

**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. Ann Pfau, Chief Administrative Judge
Hon. Luis A. Gonzalez, Presiding Justice, First Department
Vincent E. Doyle, III, President, New York State Bar Association**

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Introduction:

Your intake day is always the hardest day of the week and today is yours. You're an attorney. You work at a legal services agency in the city. Today, you receive a call from a man speaking to you on behalf of his sister who is sick and needs help. The sister is dying from colon cancer and she is in hospice care. She was diagnosed a year ago and although the initial prognosis was neutral, her health deteriorated quickly. After she began treatment, she had to quit her job as a teacher's assistant. She worked for a local high school, one that you know because it's not far from your apartment. She had medical insurance for a time after she left her job, and then after spending every last dollar she had, she became eligible for Medicaid. She has two children, ages twelve and eight. She is unmarried and the children's father is not around very much. He has his own problems. The brother puts his sister on the phone.

She tells you she wants her brother to be the guardian of her children when she dies. She can't say for certain when but she fears, her voice catching in her throat, that "her time," is coming. She needs a lawyer to help her write a will. Her brother needs help getting guardianship of her children. The brother will need help with housing. She wants to keep the children in her apartment, have the brother move in and assume the lease. The only problem is that she fell into arrears when she left her job. Not long ago, the landlord commenced eviction proceedings for nonpayment. The brother works but it doesn't pay much and he can't support two children on his own, or make up the arrears.

Your first meeting with them is at the hospital. After many phone conversations, and knowing that you may only have one opportunity to meet with the sister, you've prepared papers for her to sign. When you arrive, everyone is in the room: the brother; his sister – thin and drawn – her bones peeking out of her skin; the children, brave and articulate in a manner which surprises you given the approaching loss. On his face, the brother wears an expression of unspeakable horror.

Within it are shades of grief, loss, anger and fear about the future. You sit down and talk with the sister for a long time and ask the children to wait outside of the room. When she signs her name to the guardianship papers, you hold her arm to keep her hand steady. Afterwards, you step outside and the children go back into the sister's room. You speak with the brother for a long time about what comes next – with housing, with the children, with public benefits, with settling his sister's estate and....

What comes next is a great deal. It is Family Court. It is Surrogate's Court. It is Housing Court. It is HRA and likely OTDA (Office of Temporary and Disability Assistance). For the brother and children newly under his care what comes next is a miasma of engagements with courts, mental health and safety net systems. All of it will take time and somewhere within this long twilight hour, they have to find a moment to reconstitute themselves as a family. You have work ahead, they have so much more.

The Issues:

Thank you to Chief Justice Lippman and to the Task Force to Expand Civil Legal Services in New York for receiving this written testimony. I am the Director of Legal Services at The Family Center, a non-profit serving individuals and families affected by illness, grief and loss. The Family Center is a multidisciplinary agency which serves clients in all five boroughs of New York City. I write today, specifically, to address the Taskforce on the following issues:

1. To encourage funding and programming for multidisciplinary civil legal services, especially those that use early interventions to help otherwise unrepresented litigants to stay out of court; and
2. To voice support for unrepresented litigants to have a right to counsel in civil matters connected to the "essentials of life," when court proceedings are unavoidable; and
3. To recommend funding and program development to assist litigants in maintaining compliance with judgments and stipulations verdicts in order to avoid civil court "recidivism."

The Family Center's Mission:

The population the Taskforce seeks to assist and The Family Center's clients are one in the same. Since 1994, The Family Center has worked with individuals and families affected by illness, grief and loss. Our organization is dedicated to assisting some of New York City's most vulnerable and disenfranchised communities with quality legal, social and medical case management services. In our model of service, lawyers work hand-in-hand with social workers, case managers, medical personnel, and others not only to address the legal issue, but also to address the many psycho-social and economic issues that come with a diagnosis of serious illness.

