
11 Intro 214, the Right to Counsel, so that we can
12 continue to fight for a better tomorrow and hold out
13 hope, because for our New Yorkers, they continue to
14 lose their homes and they continue to lose their
15 hope.

16 CHAIRPERSON LANCMAN: Got it. Thank you
17 very much. Thank you, sir.

18 ALEJANDRA NASSIR: And luckily--

19 CHAIRPERSON LANCMAN: [interposing] Are
20 you testifying on your own as well?

21 ALEJANDRA NASSIR: On behalf of my
22 organization La Suarez [sp?].

23 CHAIRPERSON LANCMAN: Sure, thank you.

24 ALEJANDRA NASSIR: So, hello. My name is
25 Alejandra Nassir. I'm a community organizer and

2 tenant's right advocate at Los Sudez [sp?], a
3 community based organization that has worked
4 endlessly for over 40 years to preserve and provide
5 the longstanding Southside Williamsburg community
6 alive. I am here today on behalf of Los Sudez [sp?]
7 to voice support for the creation of the office of
8 the Civil Justice coordinator and this is just the
9 first step on the journey towards justice for all New
10 York City tenants. I'm here to remind you our
11 champions, our elected officials of the
12 responsibility and imperative that you have for New
13 York City tenants who continue to be evicted from
14 their homes and struggle to survive homelessness on
15 the streets and in shelters due to not having the
16 right to counsel in eviction proceedings. I pledge
17 support for the creation of this office, but with the
18 creation of this office, we must remind ourselves of
19 the 30,000 families who were evicted in New York City
20 last year. With the creation of this office we must
21 remind ourselves of the 58,056 homeless people
22 sleeping in overcrowded New York City shelters every
23 night. With the creation of this office, we must
24 remind ourselves that 24,631 of those people
25 struggling to make it through are children. With

2 passing Intro 736 we must remind ourselves that it
3 does not end here. We must take action and take
4 priority of the homes and lives we have lost and will
5 continue to lose if we do not continue to fight for
6 Intro 214, the Right to Counsel. With establishing
7 an office, we are at the door. With establishing a
8 right we are opening the door to opportunity, to
9 justice and to equality for New York City tenants.
10 Intro 214 is much more than just cost benefits. It's
11 much more than saving 3,600 dollars per year for each
12 bed in a New York City municipal shelter, and 250,000
13 in the development of just one single unit of
14 affordable housing. Intro 214 is preserving our New
15 York, which was founded on people who fought for
16 freedom and justice to protect their families, their
17 livelihood and their homes. I am just one voice out
18 of 8.4 million residents, and in conclusion, we
19 continue to fight because it cannot end here with
20 Intro 736. It must continue on to Intro 214 to have
21 the right to counsel, because we are no longer in a
22 housing crisis. This is not an issue. This is not a
23 problem. This is a plague, and it is unrelenting.
24 Thank you.

2 CHAIRPERSON LANCMAN: Thank you very
3 much. Sir?

4 GARRETT WRIGHT: Thank you. Good
5 afternoon. My name is Garrett Wright, and I'm a
6 Senior Staff Attorney at the Community Development
7 Project at the Urban Justice Center, which is also a
8 member of the Right to Counsel Coalition. Intro--we
9 are here today in support of Intro 736, which would
10 establish an Office of Civil Justice in New York
11 City, but we are also here in support of the growing
12 movement for the establishment of a right to counsel
13 for low income tenants in Housing Court. The
14 Community Development Project formed in September
15 2001 to strengthen the impact of grassroots
16 organizations in New York City's low income and other
17 excluded communities by winning legal cases,
18 publishing community driven research reports,
19 assisting with the formation of new community
20 organizations, and providing technical and
21 transactional assistance in support of their work
22 towards social justice. The housing practice area of
23 CDP, which I practice in, has sued hundreds of
24 landlords on behalf of thousands of New York City
25 residents to help preserve and protect affordable and

2 decent housing. In cooperation with community
3 organizers, we bring actions against landlords to
4 compel the removal of housing code violations, file
5 7A proceedings to have independent administrators
6 appointed to manage severely neglected buildings and
7 file harassment cases against landlords who are
8 constantly devising new tactics to force rent
9 regulated tenants from their homes, including the use
10 of construction and renovations as harassment. We
11 whole heartedly agree that the city should create an
12 Office of Civil Justice to better understand the
13 urgent legal needs of low income and working class
14 New Yorkers, including their housing needs. We
15 believe this office will also greatly enhance the
16 coordination and effectiveness of legal service
17 providers. I would offer the suggestion that the
18 office also analyzes the need for legal services for
19 affirmative litigation such as HP 7A and harassment
20 cases. And I would also recommend that the office
21 take into account the vital importance of funding
22 community based organizations who are often on the
23 front line of providing support to tenants in their
24 housing struggles, including by accompanying tenants
25 to court, assisting with the filing of pro-se HP

2 cases, and assisting tenants filing complaints with
3 DHCR, HPD and other government agencies. However, we
4 had hoped that this legislation would have remained
5 connected with Intro 214, which would create a city
6 funded right to counsel. While the--that's it for
7 me. I gave--there are printed copies if you want to
8 read more. Thank you.

9 CHAIRPERSON LANCMAN: By the way, if you
10 do have written testimony, you can give it to us and
11 it'll be part of the record. The last witness of the
12 last panel.

