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**Joint Legislative Public Hearings on
2024-2025 Executive Budget Proposal**

Public Protection

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INTRODUCTION

Thank you for the opportunity to testify on this year's Executive Budget. My name is Kristin Brown and I am President and CEO of Empire Justice Center. I am also president of the New York Legal Services Coalition; the Coalition consists of nearly 50 member organizations providing essential civil legal services to low-income and disadvantaged individuals throughout New York State. I also serve as a member of the New York State Unified Court System's Permanent Commission on Access to Justice.

Empire Justice Center is a statewide, multi-issue, multi-strategy not-for-profit civil legal aid provider focused on changing the complex systems impacting low income and marginalized New Yorkers. With a focus on poverty law, Empire Justice takes a 360-degree approach to the areas of law we practice in, providing individual legal representation, policy research and analysis, training and technical assistance as well as impact litigation.

Our work cuts across all significant areas of poverty law and involves three inter-related services:

We practice the law: Empire Justice Center provides a range of legal assistance from our Telesca Center and Library offices in Rochester, Albany, Yonkers, White Plains, Central Islip, and Hempstead. We provide one on one representation and undertake impact litigation to address systemic issues impacting low income and marginalized communities.

We teach the law: Our history as a backup center for civil legal services providers began in the 1970's and while federal funding for these services was eliminated during the mid 1990's, we have sustained that work in specific service areas where we continue to provide training, technical assistance and other legal support services to civil legal aid providers as well as a variety of other community-based organizations, keeping them apprised of changes in the law and regulations.

We change the law: In order to ensure that the needs of low-income families are heard within the state's policy making processes, we engage in both legislative and administrative advocacy on a range of issues impacting our clients and we do the same as needed at the local and federal levels.

In today's testimony, I am respectfully asking you for the following:

1. **Progress toward achieving pay parity for civil legal service providers to address the recruitment and retention crisis**
2. **Support of the Office of Court Administration budget as proposed, including the increase to civil legal services, targeted to address recruitment and retention challenges**
3. **Support of the Legislature's Legal Service Assistance Fund (LSAF)**
4. **The need to protect the Interest on Lawyer's Accounts in the Executive Budget**

5. Reforming New York’s contracting and payment processes through uniformity, streamlined systems, identifying best practices and efficiencies to be implemented across contracts and agencies
6. Continue to ensure support for Victims of Crime
7. Ensure privacy for people with court-ordered name changes

Progress toward achieving pay parity for civil legal service providers to address the recruitment and retention crisis

Before delving into our response to the specifics in the Executive Budget, I want provide an overview of what is happening in the field of civil legal services. Unlike in criminal cases – in which people have a right to an attorney – civil legal service providers’ ability to take on clients depends on securing government contracts and private fundraising, even though civil cases determine people’s access to the “Essentials of Life”, including housing, food, education, and safety. Our Chief Judge’s Permanent Commission on Access to Justice has estimated up to a \$1 billion gap¹ between current funding and unmet civil justice needs. A detailed analysis by the Interest on Lawyer’s Account (IOLA) Fund for the 2024 report to the Chief Judge from the Permanent Commission² estimated that for every \$1 in civil legal services funding, \$7.50 is generated.

This work is critical to our clients and to our state as a whole, and unfortunately, our field is facing a recruitment and retention crisis. Lawyers and other staff continue to leave legal services agencies like Empire Justice Center for government jobs at an alarming rate because civil legal services organizations statewide are unable to achieve pay parity with those attorney counterparts working in government positions, such as the New York State Attorney General’s Office. The combination of higher salaries and a government pension is difficult to compete against, particularly for mid-career attorneys.

Based on a recent survey and soon to be released report from the NY Legal Services Coalition, pay for attorneys in civil legal services is significantly lower than their government counterparts doing substantially similar work, with civil legal services outside of NYC getting paid **21%** less than their counterparts in the Attorney General’s office. Those inequities only grow throughout their careers and, after 21 years of civil legal services employment, experienced civil legal services attorneys are paid **38% less** than their counterparts in the AG’s office in some parts of the state. At Empire Justice Center, during a three-month period we had three very experienced long term attorneys

¹ Permanent Commission on Access to Justice, Report to the Chief Judge of the State of New York, November 2023 https://www.nycourts.gov/LegacyPDFS/accesstojusticecommission/23_ATJ-Comission_Report.pdf

² New York State Permanent Commission on Access to Justice. Report to the Chief Judge of the State of New York, November 2024. <https://www.nycourts.gov/LegacyPDFS/accesstojusticecommission/2024-Commission-Report-Online.pdf>

leave to work for New York State – while they loved their jobs, our salaries and retirement offerings simply could not compete³.