This model of service means that our work with clients generally does not begin in the courts. Often, the place where our cases commence is in hospitals, hospices, local CBO's and in client's

homes. Our referrals come from oncology and virology departments, home care agencies, welfare job centers and any institution you would expect to find people struggling with serious illness. We have formal and informal agreements with medical providers across the city and they refer clients to us for a host of legal issues including eviction prevention, access to public benefits and entitlements, family and matrimonial law matters and lifetime planning (advance directive) work.¹ We speak with clients in their living rooms and kitchens; we help them execute wills at their hospital beds, we are their advocates in courts across New York City.

Through any lens this work, intimate by definition, is legal work focused on providing clients and their families with the “essentials of life.” Our view of these elements is no different than that of the Taskforce. In the last year alone, TFC’s Legal Services Department worked with 700 clients representing 1,050 individual household members. The Department closed 110 housing (eviction prevention) cases, 332 lifetime planning matters, 169 public benefits, SSI/SSD and debt collection cases and 147 family law and matrimonial cases.² In the last year, our dollar benefits achieved for clients (tracking awards, benefits and judgments) added up to \$1,688,000. This figure does not include monetary values for our eviction prevention and child custody work. Much of our legal work over the past few years includes keeping children with family when they would otherwise have nowhere else to go and likely end up in the foster care system. According to a report by New York City’s Public Advocate Bill De Blasio, it costs \$36,000, annually, to have a child in the foster care system.³ We estimate that our services have saved New Yorkers \$1,440,000. Similarly, the annual cost of one person in homeless shelter is \$19,710 (\$54.00 per night).⁴ We estimate that our services saved New Yorkers \$886,950. The Family Center as a whole serves over 2,100 people annually.

Since 2008, we have seen a steady change in the volume and type of cases we handle on a routine basis. For 2011, we project that we will serve over 1,000 clients with comprehensive legal services designed to insure housing, financial, family and lifetime planning stability. Hundreds more will receive advice and counsel and education through clinics, lay programs and empowerment workshops. In the last year, our Outreach Team conducted trainings, clinics and educational presentations for 4,277 people. The emphasis in our work, which at one time included only lifetime planning matters for HIV-affected women, now falls heavily into the areas of eviction prevention, entitlement and contested family law work.

This development has hardly come as a surprise. Our clients live at the intersection of illness, poverty, substance abuse, domestic violence and incarceration. Indeed, TFC’s clients represent New York City’s most profoundly vulnerable families. More than 95% of our agency clients live below the poverty line; 94% are either Latino, African- or Caribbean-American, and reside in the city’s most disadvantaged neighborhoods, including the South Bronx, Central Brooklyn,

¹ The Family Center (TFC) has memoranda of understanding and referral agreements with approximately 62 medical, legal and social service providers across this city. TFC collaborates closely with hospitals and local CBO’s especially with units within those institutions that focus on living with chronic illness and end-of-life care.

² It is notable that TFC’s Department of Legal Services currently consists of three full-time staff attorneys, part-time Law Fellows, legal interns, a paralegal and a Director of Legal Services. The full-time legal staff is five.

³ See, Public Advocate, Bill De Blasio, Press Release, June 8, 2010, <http://pubadvocate.nyc.gov/news/2010-06-08/public-advocate-de-blasio-council-member-palma-hold-rally-protect-nyc-children-abuse>

⁴ The Lewin Group, The Cost of Serving Homeless Individuals in Nine Cities, November 19, 2004, available at <http://www.rwjf.org/files/newsroom/cshLewinPdf.pdf>

Northern Manhattan, and the Lower East Side. Often, they are overwhelmed by financial strain, health concerns, age and infirmity, psychosocial problems, frequent criminal justice or domestic violence involvement, and educational barriers for children in their households. Our clients come to us with considerable challenges, legal and otherwise. TFC's Department of Legal Services exists to help clients face those challenges by delivering legal counsel, integrated with social and medical case management services to stabilize and support these needy families.

