

**PERMANENT COMMISSION ON ACCESS TO JUSTICE
STATEWIDE STAKEHOLDERS MEETING**

REMARKS FROM CHIEF JUDGE JANET DIFIORE

October 18, 2021

Thank you, and good morning.

I want to start by thanking Helaine Barnett and the members of the Permanent Commission on Access to Justice for convening this fifth annual Stakeholders Meeting, bringing together the leaders of the legal services community, the private bar, our law schools, community and social service groups, government agencies and, of course, the Judiciary to address the urgent access to justice challenges that have only grown more pressing as a result of the unprecedented public health crisis that is now stretching into its 19th month.

The nature and extent of these challenges was made abundantly clear five weeks ago today at our 12th annual Public Hearing on Civil Legal Services at Court of Appeals Hall in Albany. And while this year's hearing was conducted in hybrid fashion, with many virtual presenters, the seven members of the panel who presided over the hearing were all present in-person: Chief Administrative Judge Lawrence Marks; Presiding Justices Rolando Acosta, Hector LaSalle, Elizabeth Garry and Gerald Whalen; and State Bar President T. Andrew Brown.

And I am grateful to each one of them and the leaders of the legal profession for being out-front and visible on the critical issue of access to justice during these extraordinary times.

And this year, the Permanent Commission once again assembled an excellent roster of experts who presented informative and insightful data on the civil legal service needs of low-income New Yorkers, as well as valuable recommendations for future action designed to bridge the digital divide and expand access to justice. And while we surely have our work cut out for us, I came away from the 2021 Public Hearing encouraged, hopeful and energized -- energized by the incredible commitment, knowledge and creativity of our presenters.

Darren Walker, President of the Ford Foundation, addressed the philanthropic community's strong and growing interest in civil legal services and he urged us during his presentation to be proactive in pursuing that relatively untapped source of support. And we do intend to take him up on his suggestion and his valued offer of assistance.

Doug Lankler, General Counsel and Executive Vice President of Pfizer, described how large corporations are mobilizing volunteer lawyers to engage in strategic pro bono partnerships to address housing, healthcare and racial equity issues, and he gave a progress report on the exciting initiatives that our new Business Council for Access to Justice has put into motion in less than one year, including marshaling lawyers at corporate legal departments and private law firms to provide legal services to New York City tenants facing eviction.

Judge Anne-Marie Jolly, our new Administrative Judge for the New York City Family Court, and Judge Jean Schneider, Supervising Judge of the New York City Housing Court, testified about the challenging conditions and difficulties facing unrepresented litigants in their respective busy, high-volume courts. And both of these terrific

and experienced judges were united in making one very important point, and that is that if we expect to change the perception of our Housing and Family Courts as places that provide litigants in these courts with a “second class system of justice,” we must expand the availability of counsel to litigants struggling with housing, child support and custody issues. And I do believe that the commitment is there to alter the status quo and improve the quality of justice in those courts.

A pervasive issue at the forefront of this year’s public hearing was the “digital divide,” a difficult and challenging problem that I am glad to see is a featured item on your agenda today. Virtual court proceedings and services have shown themselves to be an effective means of safely meeting the demand for our services while limiting public density in our courthouses, and we are really compelled to identify the opportunities available and appropriate to expand our virtual services.

And as we work together on ways to improve equal access to our virtual courts, I believe that we will greatly benefit from the findings of the first survey -- the very first in the nation -- to address the experiences of represented and unrepresented litigants in our virtual courts. And I want to thank Neal Steinkamp for the valuable work he

led to develop this ground-breaking survey, a survey confirming, in the words of Professor Conrad Johnson, who leads the Digital Lawyering Clinic at Columbia Law School, that virtual courts can level the playing field and make proceedings fairer for some litigants. But Professor Johnson warned of the exacerbating effect on existing inequalities for those who lack the digital devices necessary to connect to the web, or the digital literacy, the digital literacy, necessary to use technology effectively, a potential unintended consequence we must all focus on.