While I acknowledge that New York State cannot single-handedly fix the justice gap overnight, it is also abundantly clear that the gap will widen without both a direct investment from New York State in civil legal services, and the preservation of one of its core funders, the Interest on Lawyers Account (IOLA).

I will discuss specific immediate next steps to stem the tide below.

Support the Office of Court Administration budget as proposed, including the increase to civil legal services, targeted to address recruitment and retention challenges

New York’s Chief Judge, Rowan Wilson held his annual hearing on civil legal services⁴ in September, which focuses on “[evaluating] the continuing unmet civil legal services needs in New York and to assess the level of resources necessary to meet those needs.” He began the hearing noting the lack of a right to counsel in civil matters, and the overwhelming need for more services. At the hearing, providers, bar leaders and national leaders in the legal field testified on the staffing crisis in the sector, and the urgency of increasing salaries and supporting infrastructure investments and strategies to close the justice gap as key first steps in helping low-income New Yorkers access justice.

In my testimony at the hearing, I noted that a Permanent Commission survey of funded organizations found a statewide 13% vacancy rate for attorney positions. This equates to approximately 50,000 individuals not being served, making it absolutely essential that we take the steps necessary to fill those vacancies, first and foremost is to get our salaries to a rate that is competitive with our government counterparts, which is the primary employer our staff are being recruited by.

We are deeply grateful that the New York Unified Court System listened and included a significant increase in funding for Judiciary Civil Legal Services (JCLS) in their budget submission for SFY 2026⁵. Indeed, the court highlighted the increases in civil legal services funding as a priority: “The UCS is committed to meeting the critical needs of low-income and underrepresented New Yorkers. The FY 2026 Budget includes an increase of \$45.5 million, for a total budget of \$150 million.”

This funding will be essential in our efforts to increase salaries and it will also be incredibly helpful in adapting to changes in funding that may occur from the federal level. New Yorkers need a stable legal services system to help them navigate crises including domestic violence, eviction, foreclosure, and access to benefits they are entitled to. We respectfully ask both

³ <http://www.nylscoalition.org/>

⁴ The Chief Judge’s Hearing on Civil Legal Services in New York <https://www.nycourts.gov/ctapps/civil.html>

⁵ New York State Unified Court System Budget Fiscal Year 2026. https://www.nycourts.gov/LegacyPDFS/admin/financialops/FPCM-PDFs/V2_jdbgt/FY2026_FINAL-JudiciaryBudget.pdf

houses of the legislature to support this critical investment in their one houses and in the final budget.

ASK: Include the increase to JCLS funding \$150 million in both one-house bills and the enacted budget.

Support of the Legislature's Legal Service Assistance Fund (LSAF)

Legislative funding provided via the Legal Services Assistance Fund for to civil legal services has remained at the same level since the fund was created in 2009-10. This year, the Governor has allocated \$19.9 million in the LSAF for a variety of purposes, including \$4.2 million that he proposes to direct to civil legal services, among other things. The civil legal services portion of the LSAF, which includes direct grants to agencies is a small but critical funding source that allows agencies to allocate funds to pressing needs in their region. At Empire Justice Center, the funds support our 360 degree approach to providing individual legal representation in immigration, employment and civil rights, trainings for attorneys and advocates in emerging areas of poverty and family law and in providing legal analysis in pursuit of systems change. We also use funds to provide training and technical assistance to attorneys and advocates working with victims of domestic violence.

ASK: Restore last year's LSAF funding allocations for civil legal services, including funds for DV legal services from the Governor's proposed \$4.2 million LSAF allocation.

The ongoing need to protect the Interest on Lawyer's Account

As you recall, last year the Executive Budget included a \$100 m sweep from IOLA to the General Fund. That was rescinded in the 30-day amendments after broad outcry from attorneys across the state. However, the final budget included a last-minute \$55 m sweep to fund foreclosure prevention and eviction legal services. While these are important programs, we are strongly opposed to any sweeping of IOLA for any other purposes. These are not taxpayer dollars and any sweep puts the integrity of the whole system at risk. New York's Interest on Lawyers Trust Account Fund was established in 1983, as a fiduciary fund, for the sole purpose of funding civil legal assistance. IOLA supports essential legal services for low-income New Yorkers with civil legal problems affecting their most basic needs - the top five areas of service from 2023 are housing, immigration, family law, education and health.