The Need:

Further, the same communities we serve are also some of those hardest hit by the economic recession. A brief look at the wages of the broader New York City and State community tells us all we need to know about the demand for civil legal services for those who cannot afford them. Our clients, living with illness and at the margins of economic and health stability prior to the recession are more vulnerable now than at any time in recent memory.

They belong to the larger New York community of individuals and families living at the edge of their resources. The Family Center's clients, chronically ill and lacking in numerous supports, find themselves at the intersection of many of New York's worst economic measures and such measures could hardly be found wanting. In New York State, approximately, 33.1% of the population lives below 200% of the federal poverty guideline (a family of four living below \$44,000 of income).⁵ New York State's unemployment rate for August, 2011, was 8.0%, with 756,400 New Yorkers unemployed.⁶ Notably, the unemployment rate in parts of New York City are much higher, with 12.3% unemployment in the Bronx and 9.7% in Brooklyn.⁷ As of June 2011, the number of households in New York State receiving cash assistance (both Family and Safety Net Assistance, not including SSI) was 300,494, representing approximately 570,249 individual recipients. Of these, 188,891 households and 350,609 were in New York City.⁸ Often, for The Family Center's clients, being ill, also means having no employment or income security. Commonly, after a diagnosis of severe illness, work along with income vanishes.

This insecurity exists across other life essentials. As of June 2011, 1,622,860 households in New York State received Food Stamp Benefits, representing 3,035,825 individual New Yorkers. The majority of these Food Stamp recipients live in New York City, with 1,006,578 households and 1,830,907 individuals receiving Food Stamps.⁹ When individuals and families become poor, Medicaid can be a safety net, but many simply remain uninsured. Approximately, 3,853,061

⁵ U.S. Census Bureau, Annual Social and Economic (ASEC) Supplement, Poverty Status by State: 2009, *available at* http://www.census.gov/hhes/www/cpstables/032010/pov/new46_185200_09.htm

⁶ New York State Department of Labor, Press Release, *available at* <http://www.labor.ny.gov/stats/pressreleases/pruistat.shtm>

⁷ *Id.*, *available at* <http://www.labor.ny.gov/stats/pressreleases/pruistat.shtm>.

⁸ New York State Office of Temporary and Disability Assistance, Temporary and Disability Statistics June 2011, *available at* <http://otda.ny.gov/resources/caseload/2011/2011-06-stats.pdf>

⁹ New York State Office of Temporary and Disability Assistance, Temporary and Disability Statistics June 2011, *available at* <http://otda.ny.gov/resources/caseload/2011/2011-06-stats.pdf>

New Yorkers have health insurance through Medicaid¹⁰ and 2,778,900 have no medical insurance whatsoever.¹¹

Poverty, which may appear to be a disease unto itself, has many symptoms. Certainly one of those is that New York's poor and sick tend to be frequent visitors to state civil court. According to this Taskforce's own research, nearly half of low-income New Yorker's reported having one or more civil legal problems in the past year.¹² As the number of poor has risen, so too has the numbers of filings in civil courts. For example, in 2009, there were 742,365 filings in New York Family Courts and 909,064 filings in the Civil Court of the City of New York.¹³ In 2009, only six percent of Family Court petitioners in New York State were represented by an attorney at every appearance and 76% were unrepresented at all appearances. In New York City, 83% of Family Court petitioners were unrepresented at all appearance.¹⁴ Worse, 99% of tenants in New York City Housing Court were unrepresented.¹⁵ The issue of lack of representation is hardly confined to state civil court. Those who cannot afford counsel, of course, struggle in all manner of civil proceedings, including the maintenance of very modest public benefits income. Thus, in 2009, there were 245,782 requests for hearings ("fair hearings") relating to benefits administered through the Office of Temporary and Disability Assistance.¹⁶ Poverty's burden on the court system cannot be overestimated.

