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Chief Judge Lauds New York for Legal Representation of Low-Income People

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Chief Judge Janet DiFiore speaks at the Justice For All luncheon at the New York State Bar Association Annual Meeting on Jan. 25. Photo: David Handschuh/NYLJ.

New York has become the undisputed national leader when it comes to serving the civil legal needs of low-income people, Chief Judge Janet DiFiore told the state bar association Thursday at its annual meeting in New York City.

The percentage of low-income New Yorkers whose civil legal needs are now being met has risen to a high of 37 percent, up from 20 percent in 2013, she said, citing statistics from The Permanent Commission on Access to Justice.

Speaking at the bar's Justice for All luncheon, DiFiore said the progress was due in part to the recurring \$100 million allocation in the state judiciary's budget to support grants to civil legal service providers, the largest amount by any state judiciary in the nation.

She also said that New York City's passage of a law guaranteeing free legal services to every low-income tenant facing eviction has made a tremendous difference. About 27 percent of these tenants who appear in the New York City

Housing Court are now represented by counsel, up from just 1 percent in 2009, she said.

“On the criminal side, I can assure you that not only is New York making good progress in meeting its constitutional obligation to provide effective assistance of counsel to poor defendants, but we are well on our way to setting the national standard for a properly-funded, high-quality public defense system,” she said in her prepared remarks.

DiFiore noted new funding from the state to help in this area, such as approximately \$50 million in Gov. Andrew Cuomo’s executive budget released earlier this month. The funds are the end result of the long push that began in 2007 with the *Hurrell-Harring v. NY*. The suit against five upstate counties claimed that indigent criminal defendants were having their constitutional rights violated by the lack of effective and meaningful representation through New York’s county-based public defender system.

The settlement in 2014 set the stage for new funding as part of the state’s budget passed last year. Cuomo’s executive budget proposal represents the first allocation.

“It is the responsibility of each of us to do our part to educate our policy makers and the public — that every dollar and every hour of pro bono invested in meeting the legal needs of the poor redounds to the benefit of our society many times over — by improving the lives of our neighbors and strengthening the quality of life in our communities,” she said.

In her remarks, DiFiore congratulated the honorees in the pro bono category: Caroline Heller of Greenberg Traurig, Ben Ostrer of Ostrer Associates and Phillip Hurwitz of Damon Barclay. She also paid tribute to firms that won in the pro bono category: Skadden, Arps, Slate, Meagher & Flom; Proskauer Rose; Willkie Farr & Gallagher, Phillips Lytle, Barclay Damon and Nixon Peabody.

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