We are glad to see that this year's executive budget does not include the sweep of IOLA funds, and more notably to see the integrity of IOLA as a fiduciary fund affirmed in the Executive Budget proposal.

We were further pleased to learn that Governor Hochul and Comptroller DiNapoli have recently signed an MOU with IOLA that protects IOLA from these sweeps for the time being. the applaud

the New York State Bar Association, the New York City Bar Association, the New York County Lawyers Association and the Monroe County Bar Association for support of IOLA and civil legal services.

We do note that this year's executive budget appropriates \$77.5 million, not the \$80 million necessary to fund the grants contracts and programming approved by IOLA's Board of trustees this year. We look to the Governor to provide the full amount – the funds are in the IOLA account and the plan for their use has been articulated by the Board of Trustees.

ASK: Add \$2.5M to the \$77.5M appropriation (\$80M total) for the Interest on Lawyers Account (IOLA) Fund to support its grantees and ensure that budget language designates IOLA as a "fiduciary fund."

Reform New York's contracting and payment processes through uniformity, streamlined systems, identifying best practices and efficiencies to be implemented across contracts and agencies

Legal services providers are a critical part of New York's social safety net. Along with our not for profit sector colleagues, New York State contracts with Empire Justice Center to provide civil legal services to low income and marginalized New Yorkers facing homelessness, hunger, loss of income and more. Challenges in the not for profit contracting and payment processes result in financial crisis, staffing instability and fewer services for clients, undermining the goals of the contracts.

ASK: Reform New York's contracting and payment processes through uniformity, streamlined systems, identifying best practices and efficiencies to be implemented across contracts and agencies.

Continue to ensure support for Victims of Crime

Empire Justice Center is very supportive of the Governor's proposal in the Executive Budget to support services for crime victims through the continuation of a multi-year commitment of funding to support victim assistance programs through the Office of Victim Services and we urge the legislature to support this.

These funds support critical legal services that help victims of domestic violence rebuild their lives, including obtaining divorces and orders of protection, secure the safety and custody of their children, legally terminate joint leases, and assisting in maintaining employment while victims address their immediate needs. Empire Justice Center utilizes these funds to run the Crime Victim Legal Assistance Network, which provides training, resources, support and

research to legal services organizations representing crime victims, as well as warm referrals for crime victims.

This funding is critical. The largest and most crucial source of funding for the Office of Victim Services grants to Victim Assistance Programs is the federal Victim of Crime Act (VOCA) Victim Assistance fund. First, we have been facing shrinking deposits into the federal Crime Victims Fund, annual VOCA grants to states have declined. We were grateful to the solution in last year's final budget to ensure our services to victims of crime will continue, and we were grateful to see the funding included again in this year's executive budget. The sudden and unexpected freeze of federal funding, despite federal appropriations, makes New York's commitment all the more critical.

We need a federal solution for this, but, in the meantime, we are grateful for Governor and the Legislature's multi-year support for these important services. New York can and must take steps to ensure crime victims have access to the services they need, and we urge the legislature to once again support the governor's proposal.

ASK: Support Governor Hochul's allocation of \$100 m to cover Victims of Crime Act (VOCA) contracts through 2028 and \$20,000,000 reappropriation from SFY2025 to cover VOCA contracts through 2025

Ensuring privacy in court-ordered name changes

While all other types of name changes – such as for marriage, divorce, or adoption – have categorical privacy, court-ordered name changes do not. This poses a safety and privacy concern for all petitioners, and particularly for transgender, and nonbinary people, and those who are victims of domestic violence. The Office of Court Administration recently implemented a new rule, which is a positive step, however, OCA can only go as far as the law allows. We must change the law to treat name changes in court the same way as all other name changes, and we must provide a path to privacy for people who had name changes before the new rule took effect. There is no reason for New York state to allow confidential information – including home addresses, birth certificates, birth dates and medical records – available to the public. Especially considering that online filings are scraped and data is re-published online, and changes at the federal level, this is of utmost urgency.

ASK: Include the Privacy in Name Changes (S.2431 Hoylman-Sigal/A.3925 Lavine) in the one-house and final budgets.

Thank you for the opportunity to testify today and for your ongoing support for civil legal services.