What strikes many of us at The Family Center, where we deliver legal services to a population of clients that obtain eligibility by virtue of dire illness, is that medical issues are often overshadowed by legal and economic problems. Many of our clients report statements such as "It wasn't the cancer that kept me up at night, it was insurance, rent and how I was going to pay for my next meal that made me sleepless." The condition of poverty, once you are in it, is difficult to cure. It is a condition compounded by a dearth of support systems for those who need it and the civil court system is a place where New York's poorest and most vulnerable needs support very badly.

The Answer:

1. Help Clients to Resolve Matters Prior to Litigation and Court Proceedings.

Like all non-profit, legal services providers, our experience at The Family Center, regardless of the type of matter involved, is that clients contact us at a very late stage of conflict. Often, what

¹⁰ New York State Department of Health, Average Monthly Medicaid Beneficiaries for Categories of Service by Category and Eligibility – January 2010 through March 2010, *available at* <http://www.health.state.ny.us/nysdoh/medstat/quarterly/aid/2010/q1/beneficiaries.htm>

¹¹ Kaiser Family Foundation, State Health Facts – New York, *available at* <http://www.statehealthfacts.org/profileglance.jsp?rgn=34>

¹² The Taskforce to Expand Access to Civil Legal Services in New York, Report to the Chief Judge of the State of New York, November, 2010, Appendix 17.

¹³ New York State Unified Court System, Annual Report 2009, *available at* <http://www.courts.state.ny.us/reports/annual/pdfs/UCSAnnualReport2009.pdf>.

¹⁴ New York State Unified Court System, Representation of Parties in Supreme Civil, Family and Local Civil Court Cases, *available at* <http://www.nycourts.gov/ip/ny2j/pdfs/Judge%20Fisher%27s%20Testimony.pdf>

¹⁵ *Id.*

¹⁶ New York State Office of Temporary and Disability Assistance, Annual Report 2009, *available at* <http://otda.ny.gov/news/annual-report/OTDA-AnnualReport2009.pdf>.

brought the client to court was something that if it had been addressed sooner, court would not have been necessary.

- For example, routinely, we see clients that may be several thousand dollars in rental arrears. They may or may not be in Housing Court, already. They have a third party payer, but because of an administrative problem such as a missed recertification appointment, checks stopped getting to the landlord. The client was never told why or when the checks stopped.
- Clients come to us with medical insurance denial issues that have been going on for some time. They come to us after they started receiving debt collection letters, in some cases for years, although they are and have been Medicaid eligible for an equal period of time.
- They seek to enforce or modify a child support order for which the Respondent has been in arrears for years if not longer. The Respondent's income may have changed dramatically or may be unknown, along with their whereabouts.
- An ill client and her family, living on public benefits and food stamps comes to us after having been through periodic rounds of sanction, hearing and recoupment with Human Resources Administration. She has never had an attorney and has failed to advance her grievances properly at OTDA.¹⁷

The result of accessing an attorney late is exactly what one might expect. All court proceedings are more difficult, urgent and create greater stress for everyone involved but most assuredly on the client and their families. In instances too often to remember or count, clients find themselves in court as a result of administrative error which can be either theirs or that of an institution such as HRA. Correcting those administrative errors will help clear the bench's calendar in all courts. Notably, for our clients, the volume of cases and the length of time it takes to resolve them is a very specific concern. An adjournment for a client with cancer means something very different than it does to other litigants.

New York Courts have made great strides in offering unrepresented litigants self-help resources and "unbundled" services. However, we encourage the Taskforce to consider applying significant resources towards the study and implementation of programs that assist low-income New Yorkers in resolving disputes and administrative issues earlier. Very often the matter in court is not so much a legal dispute or even necessarily a factual one. For example, everyone involved understands the course of events that may have lead to a nonpayment or a holdover proceeding. The only matter to be decided in court is who has the responsibility of addressing it – the petitioner or respondent. What the Court becomes in such instances is not a place in which justice is administered, but rather a forum to assign tasks and accountability.¹⁸ This issue, of why many unrepresented litigants end up in court in the first place is not new.¹⁹

¹⁷ These examples are only a few closed matters that have crossed the desks of TFC Attorneys in the last year. They are representative of a large number of cases – especially in the areas of public benefits and housing – and we believe representative of a large number of cases city-wide.

