

**Joint Budget Hearings on 2016-2017 Budget
Public Protection
Testimony of Amy Barasch
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Introduction

For over 23 years, Her Justice (formerly known as inMotion) has aimed to ensure that women and children have access to the legal tools they need to achieve safety and self-sufficiency. Her Justice provides advice and counsel, brief services, and direct representation to over 3,000 clients annually in the essential areas of family, matrimonial, and immigration law. There are not enough lawyers to go around in our civil courts, so most litigants have to manage complicated and intimidating cases on their own. Her Justice addresses that gap by connecting clients with private attorneys from across the city. We recruit, train and mentor volunteer attorneys to stand side-by-side with women who cannot afford to pay for a lawyer, enabling us to reach many more people than we could on our own.

The “Pro Bono First” Model

What makes Her Justice unique is our “pro bono first” model. Her Justice specializes in offering pro bono assistance—connecting volunteer lawyers from premier law firms in New York City with low-income women who desperately need a lawyer. We invest much of our legal staff’s time and effort in screening clients and identifying who is best suited to receive full representation from a volunteer attorney, or advice and counsel or brief services if that is responsive to their needs, and providing detailed training and intensive mentoring to the volunteer attorneys to whom we refer pro bono matters. In that way, Her Justice matches the best legal services to each client and brings the power of the legal profession to those who need it most.

Our staff provides full representation for 20% of our cases in house, but the balance is handled by volunteer attorneys from the City’s law firms. This model provides a remarkably cost effective way to complement the work of legal services. Our legal department (which speaks six languages other than English) works on-site at all four of New York City’s Family Justice Centers, partnering with community-based organizations to provide holistic assistance to abuse victims. In addition we offer a regular Legal Help line where intake is conducted by legal assistants on staff and is available to low-income women, whether or not they are victims of intimate partner violence. The balance of our clients is referred to us from community-based agency partners. This year we are launching several clinic models to reach community-members who may not realize they have an issue that the law can address.



The women and children we serve reside in all five boroughs of New York City (28% in the Bronx, 30% in Queens, and 22% live in Brooklyn); 53% are Latina, 14% are African-American and 14% are Asian or from another minority group. All clients are in desperate need of legal support; 85% are survivors of intimate partner violence; 75% are mothers; and 70% were born outside of the U.S.

The Need for Legal Assistance

The Permanent Commission on Access to Justice documents the realities in the courts that our attorneys see every day. The mission of Her Justice has always been to identify gaps in the provision of legal assistance to low-income women, and develop creative ways to leverage the talent and resources of private firms to meet it. By doing so, Her Justice increases exponentially the number of women who go to court with their own lawyers and obtain the legal protections that they and their children need and deserve.

During fiscal year 2015, **Her Justice served 3,121 women (and their 4,323 children), providing full representation and/or legal advice and assistance from our volunteers and staff. We maintained 5,682 open legal matters throughout the year.** Our cases range from victims of partner violence seeking safety through immigration petitions, to mothers who need a forensic accountant to demonstrate to the court what a fair child support award would be. Given the volume of people seeking assistance, the number of clients receiving pro se assistance has grown substantially in recent years. **Last year, Her Justice staff attorneys provided advice and/or brief assistance on 2,527 matters to pro se clients.**

Our objective is to ensure that all women who contact Her Justice obtain essential legal services for themselves and their children.

Pro Bono Must be Part of the Solution

The legislature has recognized the importance of legal services, and thanks to last year's \$7million investment, the number of individuals going to court without legal assistance has gone down. Nonetheless, to quote the Commission, "vast numbers of unrepresented litigants continue to appear in court." With such a large need, we must be creative in our solutions. Her Justice has invested in a rich pro bono model to extend our reach. Volunteer attorneys are richly mentored by our staff, and can avail themselves of volunteer financial services firms where helpful. Our work has particular impact for cases in which there is no right to an attorney, and where financial awards are involved. A prime example is child support cases, in which fully 95% of litigants proceed without an attorney. Last year our **support and divorce clients saw their income increase an average of 87%** thanks to the legal representation they received. Our clients live at or below 200% of poverty, so these awards protect them against extreme poverty and contribute to the overall economic health of New York City. For every dollar invested in legal services, the community sees a return of \$10. Pro bono increases that return on investment by leveraging additional contributions from the private bar.