And as to the advances we are making to appropriately and responsibly bridge the digital divide, we heard from Judge Kathie Davidson, our Dean of the Judicial Institute and former Administrative Judge of the 9th Judicial District. We heard from her about promising and creative initiatives, including:

- The “Faith-Based Court Access Program,” which provides unrepresented litigants with safe, technologically equipped spaces in houses of worship and community locations where they can receive remote legal services and participate meaningfully in virtual court proceedings;
- And our successful “Virtual Navigators pilot,” featuring trained non-lawyers, including college and law students, who assist

litigants with their virtual appearances and with accessing and navigating our virtual court services.

These are the kinds of innovative programs that highlight the importance of judicial leadership and collaboration in closing the justice gap. And I want to acknowledge the key role that Deputy Chief Administrative Judge Edwina Mendelson and let her staff at the Office for Justice Initiatives know how very much we value their day-to-day work to facilitate, support and oversee our systemwide efforts to ensure court access.

Another pervasive theme at this year's public hearing was racial equity and the disproportionate harm that the pandemic has caused in communities of color. We heard, time and again, how civil legal services have been an absolute lifeline for black and brown communities, easing the pain of the pandemic and preserving economic, family and social stability.

We heard the powerful and moving personal stories of many of these clients who received, without exaggeration, life-changing legal representation, including the remarkable story of an incredibly

courageous and earnest young man, Aaron Morris, who described his fight against all odds to attend remote high school while living in a homeless shelter that lacked internet access. Mr. Morris was a lead plaintiff in The Legal Aid Society's lawsuit against New York City, resulting in the installation of Wi-Fi in the City's homeless shelters and allowing thousands of homeless students just like Aaron Morris to pursue their education. Aaron's experience illustrates how the digital divide is not only real, but has the potential to cause lasting harm to disenfranchised families and children.

The compelling personal narratives of the clients who were saved from unfair evictions and homelessness, threats of domestic violence, and wrongful denial of social security and unemployment benefits reaffirm in very real and human terms exactly what is at stake here, and why we will never stop working to ensure that all New Yorkers have access to a lawyer when it comes to securing the essentials of life.

And so, I want to thank all of the stakeholders represented here today for your inspiring efforts to help, assist and make a difference in the lives of the most vulnerable folks in our state. And I want to commend Helaine Barnett and the Commission members for constantly

striving to find new and innovative ways to close the justice gap, including going as far as Alaska to learn more about the unique mapping tool that is being used there to identify regional gaps and redundancies in civil legal services. And we are grateful to the Administrative Director of the Alaska Courts, Stacy Marz, for taking the time today to explain how this mapping tool can help us create a more efficient and effective statewide delivery system here in New York. Thank you for your leadership, Ms. Marz.

And speaking of judicial leadership, I am proud of the fact that every one of our Administrative Judges from across the state, led by Norman St. George, our new Deputy Chief Administrative Judge of the Courts Outside New York City, and Deborah Kaplan, our new DCAJ for the Courts in New York City, is represented and actively participating in today's meeting, underscoring their commitment and determination to lead the way in closing the justice gap and bridging the digital divide.

The "Local Access to Justice Committees" led by our Administrative Judges are primed and well positioned to work with their local stakeholders, and I want to thank them for being present and engaged.

And in closing, I want to assure all of you that, notwithstanding the many difficulties presented by the ongoing pandemic, the Unified Court System remains fully committed to supporting your work and maintaining the momentum and progress we have made together to close the justice gap in our state. And we are looking at all possible ways in which we can increase our commitment and support of your work in order to make certain that we are prepared to meet the pressing access to justice challenges presented by the ongoing public health crisis.

We know that your efforts have made, and will continue to make, a profound and lasting difference in the lives of our fellow New Yorkers. We thank you, and we applaud you for your service. So best wishes for a productive meeting today.