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## **2019 New York State Trial Court Consolidation Hearing**

**Albany, NY**

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**Presented by:**

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My name is Maha Syed and I am the Executive Director of the New York Legal Services Coalition. I want to thank the members of the Senate Standing Committee on the Judiciary and the Assembly Standing Committee on the Judiciary for the opportunity to testify at these 2019 New York State Trial Court Consolidation hearings.

The New York Legal Services Coalition is a 501(c)3 nonprofit organization that consists of 50 civil legal services organizations serving every county in New York State from Montauk to Niagara Falls.

Our member organizations range from large multi-service, multi-county or citywide organizations, to pro bono programs, to neighborhood-based organizations meeting the needs of specific populations and we are passionate about ensuring access to civil legal assistance. Collectively, our members provide high quality civil legal services to hundreds of thousands of low income New Yorkers in matters relating to the essentials of life. The Coalition works to ensure fairness to all litigants in the judicial system, advocates on legal issues affecting low-income communities, identifies and promotes best practices in the civil legal aid profession, and provides technical assistance and capacity building resources for its members.

**My testimony today is to encourage you to pass the proposed amendments to the State Constitution that would eliminate New York's 11 separate trial courts and replace it with a simplified three-level structure.**

Civil legal aid serves as the last line of defense for victims of domestic violence seeking safety and stability, families facing eviction or foreclosure, elderly victims of financial abuse seeking restitution, and parents seeking health care for their children. Redress, protection, security and stability is often available – if one can navigate daunting legal systems against overwhelming odds. Few of us would attempt to resolve legal issues that put the roof over our head, our safety, or our children's health at risk without the benefit of counsel and yet every day across our state, thousands of poor and low income families are doing just that. Having to navigate New York's exceptionally complex court system only exacerbates these issues. Consolidation would have direct positive impact on quality of life for this diverse and vulnerable population. According to the Office of Court Administration as reported by the Permanent Commission on Access to Justice, an estimated 1.8 million litigants come into civil courts across New York each year without representation making navigating the complex system nearly impossible. And those are the individuals and families that actually make it to court. Thousands more undoubtedly give up before they ever get to the courthouse door.

Streamlining the court system will allow our organizations to provide increased representation to low income New Yorkers and make progress toward access to justice for all New Yorkers. Attorneys would spend less time per case if all matters were heard in one court, particularly in rural communities. Attorneys would not have to argue the entirety of the case repeatedly. Fewer court dates mean increased efficiency. It would also increase the availability of pro bono representation to fill in the gaps of legal services. As a community, legal services organizations facilitated close to a million volunteer hours in providing legal assistance to those in need in 2018. But we know from

our volunteers that the inefficiency of the system is a barrier for them to serve as many as they could.

Multiple courts put particular undo strain on New York's low income and vulnerable litigants. Attending multiple court dates means having to take more time off work and seeking different representation for different courts. New York State's justice system needs to be accessible and equitable to all New Yorkers, especially those most vulnerable. Simplifying the courts will help New Yorkers get the justice they deserve, increase confidence in our judicial system, and will save the court time and money by operating more efficiently. Passing these amendments will go a long way in moving us closer to access to justice for all.

### ***Impact of the Investment***

New York has already made significant investments in closing the Justice Gap -- the gap between those who need legal aid and the number of those who can be helped by our legal aid providers. For decades, that gap remained at a heartbreaking 80%. Legal aid providers in New York State, and indeed across the country, were able to meet a bare 20% of the civil legal needs of those living at or below 200% of the federal poverty line.

With the ongoing support of legislative funding, grant-making of the IOLA fund and the stable and significant funding from the judiciary, civil legal aid providers have reduced New York's justice gap to an estimated 63% -- meaning we are now meeting approximately 37% of the civil legal needs of low and moderate income households.

The number of cases handled by legal services providers has increased steadily, rising from 384,974 in 2013 to 483,604 in 2018. The impact on the courts has been significant; reducing the number of unrepresented litigants in civil cases from 2.3 million in 2009 to an estimated 1.8 million in 2017.

In order to keep progressing in the right direction, we must eliminate barriers of 11 trial courts and consolidate in order to make court as accessible as possible. These efforts will further increase representation of low-income New Yorkers by civil legal services organizations, reduce court dates, and help the courts run more smoothly. The benefits of streamlining the court system will be felt by all.

### ***The Positive Economic Impact of Representation Would Increase with Consolidation***

Increased representation in civil courts saves New York State money. For every \$1 New York State spends on civil legal aid, \$10 in economic benefits are generated. These benefits are realized through decreased court and social services costs. Streamlining the court system would further improve the function of the court and reduce the total amount of time spent per case.

Increased representation also provides a positive economic impact on low income New Yorkers. According to OCA, the economic value to clients and their families of federal benefits secured as a result of legal representation in 2017 is estimated to be \$1.01 billion. This comes to New York in

the form of Medicare and Medicaid benefits, Supplemental Security Income (SSI), Social Security Disability (SSD) awards, and other federal benefits. These benefits for clients, in turn, help the state's economy and create thousands of jobs.