¹⁸ In the words of Judge Fisher, Deputy Chief Administrative Judge of the New York City Courts, "Our judges are flooded with cases such as landlord tenant cases which would not have ripened into litigation if government

Many of the mechanisms that would address the issue are already in place and should be expanded upon. Dedicating equal resources towards keeping clients and families out of court through ADR, client education, preventive/holistic services, collaborations with non-legal entities – especially those that assist with financial management – will assist in the proper administration of justice if only, by diverting cases that should never have been before the bench in the first place. The result of services designed to have clients and their families avoid court, will be to lower not just the number of active cases, but also to lower costly interventions from social, medical, child welfare and law enforcement services.²⁰

The Taskforce should consider that for such remedies to be effective, it would be wise to house them outside of the Courthouse. By the time the unrepresented reach court, it is most likely because they have been summoned or are filing an action themselves. Of course, expanding civil legal services will require a greater number of trained lawyers, but it should not necessarily mean that those lawyers will only be available when a court conflict is inevitable. Our civil courts should not always be the arbiter of first resort for community conflict or understanding of the law.

Lawyers with a background in various types of civil law may be and are used effectively in different ways. For example, at The Family Center, we've learned that going to the clients and their families, often to their second homes (local CBO's, schools, hospitals and religious institutions) is a far more effective way to educate and meet clients one-on-one about a legal issue. Staff in my office have conducted clinics (where actual legal work is performed), trainings (on topics ranging from housing, public benefits to end-of-life issues) and lay classes all over the city. In these settings, clients learn not just from the attorney, but also from each other. A new type of legal community develops, even if only for a moment, that has as its goal the understanding of one legal issue better and how they might handle it if the time comes.

In providing clients with advice and counsel, either in person or over the phone, we have found that clients and their families can benefit enormously simply from having a better understanding of their rights and obligations under the law. This is not something that can be done through web pages (although all technology that can be applied to this issue should be explored). It requires

benefits, unemployment insurance, wage and immigration issues were resolved by lawyers. For example, numerous cases in the New York City Housing Part would disappear if individuals had adequate access to lawyers to resolve financial issues that fuel non-payment housing cases. The court system, owners and tenants all benefit when underlying legal issues are resolved by attorneys without the need to file a housing case. The court system would see far less cases in other substantive areas if lawyers were available pre-litigation to assist individuals." Closing Statement before the Taskforce, October 7, 2010, available at, <http://www.nycourts.gov/ip/ny2j/pdfs/Judge%20Fisher's%20Testimony.pdf>

¹⁹ For instance, in September of 2007, the Urban Justice Center released a report noting as follows, "61% of Food Stamp recipients are cut off within the first 20 months, largely due to compliance/bureaucratic issues." Having clients speak with knowledgeable attorneys could prevent hundreds if not thousands of unrepresented litigants from having to go to administrative court to argue, before an ALJ, what is little more than a bureaucratic issue. Jackie Kessel, Berlin Rosen, Report Finds NYC Food Stamps Program Deters Participation. [Urban Justice Center Report \(from 2007\): http://www.urbanjustice.org/pdf/publications/PR_20070906.pdf](http://www.urbanjustice.org/pdf/publications/PR_20070906.pdf).

²⁰ For example, a routine family law matter requires the presence of a judge, court clerk, court officer, lawyer for the child, an ACS investigation (COI), background check, etc. Having access to an attorney prior to filing a petition or modification may increase the number of family law matters resolved without judicial intervention.

human interaction along with legal expertise in more than just a particular practice area, but also in how to effectively work with a client in a time-limited way such that not only do they have their questions answered but also have the opportunity to unburden themselves a bit of their concerns, fears and truly, their suffering. Although it is not appropriate to have non-lawyers administering legal counsel, I suspect there is a place here for the use of lay advocates. Advice and counsel services can be used to assist those looking for a better understanding of how to navigate the system and ask targeted questions about specific problems. I encourage the Taskforce to consider how to expand such services and how best these interactions can take place outside of an index or docket number.