13 NAILA MOORE: Good afternoon. My name is
14 Naila Moore. I am the Program and Policy Manager at
15 Pratt Area Community Council, a 51 year old community
16 development corporation that has been providing
17 assistance to tenants across central Brooklyn who've
18 been facing evictions. In the last year alone, Pratt
19 Area Community Council's Tenant Organizing Department
20 has worked alongside 55 tenants in Brooklyn that were
21 facing evictions. Most of these tenants were women,
22 low income heads of households. The vast majority of
23 them could not afford an attorney, and as you well
24 know, in New York City facing an eviction
25 unrepresented in Housing Court can be a difficult

2 experience, one that often ends with negative
3 outcomes for too many tenants. Today, I want to
4 thank the City Council for making a step in the right
5 direction. Intro 736 is a bold move that will help
6 many of our clients because it strengthens legal
7 services directed at assisting the most vulnerable.
8 However, I want to urge you strongly to consider the
9 more permanent and lasting effect of also enacting
10 Intro 214 which would not only set a huge precedent,
11 but would level the playing field in Housing Court,
12 securing a permanent right to counsel for more New
13 York City tenants. Thank you.

14 CHAIRPERSON LANCMAN: Yeah, terrific.
15 Thank you all very much. Mark, Vanessa, do you have
16 anything to say to close? Otherwise, we will bring
17 the hearing to a conclusion.

18 COUNCIL MEMBER GIBSON: Just a couple of
19 things. So, as we are closing this very important
20 hearing, I just want, you know, those that are still
21 here, the last two panels to really understand that
22 yes, we are in very challenging times, but this is
23 really our unique opportunity to make a lot of
24 change and give a lot of investment where there has
25 been no investment. Many of you I have been with

2 from the beginning. We have been in the struggle and
3 in the trenches in so many ways. Prior to me coming
4 here, I was in the State Assembly for four years, and
5 we have fought with state issues on rent regulation
6 and MCI, rent overcharges, decreases in community
7 services; we have been together. So, I want everyone
8 to understand that this Intro 736 is a start and can
9 be a major catalyst and a stepping stone to get us to
10 the universal right to counsel, which is what we
11 ultimately want. So, I don't want you to be
12 discouraged. I don't want you to think that this
13 council is not committed. If anything, I'm even more
14 encouraged by the fact that I hear the stories every
15 day, not just in this setting, but in my office in
16 the Bronx, because if you look at the numbers, this
17 is really coming out of communities of color in
18 Brooklyn, the Bronx and upper Manhattan, and they
19 come from my district, and I recognize that. I've
20 been with you at Bronx Housing Court over and over
21 again. One of the things I want to mention for the
22 record that we have been successful in doing is
23 working with the Office of Court Administration, our
24 state oversight, OCA, in reforming some of the
25 physical implementations in Housing Court through

2 language access through identification for court
3 staff, because many tenants going in Housing Court
4 didn't know who they were simply talking to. So we
5 are not stopping there, and I know CASA and others
6 have put forth a number of recommendations for OCA.
7 So I guess I am just saying for the record that I
8 want to assure you of my firm commitment that we're
9 not going to stop at 736. We're going to continue to
10 push for 214 and we're going to continue to push even
11 further than that. And I think someone said it, this
12 has to be a matter of life, because when you save
13 families from evictions, you stabilize community's,
14 you give people dignity and respect, and people feel
15 like someone cares about their situations. And I
16 guess I'm saying that because all of you know that I
17 deal with this in my office every single day. So I
18 know the importance, and I thank all of you for the
19 work that you do, because it matters. It's going to
20 make a difference at the end of the day. So, I just
21 want you to go away from this hearing understanding
22 that we are not, you know, rescinding at all. we're
23 not taking away on our commitment to 736, 214, and
24 there are other bills that have been put forth around
25 some of our protected classes and New Yorkers with

2 disabilities, LGBT New Yorkers, and others that are
3 low income. Seniors that we also want to make sure
4 we protect as well. So, I just wanted you to be
5 clear on that, and certainly encourage all of you to
6 keep up the incredible work that you are doing. We
7 have a lot of work ahead. We have several months to
8 fight and go to Albany, by June 30th, right? Because
9 we're going to make sure that rent reform and rent
10 regulation is a priority, and I wanted to make sure
11 that you knew that I will be there with you. So, I
12 want to thank you and I want to thank my colleague,
13 Council Member Levine, who has been a tremendous
14 leader. It has been a pleasure working with, and we
15 make a good tag team, right? We've been working
16 together on this quite a bit, because we recognize
17 the lives that are at stake. So I want to thank you,
18 and I want to thank our Chair as well for his
19 leadership on this very important effort. So thank
20 you all for being here this afternoon.

21 CHAIRPERSON LANCMAN: Thank you. Council
22 Member Levine?

23 COUNCIL MEMBER LEVINE: Well, thank you
24 Mr. Chairman for your leadership and for this hearing
25 today. The last two panels were so powerful just to

2 hear your personal accounts of the human toll that
3 the crisis in Housing Court has taken on every day
4 New Yorkers really left a big impact on me, and it's
5 really important that that's now been entered into
6 the official record of this council. I'm now going
7 to model good brevity in testimony and say that I
8 agree with everything that Council Member Vanessa
9 Gibson just said so I won't repeat it. But of
10 course, she and I will continue this fight shoulder
11 to shoulder with all of you as long as it takes.
12 Thank you.

13 CHAIRPERSON LANCMAN: Terrific. Thank
14 you all very much. [gavel] That concludes this
15 hearing. Thank you for your testimony.

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COMMITTEE ON COURTS AND LEGAL SERVICES

C E R T I F I C A T E

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



Date April 27, 2015