

NYC OFFICE OF CIVIL JUSTICES' PROGRAMS TO PROVIDE UNIVERSAL ACCESS TO
LEGAL SERVICES FOR TENANTS FACING EVICTION HEARING

February 24, 2023

JOINT TESTIMONY OF BROOKLYN LEGAL SERVICES CORPORATION A, NEW YORK
LEGAL ASSISTANCE GROUP, LEGAL SERVICES NYC, AND THE LEGAL AID
SOCIETY

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BROOKLYN LEGAL SERVICES CORPORATION A

Brooklyn Legal Services Corporation A (Brooklyn A) advances social and economic justice and community empowerment through innovative, collaborative, neighborhood-based legal representation and advocacy. We represent low- and moderate-income individuals and families throughout New York City. Our clients live in rapidly-gentrifying neighborhoods where many residents and small business owners have been displaced or are facing displacement and harassment. For over half a century, Brooklyn A has provided high-quality, low-barrier neighborhood-based legal services to individuals, families, nonprofit community-based organizations, community development corporations, coalitions, and small business owners, interested in developing and sustaining vibrant, healthy communities. Our Preserving Affordable Housing Program uses legal and advocacy strategies to preserve and protect affordable housing, prevent evictions, combat tenant harassment and discrimination, and ensure that working families, individuals, older adults and others live in stable environments and within their financial means.

An Example of Our Work:

We represented Tenant A in a nonprimary holdover proceeding where the tenant resided with her aunt for five years. Her aunt unfortunately passed away and we presented a succession defense. We prevailed after a three day trial where the court found that the relationship was more like a mother-daughter relationship, that the parties commingled their finances and that she lived in the apartment for the prerequisite two years.

NEW YORK LEGAL ASSISTANCE GROUP

New York Legal Assistance Group (NYLAG) uses the power of the law to help New Yorkers experiencing poverty or in crisis combat economic, racial, and social injustice. We address emerging and urgent needs with comprehensive, free civil legal services, financial

empowerment, impact litigation, policy advocacy, and community partnerships. We aim to disrupt systemic racism by serving clients, whose legal and financial crises are often rooted in racial inequality. Our Tenants' Rights Unit (TRU) fights for housing justice: fair, safe, and affordable housing for adults and families so that they can stay in their communities and thrive.

An Example of Our Work:

Tenant L came to our NYCHA HP Action Clinic at the Red Hook Community Justice Center for help drafting her petition. During our interview, we discovered she also had a complicated non-payment proceeding in Housing Court and a pending administrative rent grievance, both of which were currently unrepresented and would not have gone through any Right to Counsel intake process. She retained us on all three matters, we were able to get the erroneous non-payment proceeding dismissed, and are working closely with her to resolve her rent grievance and get her much-needed repairs.

LEGAL SERVICES NYC

Legal Services NYC (LSNYC) fights poverty and seeks racial, social, and economic justice for low-income New Yorkers. LSNYC is the largest civil legal services provider in the country, with an over 50-year history and deep roots in all of the communities we serve. Our staff members assist more than 110,000 low-income New Yorkers each year and, along with other legal services organizations in the City, LSNYC's housing practice is at the forefront of the fight to prevent evictions, preserve affordable housing, and uphold tenants' rights. Legal Services NYC is also a proud member of the Right to Counsel NYC Coalition, a tenant and organizer led coalition of tenant organizing, advocacy and legal services organizations, which fought for the right to counsel for NYC tenants facing eviction and which is working to ensure just implementation of the right to counsel law.

An Example of Our Work:

This past year, LSNYC was able to protect an East New York family living in unregulated housing from being evicted in a no-grounds holdover by prevailing on a retaliatory eviction defense that led to the case being dismissed. Tenant R, along with another adult and two minor children, was subjected to poor conditions in her unregulated housing. Before the eviction case was started, she complained to the city about these conditions. A retaliatory eviction defense means that when a tenant complains about conditions to a government agency, there is a rebuttable presumption that an eviction case filed within 12 months is retaliatory and such an eviction case is not proper. Through extensive investigation and careful preparation of the case, we aggressively litigated our client's retaliatory eviction defense and filed a motion to dismiss. Tenant R's landlord failed to rebut the presumption that the eviction was retaliatory, and the court dismissed the case. We then connected Tenant R to pro bono counsel to file a HP case against the landlord to obtain repairs. Tenant R and their family are no longer in fear of losing their home while they exercise their tenancy rights.