2. Providing the unrepresented with civil legal services in matters connected to the “essentials of life.”

For our clients, if court proceedings cannot be avoided and their lives are to be examined within the four corners of a petition, it can be a daunting experience even for those who have been to court in the past and regardless of the outcome. Walking into civil courts such as Family Court or Housing Court can feel, at times, like being dropped into a foreign country. There is a rhythm and language to all courts, both formal and informal, which serves to distance litigants from what’s happening in their case. Attorneys and court personnel on all sides appear to know each other. There is a common language spotted with acronyms and familiar phrases none of which are known to the client. For the unrepresented litigant, conversations regarding their cases happen quickly as do court appearances. For those without a lawyer, the administration of justice and its outcome is an event which happens to them.

Alleviating some of the intensity of civil court proceedings is no small thing and the Office of Court Administration, the Taskforce, the Civil Courts and all stakeholders are to be commended for tremendous efforts in this regard through the development of websites, videos, volunteer lawyer programs and other mechanisms designed to help unrepresented litigants to navigate the system. That said; the Court must remain a neutral actor when proceedings commence and this cannot be avoided. The best mechanism to assist litigants in crossing the chasm between a process that is happening to them and a process that is happening with them is by affording them an attorney: trained, empathetic and one who is committed to being with them until the matter is resolved – for better or worse.

Anyone who has been to court knows that it is a demanding atmosphere, rooted in the adversarial process in which unrepresented litigants often feel that everyone in the room knows more than they do. It is hardly surprising that the bench reports difficult behavior in unrepresented litigants all of which seems to be a cry of desperation.²¹ In situations in which people may be deprived of housing, badly needed income and benefits, their safety, their children or grandchildren (sisters and brothers), those before the court must have confidence in the system and know that they received appropriate, knowledgeable and thoughtful counsel. When litigants do not have counsel or worse, when they do not have counsel and the other side does, it is impossible to expect the unrepresented to have that confidence in the judicial process.

²¹ See, e.g., Written Statement to the Taskforce to Expand Civil Legal Services, Judge Ruben A. Martino, presiding Judge of the Harlem Justice Center, September 28, 2010.

Each of us possesses different levels of ability in the use of our voices as an advocate for ourselves or others. Providing legal representation to those facing barriers in obtaining the essentials of life will ensure that all who need it have that voice. In the absence of this opportunity, the courts and the many hard-working people who work within them -- lawyers and non-lawyers alike -- are all just a part of a system which, to those who are unrepresented, seemingly serves to deprive them of the essentials of life.

Providing unrepresented litigants access to an attorney in court is an intervention which easily survives cost benefit analysis. In this regard, I can refer only to the Taskforce's own understanding of this issue.²² From the perspective of an agency working with indigent clients who are ill, the numbers are often the same. Ill clients and their families who meet with us early and for whom we address more than one legal need (ie: housing, public benefits, lifetime planning) are less likely to come back to us in the future, are less likely to need the court system again and are less likely to have negative engagement with the criminal justice system, child welfare system or end up in the shelter system. The cost of action, such as an expanded right to counsel, reduces more costly interventions later.

3. Assisting litigants in maintaining compliance with judgments, verdicts and resolutions will avoid a revolving door of civil court proceedings.

In order to expand civil legal services appropriately and in order to realize the cost benefit of providing an attorney in civil matters connected to the essentials life, we strongly urge the Taskforce to consider implementing post-judgment/stipulation services. Counsel should be retained not just to assist a client with a court matter, but to make sure that the client is able to abide by the court's judgment. Too often, civil court proceedings which end in a final judgment or stipulation simply reappear in court months or even weeks later when one or all of the parties were not able to abide by the terms of the order or agreement. The client was unable or did not understand how to apply for a "one shot deal," at the rental assistance unit in court, was unhappy with the child visitation arrangement, or after bringing and winning a fair hearing, there was no compliance and because they failed to raise an issue at the hearing, another round of notices of intent started arriving from HRA.