We have also investigated **limited scope representation** as a way to extend our reach. When the federal government announced an increased delay in U Visas (very popular with the private bar, and a critical remedy for our foreign-born domestic violence victims) we developed a solution. Law firms were uncomfortable handling U Visas if there were going to take the



projected 9 years. We created a plan so that a firm handles the case for 2 years until an initial determination is made. Then our specialized immigration paralegal manages the case until additional court work is necessary (the interim work is meeting renewal deadlines and case management). At that time, we offer to the firm that they can take the case back or we can match it to another firm. This strategy ensures that firms are not keeping inactive cases on their books for years, and provides more streamlined contact and case management for the clients.

The Crisis in Litigated Divorce

In addition to child support matters, litigated divorces are an area with only limited access to counsel despite the potential for real harm to our clients. The reality is that couples separate, and the matrimonial laws are a tool to ensure that families are not made poorer as a result. Her Justice is one of the few providers in New York City to take these cases, and we were particularly pleased that the legislature passed Chapter 269- A.7645/S.5678 last year regarding maintenance awards. This law will improve the predictability and fairness of outcomes in remedies for many of our divorcing clients. We anticipate an easier time advising clients; more predictability in awards; and more domestic violence victims likely to request funds for which they are eligible with reduced fear of reprisal. When 95% of our litigated divorce clients are victims of domestic violence, the security of representation and financial decisions guided by law is particularly essential.

The Demand for Legal Services for Domestic Violence Victims Remains High

Approximately 89% of our clients are victims of domestic violence. That number is high in part because we receive the majority of our referrals from the City's Family Justice Centers. However, as we expand our intake into community groups it will be interesting to see if that statistic changes. In its annual snapshot, the National Network to End Domestic Violence recently determined that **New York State is now #1 in the country regarding demand for domestic violence services**. Victims of domestic violence are often afraid to go to court without representation, both because they have to face their abusive partner, but also because without the power of representation behind them they are unlikely to achieve the best outcome. The mission of Her Justice is to put the power of private sector behind our clients, and the benefit is particularly clear for domestic violence victims. Her Justice is recognized as one of the few organizations to place large numbers of family court cases with the private bar. Nonetheless, cases with urgent needs – such as domestic violence cases – can be a difficult fit. Law firms must conduct conflict checks, identify availability attorneys, and take other procedural steps before deciding to represent a client, but women at risk cannot wait. Therefore we hope to launch a new urgent attorney model – a first in pro bono practice as far as we know. Under our proposed model, a Her Justice staff attorney would represent clients with particularly time sensitive needs at their first court appearance, to stabilize the case and obtain interim remedies. Once a next court date was set, we would have the time to place the cases with an interested volunteer. This model would be developed with the court as a new way to use a limited scope representation system, and may offer us a way to again meet the needs of clients and the private bar simultaneously.



Historic Legislative Support

The New York State legislature has a long history of supporting the Legal Services Assistance Fund. These funds help providers across the state. With the need still high, we support the Permanent Commission on Access to Justice's request for increased funding for the provider community. Her Justice remains dedicated to working with the private sector to complement the work of legal services, and identify new tools to grow available resources for low-income New Yorkers whose health and safety would be in jeopardy without legal representation. An investment in legal services represents a significant return in preventing further harm to clients, addressing essential needs, and permitting all New Yorkers to contribute to our state's economy.

Conclusion

Our pro bono first model enables us to keep thousands of women and their children safe and economically secure. We are proud of our unique approach to leveraging the private sector to extend the reach of legal support to low-income New Yorkers. We look forward to working with you and all of our colleagues statewide to continue to expand this essential work.