THE LEGAL AID SOCIETY

The Legal Aid Society (LAS), the nation's oldest and largest not-for-profit legal services organization, was founded in 1876 to provide free legal representation to marginalized New York City families and individuals. The Legal Aid Society's legal program operates three major practices – Civil, Criminal and Juvenile Rights – and through a network of borough, neighborhood, and courthouse offices provides comprehensive legal services in all five boroughs of New York City for clients who cannot afford to pay for private counsel. Each year, the Society handles more than 250,000 cases and legal matters for clients, taking on more cases for more clients than any other legal services organization in the United States.

Our Civil Practice works to improve the lives of low-income New Yorkers by helping vulnerable families and individuals to obtain and maintain the basic necessities of life - housing, health care, food and self-sufficiency. We serve as a “one-stop” legal resource for clients with a broad variety of legal problems, ranging, among others, from government benefits and access to health care, to immigration and domestic violence. Our depth and breadth of experience is unmatched in the legal profession and gives the Society a unique capacity to go beyond any one individual case to create more equitable outcomes for individuals, and broader, more powerful systemic change at a societal level.

Our work has always taken an explicit racial and social equity lens and the current health and housing crisis has further focused our efforts to advocate for the needs of New York's marginalized communities.

An Example of Our Work:

This past year, LAS represented a multi-generational household living in West Harlem in defense of a nonpayment proceeding. Our client has lived in the subject apartment for over 30 years with an HPD Section 8 subsidy. As a result of an accident, our client was in a coma for several months, and although she has since recovered, she suffered permanent brain damage that impeded her ability to walk or talk.

While in a coma, our client understandably failed to complete her Section 8 recertification or respond to any notices regarding it. Unfortunately, as a result, her subsidy was terminated. By the time LAS met with the clients regarding their non-payment matter in late March 2022, their rent arrears were close to \$100,000.

After determining that the time frame to file an Article 78 or any type of appeal to save the Section 8 had expired, we made a request to HPD to reinstate the subsidy as a reasonable accommodation to our client's disability. While the request was pending, we also filed an ERAP

application, which delayed the housing court case from moving forward. Through our advocacy efforts, ERAP was approved and the Section 8 subsidy was reinstated.

INTRODUCTION

It is critical for low-income people to have legal representation in housing proceedings.¹ In New York City 68.1 percent of households are renters.² The negative consequences of evictions on poor people are well documented.³ Evictions compound financial difficulties, contribute to poor health, disrupt families, and increase the risk of homelessness.⁴ Tenants who have an attorney in an eviction proceeding are less likely to be subject to a possessory judgment, the money judgments in these cases are less than in cases when the tenant is unrepresented, and these tenants are less likely to have a warrant of eviction issued against them.⁵ Additionally, tenants who are represented by attorneys are almost guaranteed to remain housed.⁶

Prior to the Right to Counsel (RTC), 1% of tenants facing eviction had a lawyer compared to the more than 95% of landlords who were represented in eviction proceedings⁷— tenants faced David and Goliath odds as their cases proceeded. After the RTC law was passed in 2017, representation increased exponentially for tenants in eviction proceedings from 1% in 2013 to 30% in 2018.⁸

The Right to Counsel has had an immeasurable impact on individuals facing eviction, and it is essential to maintain. There is also no question that the Right to Counsel program and the various stakeholders tasked with its implementation face significant challenges. These challenges include: the expansion of right to counsel beyond the “zip-code approach,” the end of the various pandemic-related eviction moratoriums, Housing Court’s steady and increasing calendaring of eviction cases, inadequate funding for the program, and high rates of attrition by housing practitioners and staff at the various agencies. These interrelated factors leave large percentages of tenants across the city without the right to counsel in their eviction proceedings.

¹ See, The Effects of Legal Representation on Tenant Outcomes in Housing Court: Evidence from New York City’s Universal Access Program, by Michael T. Cassidy and Janet Curre, NBER Working Paper March 2022, at pg. 3 Revised July 2022 available at: https://www.nber.org/system/files/working_papers/w29836/w29836.pdf (accessed 2/24/2023).

² Id. at 5.

³ Id. at 3.

⁴ Id.

⁵ Id.

⁶ See, Universal Access to Legal Services: A Report on Year One of Implementation in New York City Prepared by the Office of Civil Justice Fall 2018, page 27, available at: <https://www1.nyc.gov/assets/hra/downloads/pdf/services/civiljustice/OCJ-UA-2018-Report.pdf>(accessed 2/24/2023)

⁷ See, A Right to Counsel in Eviction: Lessons from New York City by Brian Bieretz December 31, 2019, available at: <https://housingmatters.urban.org/articles/right-counsel-eviction-lessons-new-york-city> (last accessed 2/24/2023).