There is questionable value in assigning an attorney to those who need it when no one is there for them, once formal court proceedings have passed. In expanding on *Gideon v. Wainwright*, the Taskforce should borrow from those agencies, which began as criminal defenders, who discovered long ago that they could best serve their clients by also providing multidisciplinary services and civil representation.²³ In doing so, they discovered that by raising the wages of their clients, their families and the communities in which they practice, they reduced the likelihood of people going to jail.²⁴

²² The Taskforce to Expand Access to Civil Legal Services in New York, Report to the Chief Judge of the State of New York, November, 2010, pages 20 - 33.

²³ *Gideon v. Wainwright*, 372 U.S. 335 (1963).

²⁴ See, e.g. Appellate Division, First Department, Written Comments of McGregor Smyth and Kate Rubin, The Bronx Defenders, September 24, 2010, submitted to the Taskforce to Expand Civil Legal Services in New York.

We, in the civil arena, should make all efforts towards reducing the reopening of civil matters connected to those areas into which we want to expand the right to counsel. This is where multidisciplinary services and what was once referred to in legal services circles as the “wrap-around,” comes into play. It is good practice and often necessary to make sure that a client has access to an attorney after the court has closed its doors. This can be accomplished in many ways such as financial management services, attorney/client check-ins on a routine basis for a set period of time, or by giving the responsibility of post-judgment monitoring to newly assigned attorneys (an example borrowed from current ADR practices).

At The Family Center, we try to stay with a client and their family for as long we can and as long as they need us. This is made much easier by having a network within the office of mental health, medical and case management professionals who can meet with clients and their families to address the significant “non-legal” fall-out of court proceedings. For example, children in custody proceedings do not stop grieving for a lost parent after their new caregiver receives letters. Often, that is when behavioral problems begin. Educational and juvenile justice issues are always nearby in such matters.

Having an attorney available and using multidisciplinary systems to help with the real consequences of civil court supports the driving philosophy of *Gideon*, that those who need it have the “guiding hand of counsel at every step in the proceedings against him.”²⁵ Criminal proceedings, with all of their ramifications, may end in verdict – innocence or guilt. For those engaged in proceedings regarding the essentials of life, the court matter may be just the beginning of the work ahead. Guidance should be available, if not indefinitely, than in some structured form.

Without a full wrap-around approach many matters will end up right back in court. One of the hallmarks of a civil *Gideon* doctrine should be the absence or at least a decline of civil court recidivism. If people have access to an attorney after proceedings end, the number of those reentering the court system will drop.

Conclusion:

Finally, members of the Taskforce, amid the strong testimony you will receive on this issue; amid the dizzying statistics regarding both the unmet need for civil legal services, poverty and how providing the unrepresented with counsel in civil matters will be cost effective, there is one more reason to undertake this ambitious initiative.

Simply, this is the cost of living in a free society in which disputes are addressed by process, guided by reason and which require trained minds and strong voices. This endeavor is the cost of living in a populous state, made up of rich and poor, who live side by side and work together to make the community a fair and just one. This is the cost of a free society in which courts, the third pillar of our government, stand to protect all who come before them. They should be free to do so without the burden of having to unravel cases that are no more than administrative issues or hear from unrepresented litigants who have difficulty expressing their rights and stories. This is the cost. The benefit cannot be calculated in dollars and billable hours. It is more

²⁵ *Gideon v. Wainwright*, 372 U.S. 335 at 345 (quoting *Powell v. Alabama*, 287 U.S. 45, 68-69 (1932)).

accurately calculated in lives saved, homes protected, livelihoods preserved and opportunities maintained. It is measured in good conscience kept.

Thank you for this opportunity to submit written comments on the issue of expanded legal services. The Family Center wishes Judge Lippman and the Taskforce good luck.

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