The New York State Permanent Commission on Access to Justice engaged the help of leading research and accounting firms to undertake targeted analysis. The following review of these economic impacts is taken from the 2018 Permanent Commission of Access to Justice report which can be found at

[http://ww2.nycourts.gov/sites/default/files/document/files/2018-12/18\\_ATJ-Comission\\_Report.pdf](http://ww2.nycourts.gov/sites/default/files/document/files/2018-12/18_ATJ-Comission_Report.pdf)

- **Present Value of Wage Increases Due to Work Authorization Assistance for Immigrants and Citizenship for Immigrants Was Estimated to Be \$75.9 Million and \$54.0 Million, Respectively.** With the assistance of civil legal services providers, approximately 7,575 immigrant clients, applying for green cards, U visas, T visas, Violence Against Women Act (VAWA) self-petitions or other long-term status, successfully achieved work authorization in 2017. Work authorization provides a significant wage increase to immigrants, amounting to an average increase of approximately \$1,495 per year for women and \$1,639 per year for men. For VAWA cases, 85% were estimated to be women. The total net present value of work authorization's wage impacts, assuming work authorization will continue for two-, four- and ten-year terms dependent upon the type of legal assistance provided to obtain work authorization, was estimated to be \$75.9 million for cases closed in 2017.
- U Visas, VAWA self-petitions and Special Immigrant juvenile (SIJ) cases all have components that need to be adjudicated in the NYS Family Court. These matters can be complicated, and in SIJ cases, often have deadlines naturally imposed by the age of the child. Consolidating the trial court would give OCA the flexibility it needs to properly train judges to handle these matters effectively.

Additionally, approximately 4,198 clients of civil legal services providers attained citizenship in 2017. New citizens experience a wage increase averaging approximately \$735 per year for women and \$823 per year for men. Of the individuals who became citizens in 2017, 51% were estimated to be women. Annual wages were estimated in aggregate to increase by \$0.9 million for women and \$1.4 million for men in 2017. The total value of such wage impacts owing to citizenship in cases closed in 2017 was estimated to be \$54.0 million.

- **Economic Benefit from Child and Spousal Support Payments to Recipients of Those Benefits Was Estimated to Be \$37.5 Million.** For 2017, IOLA data indicates retroactive awards of child and spousal support at approximately \$1.92 million and monthly payment awards at nearly \$505,700. The net present value of the monthly payments, based on a payment stream of nine years is approximately \$54.6 million. Imagine how that number might increase if there were additional pro bono attorneys available for these cases as a result of them only having to commit to two or three court dates instead of five or six. Or if the custodial parent were not so fed up with unnecessary adjourn dates she pursued the support she was entitled to instead of accepting what the non-custodial parent deigns to give her.

- **Additional Economic Benefit from Affirmative Litigation of Disputes Against Other Individuals, Companies or Employers Was Estimated to Be \$21 Million.** For 2017, IOLA data indicates awards obtained through affirmative litigation of civil disputes, including equitable distribution of assets in matrimonial matters and judgments in landlord/tenant and employment matters, to be approximately \$21 million. These numbers would increase with increased access to the court system. Too many matrimonial matters settle because mothers are focused on the custody portion of their cases and by the time the monetary issues are heard they give up.

### ***Continued Unmet Need***

Clearly the funding made available through the Judiciary Civil Legal Services has had a significant impact on access to justice in New York State with the number of unrepresented litigants in civil matters dropping from 2.3 million in 2009 to 1.8 million in the most recent estimates. OCA estimates that 63% of the civil legal needs of low-income New Yorkers still remain unmet. We still have a long way to go to closing the justice gap. Streamlining the court system will assist clients and our organizations who serve them in increased efficiency to take full advantage of the legal services available.

Elimination of the constitutional cap of one judge per 50,000 residents in a Judicial District will not only ease the strain of heavy calendars, but have a positive impact on the diversity of the Appellate judgeships by allowing a larger pool from which to appoint. It is critical that judges with Family Court experience have the opportunity to serve on the Appellate Division.

It is equally important for Housing Court judges to have full autonomy so the people they serve can have confidence in the courts. Designation of New York City's Housing Court Judges as Municipal Court Judges, to be appointed by the Mayor to ten-year terms, will accomplish this.

Provision for a five-year implementation period to allow for any statutory, regulatory, administrative or other changes that would be needed to accommodate the new organizational structure makes this proposal workable. The Coalition looks forward to working with OCA to implement these changes.

Most significantly, resources would be spread equitably among the trial courts instead of those in the over-crowded 'pro se' courts bearing the burden of long waits and little time to be heard.

Our present court structure creates confusion for the very people the courts are supposed to serve, gives judges only partial ability to see the full picture of a case, wastes time for litigants which often results in loss of work and wages, and generates a system that is difficult, if not impossible, to understand.

We urge you to pass these amendments and simplify the courts. Thank you for the time you have given me.