

TESTIMONY

First Judicial Department Hearing
On Civil Legal Services

Task Force to Expand Access to Civil Legal Services in New York

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Good morning, Chief Judge Lippman, Presiding Judge Gonzalez, Chief Administrative Judge Prudenti and New York State Bar Association President Lau-Kee. Thank you for inviting me to testify before you today.

I am the Director of Pro Bono Practice at Cleary Gottlieb Steen & Hamilton LLP, an international law firm with more than 1,200 lawyers. Although lawyers in Cleary's 16 offices undertake pro bono, I am going to confine my remarks today to the pro bono work done by the approximately 700 lawyers in our New York office.

Pro bono is an essential part of the civil legal services delivery system, enabling legal services organizations to leverage their resources and increase their capacity to represent low-income New Yorkers. Last year, Cleary Gottlieb's New York lawyers logged more than 50,000 pro bono hours. In this respect, Cleary is not unique: all over New York State, associates and partners at law firms big and small, solo practitioners, and other attorneys are working on pro bono cases. Indeed, studies by the State and the American Bar Association indicate that lawyers in New York contribute more than 2.5 million pro bono hours each year.

The vast majority of Cleary Gottlieb's pro bono hours are spent on behalf of individuals fighting for the basic necessities of life -- such as shelter, safety, and subsistence income -- or for particularly underserved populations such as domestic violence and sex trafficking victims, veterans and undocumented immigrants. Many times, these two spheres overlap.

In 2013, for example, we represented dozens of trafficking victims. Among other things, we helped vacate their prostitution convictions by filing post-conviction motions where there is no right to counsel, we defended clients in family court proceedings

where pimp-traffickers tried to gain custody of children, and we helped international sex trafficking victims file for T-Visas, a form of immigration relief for trafficking victims.

With respect to housing, we recognize that affordable and safe housing is critical to ensuring the well-being and health of families in New York. To that end, we spent thousands of hours last year working to prevent families from being evicted from public and private housing.

Additionally, for decades, Cleary Gottlieb has sponsored two externships: one at Lawyers Alliance for New York, which provides transactional legal services to nonprofits that improve the quality of life for New Yorkers, and one at MFY Legal Services Inc., which provides civil legal representation and community education to nearly 5,000 households every year. Each Cleary Gottlieb extern spends approximately four months working full-time at Lawyers Alliance or MFY and then is replaced by the next extern, effectively providing each of these organizations with an additional full-time attorney. The MFY extern is dedicated to representing indigent New Yorkers in housing court. It is worth noting that one of the Cleary Gottlieb partners who now supervises much of our pro bono housing work was an MFY extern in 1998.

And that brings me to the importance of what I call the “snowball effect” of pro bono. I have seen time and time again how taking just one pro bono case as a young lawyer can foster a lifetime commitment to pro bono. When I started at my firm as a litigation associate nearly 20 years ago, one of my first cases was a pro bono lawsuit seeking minimum wage for a class of homeless New Yorkers. During the course of the case, I spoke often to many of the plaintiffs about their other seemingly endless legal woes. Their legal problems were the typical ones faced by our city’s most vulnerable

population – someone would call me on the brink of eviction or because their benefits had been cut off or a plaintiff would show up at Cleary Gottlieb’s offices after having been attacked by an intimate partner without knowing where else to go. Meeting these New Yorkers and hearing their stories – and seeing how I could help – changed my view of legal work forever. From that time forward, there was never a time as a litigation associate and then a litigation partner at Cleary Gottlieb that I did not do pro bono work. And now that I have the privilege of overseeing and managing Cleary Gottlieb’s pro bono practice on a full-time basis, a career shift I attribute in no small part to that one case years ago, I see this phenomenon repeated again and again. As one associate recently emailed me: “I will never forget the look of relief, gratitude and shock in Mr. S’s eyes following our victory in his case. When I spoke to him a few days later, he said that he was able to sleep soundly for the first time since his ordeal had begun almost three years ago. I’d like to help out on another case.”

We are rightfully proud of all the pro bono work we do. We relish the victories on behalf of our clients - the NYCHA apartment a 78 year-old woman gets to keep, the special education secured for a disabled child desperate for an appropriate education, and the two-year order of protection granted to a woman that allows her to safely go to work each day. But of course, when only 20 percent of low income New Yorkers have their civil legal needs met, we in the Pro Bono Community must constantly think of ways to do more, to reach more people, to work together in the private bar to do pro bono work more efficiently.

I want to conclude my testimony where I began by noting that pro bono work is a critical way to enable legal services organizations to leverage their resources. The

private bar could not do pro bono work without the amazingly talented and committed attorneys and staff members at the organizations that we work with on a daily basis. It is not an exaggeration to say that we work with groups like The Legal Aid Society, Legal Services NYC, and Sanctuary For Families in virtually every one of our pro bono cases. These nonprofits screen the individual clients, train our lawyers, and most importantly, work with us throughout the cases. We rely upon our legal services colleagues for their expert advice, counsel, and guidance. For this reason, whenever there is discussion of expanding the pro bono work done by the private bar as a means of addressing the access to justice gap for low and moderate income New Yorkers, there must simultaneously be discussion of increasing the resources and capacity of the civil legal services organizations.

Thank You.