

# NEW YORK

## ABOUT THIS REPORT

The state report is a resource to inform donors and funders about the local context of social issues affecting at-risk populations. This analysis can be used to better understand current local trends and the unique social and economic situation in which

the social issue exists. The information below complements the social issue report the guide to giving by drawing attention to local initiatives related to the social issue.

## FACTS: CIVIL LEGAL ASSISTANCE IN NEW YORK

Estimated minimum state savings, in shelter costs, for providing civil legal services that prevent evictions and homelessness<sup>1</sup>

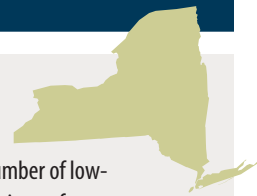
**\$116.1 million**

Estimated minimum state cost savings for providing civil legal assistance to victims of domestic violence<sup>2</sup>

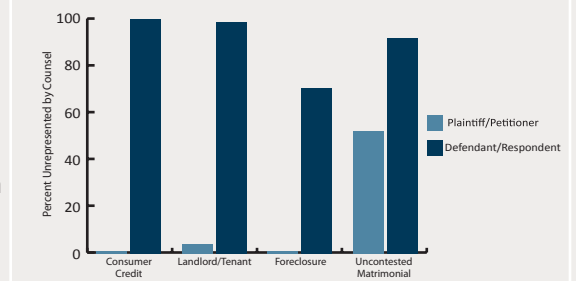
**\$85 million**

## SOCIAL ISSUE INDICATORS

SIR identified two indicators to assess progress toward providing at-risk<sup>3</sup> individuals with access to civil legal assistance. These indicators are unmet legal need and the number of self-represented litigants. **Unmet legal need** refers to the number of low-income individuals with a civil legal issue who do not act to resolve it for whatever reason. In New York State, the best estimate for unmet legal need comes from a 2010 study suggesting that **approximately 80 percent of the civil legal needs of the 6.3 million residents living in poverty are unmet**.<sup>4</sup> This is comparable to the situation across the country, where less than 20 percent of low-income applicants are able to find help through legal services channels.<sup>5</sup> The **number of self-represented litigants** refers to the number of individuals who appear in court without legal counsel. In 2011, **an estimated 2.3 million litigants appeared in the New York civil courts without legal representation** for whatever reason. Aggregate data at the national level are unavailable because not all states track this information. The graph on the right illustrates the relationship between legal representation and type of case.<sup>6</sup>



SELF-REPRESENTED LITIGANTS, NEW YORK, 2009<sup>7</sup>



## WHAT'S HAPPENING IN NEW YORK

### LEGAL SYSTEM REFORM INITIATIVES

For at least the past decade, New York has focused on addressing the justice gap that disproportionately affects at-risk residents. This justice gap prevents them from securing “life essentials” – housing, family stability, personal safety, freedom from domestic violence, access to healthcare and education, and subsistence income and benefits. The New York State courts created a separate judicial office in 1999 to better integrate access to justice efforts into court operations. These efforts have focused on strengthening the delivery of civil legal services and addressing the needs of self-represented litigants, among others. They also have been challenged by a growing income inequality gap and dramatic reductions in funding for civil legal assistance in New York, as elsewhere throughout the country.

Given the urgency of the challenge, Chief Judge Jonathan Lippman established the Task Force to Expand Access to Civil Legal Services in New York in 2010. The Task Force was convened to identify opportunities for improving all aspects of civil legal assistance in the state; and recently made several recommendations to expand efforts to ensure the effective and efficient delivery of legal services. These include a greater focus

on “know your rights” community education and on partnerships and collaborations with social services agencies, medical providers, schools, and community-based organizations.

There has also been a growing effort to introduce evidence-based measures that clarify the relationship between type of legal service, location, and case outcome. The New York City-based National Center for Access to Justice recently announced the development of a performance measurement index that sets benchmarks and establishes modalities of comparing civil legal services across courts and communities. The initiative is still in its infancy.<sup>8</sup>

### COMMUNITY-BASED REFORM INITIATIVES

Other efforts to address the justice gap have focused on making legal services more accessible to greater numbers of people, through several outreach and early intervention models.

#### Medical Legal Partnership

In the state of New York, this proven national model operates through partnerships between 15 legal service providers and over 40 hospitals or health care facilities. The model emphasizes

early intervention and provides a mechanism for lawyers, social workers, and doctors to work together to resolve the legal needs that have an impact on patient health. It has already demonstrated improved patient health and well-being. In a 2007 study of cancer survivors, nearly 25 percent of patients reported that legal services helped them maintain treatment regimes.<sup>9</sup> The model also demonstrates positive financial impacts on state governments and private businesses. For instance, a LegalHealth study on two medical-legal partnership programs in 2004-2005 determined that for every \$1 spent by the hospital in support of an on-site legal clinic, the hospital received \$16 in revenue generated from successful legal interventions.<sup>10</sup> Recently, the model has received crucial state support. In late 2011, New York became the first state to endorse the provision of free legal assistance on-site at healthcare facilities through the Health-Related Legal Services Program Law.<sup>11</sup> Proponents say the law paves the way for the standardization and expansion of the model.

