



THE FAMILY CENTER

**Written Comments of Adam J. Halper
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**Submitted to the
Task Force to Expand Access to Civil Legal Services
Hon. Jonathan Lippman, Chief Judge of the State of New York
Hon. Randall T. Eng, Presiding Justice, Second Department
Hon. A. Gail Prudenti, Chief Administrative Judge
Glenn Lau-Kee, President, New York State Bar Association**

**September 23rd, 2014
Supreme Court, Richmond County
Richmond, New York**

Thank you to Judge Lippman and to the Taskforce for receiving these comments. I am the Director of Legal Services at The Family Center (TFC), a multidisciplinary agency in New York City serving individuals and families affected by severe illness. The Family Center's Department of Legal Services assists clients with a range of issues all connected to the "essentials of life."

Today, I submit comments on the challenge of resolving interconnected legal issues among low-income New Yorkers and the role of law students, particularly 50-hour rule *pro bono* students, in addressing them.

The Family Center

Founded in 1994, The Family Center (TFC) provides legal and social services to New York City individuals whose lives are marked by the intertwined challenges of poverty and illness. We address numerous socio-economic, health and legal problems so that clients can devote their energy to getting well and planning for the future. TFC's Legal Services Department provides clients with litigation and transactional services to ensure housing, economic and family stability, both during the clients' illness and after their passing. For practical purposes, this means we work with people whose chronic medical problems lead to significant difficulties in areas such housing, public benefits, family and matrimonial law and lifetime planning.

At the economic margins, our clients are remarkably vulnerable. Ninety-three percent of our clients have incomes below the federal poverty line. Our clients reside in all five boroughs of New York City, in neighborhoods with high rates of poverty, joblessness, drug use, and crime, and with huge unmet needs for legal services. These same neighborhoods also have with alarmingly high rates of chronic illness, poor access to medical care and premature death.¹

¹ New York State Minority Health Surveillance Report, NYS DOH, 94-100, 2012.

Clients are referred to us by hospitals, courts and CBO's and by word-of-mouth. Because many of our clients are too ill to travel, our attorneys are frequent visitors to hospitals and homes in the South Bronx, Hunts Point, Mott Haven, Central Brooklyn, East New York, Sunset Park, Inwood, Washington Heights, Jamaica, the Rockaways, Port Richmond, Stapleton and St. George. Last year we conducted over **624** home and hospital visits throughout the five boroughs.

TFC has been providing legal services to these communities for the last fifteen years. Last year, our Legal Services Department provided legal services to **1,134** individuals benefitting an additional **2,268** people. We closed over **1,400** cases. On their behalf, we obtained **\$3.9 million** dollars in judgments, settlements, awards and client and taxpayer savings.²

One Client, Many Issues

One of the most difficult challenges in doing this work is that many clients present what appears to be one case, but is in fact a series of interwoven legal issues. Successfully resolving the case requires addressing multiple problems. In a 2010 report commissioned by the Fund for Modern Courts and conducted by Lake Research Partners, 47% of low-income New Yorkers queried stated they had experienced a civil legal problem in the last year.³ Roughly 63% of those who reported any legal problem in the last year had more than one.⁴ The unemployed, those living in publically subsidized housing and the disabled were among the most likely to have experienced multiple legal problems.⁵

In a similar vein, other studies note that among indigent communities, legal issues occur in groups, or "clusters." In studies in Canada as well as England, researchers have found that not only are some problems interrelated, i.e.: employment and consumer debt, but there are "trigger" experiences which create civil legal services issues, i.e.: sudden illness of a family member created problems with accessing public benefits and medical debt.⁶ For low-income communities, one client's multiple legal problems are not just associated, they often are causally connected.

This is our experience at TFC where clients present approximately 1.8 discrete matters each. Most clients have more than one legal issue and the clusters are highly interconnected. For example, a housing non-payment matter often results from a public assistance issue that has gone unaddressed for some time. No one identified the public benefits issue – including the client. Clients view interruption and temporary termination of public benefits as a natural part of

² We are IOLA and Judiciary Civil Legal Services grantees.

³ See, Lake Research Partners, Civil Legal Needs Among Low-Income New York State Residents (2010), available at www.nlada.org/DMS/Documents/1295715314.39/NY%20Legal%20Needs%20Survey%202010.pdf.

⁴ *Id.* at 20. Overall, 53% of respondents reported no legal problems, 18% reported one legal problem, 11% reported two problems, and 19% reported three or more legal problems within the last year.

⁵ *Id.* at 25-27.

