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State Precluded From Spending \$100 Million on Civil Legal Needs of Low-Income People

*Letter to the Editor
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Maybe Chief Judge DiFiore was correct when she said at the annual New York State Bar meeting that New York is the undisputed national leader in serving the civil legal needs of low-income people. However, having the court system spend \$100 million per year on such programs is wrong. Article 7, Section 8 of the State Constitution precludes giving or loaning money of the state in aid of any private corporation or association. Given this restriction, how does the Judiciary justify requesting and spending \$100 million per year on Civil Legal Services to Legal Aid Societies and other organizations? In 2016 Legal Services NYC and the Legal Aid Society each received \$9,786,789 from the Office of Court Administration.

Even if you do consider paying this money not a violation of Article 7 of the Constitution, Article 6 provides that the legislature shall provide for the allocation of the cost of operating and maintaining New York's courts. It does not allow the court system to enrich organizations that provide civil legal services that are not mandated by law or judicial decision. If any such

payments are to be made, it should be a decision of the Legislature, not the court system which was established to run the trial and appellate courts.

Providing civil legal services to the poor, even if not mandated, is a wonderful service. Twenty-five years ago I started a law clinic in Albany County to provide free divorce papers for people who met federal poverty guidelines. I volunteered for years to train law students to aid poor people in Albany County Family Court with the preparation of petitions. Thousands have benefited from those services throughout the years. I was fortunate to have received pro bono awards from, among others, the New York State Bar Association and the New York Law Journal. My commitment to volunteering to provide free civil legal services has never wavered. But the Judiciary of New York spending \$100 million per year of taxpayer money is inappropriate and probably unconstitutional.

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