### Legal Services Outreach

Single Stop USA is one effort to holistically address the needs of low-income individuals by establishing neighborhood-based sites that connect benefits assistance with tax preparation, financial counseling, and legal services. Based on Single Stop NY,

a program launched by the Robin Hood Foundation, the model has now expanded nationwide. According to Single Stop USA, in 2011 alone, these efforts helped participants secure \$87 million in health programs, \$33 million in food stamps (SNAP), \$25 million in housing and eviction prevention and \$114 million in legal counseling across the nation.<sup>12</sup>

In 2012, New York Legal Assistance Group (NYLAG) launched the country's first mobile legal services office and courtroom.<sup>13</sup> A vehicle known as the Mobile Legal Help Center travels throughout 16 New York City neighborhoods to provide free civil legal services for low-income individuals. Operating in partnership with the New York State Courts' Access to Justice Program, the initiative relies on NYLAG public interest attorneys to offer legal advice and direct representation. The vehicle also contains a video conferencing system that provides remote access to judges able to issue orders for emergency proceedings, including unlawful evictions and protection orders in cases of domestic violence. The initiative is expected to help 2,000 individuals in its first year, and might help save the city money. Previously, the New York City's social services department estimated that the city saves \$4 in shelter and other social services costs for every \$1 spent on legal representation for individuals at risk of becoming homeless because of eviction.<sup>14</sup>

## REFERENCES FOR FURTHER RESEARCH

### ORGANIZATION

### WEBSITE

LegalHealth / New York State Coalition of Medical-legal Partnerships

[www.legalhealth.org](http://www.legalhealth.org)

National Center for Access to Justice

[www.ncforaj.org](http://www.ncforaj.org)

New York Access to Justice

[www.nycourts.gov/ip/nya2j/](http://www.nycourts.gov/ip/nya2j/)

New York Legal Assistance Group

[www.nylag.org](http://www.nylag.org)

[probono.net/ny](http://probono.net/ny)

[www.probono.net/ny](http://www.probono.net/ny)

## ABOUT SOCIAL IMPACT RESEARCH

Social Impact Research (SIR) is the independent research department of Root Cause, a research and consulting firm dedicated to mobilizing the nonprofit, public and business sectors to work collaboratively in a new social impact market. Modeled after private sector equity research firms, SIR conducts

research on social issues and independent analysis of program performance to provide leaders and funders with the rigorous, actionable information they need to make strategic decisions about creating and investing in social impact.

## ENDNOTES

1. Task Force to Expand Access to Civil Legal Services in New York: Report to the Chief Judge of the State of NY, (NY: NY State Courts, November 2011).
2. Ibid.
3. Note that not all unrepresented litigants are "at-risk" individuals who have low-income or live in poverty. People choose to forgo legal services for many different reasons. At-risk individuals include minorities, disabled, have low literacy and/or limited English language ability; and/or live in a rural location. There is no standard definition of low-income; in this report, it is an annual income of 100 to 199 percent of the poverty level as designated by the U.S. Census Bureau. Those individuals under 125 percent of the poverty level, which constitute approximately the bottom fifth of the population, are often eligible for publicly supported legal services.
4. Task Force to Expand Access to Civil Legal Services in New York: Report to the Chief Judge of the State of NY, (NY: NY State Courts, November 2011).
5. American Bar Association. Consortium on Legal Services and the Public. "Legal Needs and Civil Justice: Major Findings from the Comprehensive Legal Needs Study." (Chicago: ABA, 1994).

6. New York State Courts. NY State Courts Access to Justice Program 2010 Report. (NY: NY State Courts, 2010).
7. Ibid.
8. Cara, Anna and David Udell. We need a national Justice Index, The National Law Journal December 5, 2011.
9. Retkin, Randy, Julie Brandfield, and Cathy Bacich. Impact of Legal Interventions on Cancer Survivors. January 2007.
10. Boyle, Jimmy and Ada Chiu. Financial Impact of LegalHealth Services to New York City Hospitals. (New York, NY: LegalHealth, 2007, rev 2009).
11. Bill A3304-2011/S.5566 Health-related legal services programs.
12. Phone interview with Grayce Wiggins, April 2012, Single Stop USA.
13. New York Legal Assistance Group (NYLAG). NYLAG Launches Mobile Legal Help Center (New York City: Spring 2012 Newsletter).
14. Boston Bar Association Task Force on Expanding the Civil Right to Counsel. Gideon's New Trumpet: Expanding the Civil Right to Counsel in MA. (Boston: Boston Bar Association, 2008), quoting NYC Department of Social Services, The Homelessness Prevention Program: Outcome and Effectiveness 2 (1990).