⁶ See, e.g., Ab Currie, The Legal Problems of Everyday Life: The Nature, Extent, and Consequences of Justiciable Problems Experienced by Canadians (2009), available at http://www.justice.gc.ca/eng/rp-pr/csj-sjc/jsp-sjp/rr07_la1-rr07_aj1/rr07_la1.pdf. See also, Richard Moorhead & Margaret Robinson with Matrix Research and Consultancy, A trouble shared- legal problems clusters in solicitors' and advice agencies, 8 U.K. Dep't for Const. Affairs Research Series 06 (2006) available at <http://www.law.cf.ac.uk/research/pubs/repository/1592.pdf>.

receiving them. Moreover, insufficient income and inability to pay rent may be viewed as less pressing an issue than end-of-life planning. Income and shelter instability easily lead to inter-family strife, DSS involvement, education issues for children and other problems.⁷

It is for these reasons that when a potential client comes to my agency for legal assistance on one issue, we take the time to run through an exhaustive case assessment with them. That assessment is 15 pages and includes 10 pages, single spaced, of area-specific questions related to legal matters. On its face, it looks like a set of interrogatories. In some ways, that is exactly what it is. It is a script to gather as much information as possible to uncover clusters, triggers, the problems behind the problem, so that we may resolve those issues effectively. Asking the right questions is often the key to getting our clients the answers they need and ultimately to solving the greater legal issue.

The Role of Law Students, Graduates and Fellows

At our office, much of the work of identifying and untangling those clusters and triggers is done by law students. In any given year, The Family Center hosts approximately nine law student interns generally for the fall and spring semesters and the summer. Additionally, we developed a **50-hour** student *pro bono* project, Proficio. With IOLA and Access to Justice Funding, the Proficio Project has hosted **19** students. Collectively, the volunteers in the project provided roughly 1000 hours of service and helped resolve **114** client matters. In our small law office, students can have almost as much client-contact and direct work experience during their time here as staff attorneys.⁸

In the development of our 50-hour project, we had concerns about whether we would be able to properly teach, utilize and give meaningful experiences to students in such a short period. In the world of legal services that's about one week, or less. Our initial proposal was to have students accompany clients to HRA job centers to resolve administrative law matters. In its initial conception, it was a narrowly-defined project.

In part, that has happened.

What has also happened is that students have conducted dozens of client intakes and case assessments. During client engagement, they work on performing case assessment, meeting with clients and gathering documents to understand the full picture of the legal problem. This enhanced capacity helps get to the root of clients' legal issues more efficiently, thereby aiding resolution. As the case continues, their work on the many sub-issues presented by a client's primary case allows staff to focus on the trigger. Law students help clients execute advance directives, accompany staff attorneys to court, second-seat them at hearings, assist in conducting client workshops in public benefits and housing rights, write orders to show cause, memoranda

⁷ Notably, although my office does not do work specifically in the area of domestic violence, we see the issue frequently. A diagnosis of cancer, for example, especially for women, can be the spark for shocking and volatile behavior on the part of their spouses or partners. Domestic violence is a deeply destabilizing social issue as well as a legal issue and it has far-reaching consequences – safety; child behavioral issues, economic and shelter stability, among others.

⁸ We have special practice orders in the First and Second Judicial Departments.

and final divorce papers and more – all in the space of 50 hours. Law students volunteer at TFC to assist clients with public benefits issues (calling and working with HRA to resolve an administrative issue), housing problems (drafting orders to show cause and one shot deal requests) and issues of family stability (drafting Family Court and matrimonial motions, papers and helping to execute end of life documents). The feedback from students is that this is a valuable learning experience for them. No less for us. We learned that even short-term commitments, enthusiastically given, can yield outsize results for clients and their families.

In part because of this experience, this year, in addition to hosting law student interns and 50-hour students, we are also hosting three graduate law fellows. From left to right: **Ifeoma Anunkor**, Social Justice Fellow (Columbia’ 14); **David Weiss**, Public Services Post-Graduate Fellow (Cardozo’ 14) and **Lauren Groetch**, Public Services Post-Graduate Fellow (NYU’ 14).



Closing

We view law students as a valuable and indispensable resource. Over time, many that have interned with us later worked here as full-time staff or volunteered *pro bono*. The richness of the experience which includes the opportunity to work on many different types of cases and issues has great professional impact. All students should have this kind of experience, regardless of whether they ever practice law or do so for indigent clients.

Thank you for this opportunity to submit written comments on these issues. The Family Center wishes Judge Lippman and the Task Force good luck.

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