⁸ See Universal Access to Legal Services: A Report on Year One of Implementation in New York City Prepared by the Office of Civil Justice Fall 2018, page 34 available at: <https://www1.nyc.gov/assets/hra/downloads/pdf/services/civiljustice/OCJ-UA-2018-Report.pdf>(accessed 2/24/2023)

We recognize and commend Raniece Medley and her colleagues at the City’s Office of Civil Justice (OCJ), for their continued work in close collaboration with legal services organizations and the Right to Counsel NYC Coalition, to ensure the best possible continued implementation of this groundbreaking initiative. All eyes are on New York City as the first jurisdiction to pass this landmark legislation—our success and failures will serve as a road map for other jurisdictions seeking to implement the right to counsel in eviction proceedings.

As a legal services provider community, we are committed to ensuring that the Right to Counsel realizes its full potential for preventing homelessness and displacement of low-income and vulnerable New Yorkers, building tenant power and balancing the scales of justice by making housing court a place where tenants can achieve just outcomes in their housing cases. In that spirit, and drawing on lessons learned from 5 years of RTC implementation, we offer this testimony to provide feedback and recommendations about this historic program.

I. OCJ SHOULD ENSURE THAT FUNDING LEVELS REFLECT THE TRUE COST OF PROVIDING HIGH QUALITY, HOLISTIC LEGAL SERVICES

We know that OCJ is aware of the need to ensure adequate funding levels for the RTC initiative, and we appreciate OCJ’s efforts to work with legal services organizations to ascertain what appropriate staffing and funding levels would be. This is especially crucial as we are anticipating a Request for Proposal/RFX to be released shortly that will provide right to counsel funding for the next 3 years, starting in Fiscal Year 2025. We are pleased to participate in meetings with OCJ, the legal services organizations and other stakeholders around questions of resources, salaries, case caps, case rates, supervision and essential staffing needs, and all other factors that influence the funding levels for the right to counsel initiative. We hope that these efforts will result in funding levels that allow us to provide holistic, high quality Right to Counsel representation by ensuring the following:

(a) Funding to match the true cost to providers

Our current funding is substantially and harmfully less than the cost of administering the Right to Counsel program. This gap is only growing as we grapple with rent increases on our existing spaces and rising healthcare, salary, and pension costs.

Without additional funding, the provider community has been forced to manage these increased costs by delaying hiring after staff departures, forgoing necessary support staffing such as social workers, paralegals, process servers or administrative support, and forgoing investment necessary to create and manage a fully implemented Right to Counsel program. We cannot expand and build out our physical spaces or fund adequate wraparound operational support including human resources, finance, grant management and IT until the provider community is funded to cover the full costs of administering the Right to Counsel program.

(b) Funding at a case rate sufficient to hire and retain an adequate number of attorneys for the volume of right to counsel cases, and to account for high rates of attrition and leaves

The funding must allow providers to hire and retain sufficient numbers of attorneys such that attorney caseloads can be maintained at a level where attorneys are not overburdened and where tenants can receive the best possible legal representation. Particularly because our practices rely on a regular influx of inexperienced attorneys to fill openings in a complex and rapidly changing area of law, these numbers also need to take into account the reduced caseloads that new attorneys are able to handle in their first year of practice

Funding also needs to allow providers to hire enough attorneys to address the challenges that arise in our practice from the unprecedented rates of attrition and leaves. When existing staff take extended parental, medical or other leave, routinely lasting six months or more, their caseloads must be absorbed by the existing staff who are already operating at capacity. The same is true for the caseloads of staff who leave the organization. The funding should grow to allow providers to have more staff on hand to absorb these cases.

Further, legal service providers lack sufficient funding to provide salaries that will continue to attract and retain Right to Counsel attorneys.

(c) Adequate paralegal, social work and other support staffing for the number of attorneys and cases

The funding provided must take into account not just the cost of attorneys, but also the necessary staffing to provide holistic and high-quality services. Paralegals are crucial to engaging in public benefits advocacy and this need is growing as providers experience enormous hurdles and delays in trying to obtain FHEPS or other HRA benefits for our client. Because our clients come to us in crisis and may have underlying mental health, economic, social or age-related challenges, having social workers on staff is crucial to adequately serve our clients and support our attorneys in handling the enormous stress of clients facing eviction or other challenges. In the absence of paralegals, attorneys who are already overburdened are tasked with assisting clients in need with their public benefits advocacy, and, in the absence of licensed social workers, the same attorneys are also tasked with managing clients in crisis without necessary support or training in crisis management. Moreover, working in an office where an attorney does not have other support needed to do the work such as investigators, process servers and administrative help increases the burden and stress on our attorneys, and does not allow them the time necessary to do the legal work on their cases.

(d) Sufficient funding to attract and retain experienced supervisors

The majority of attorneys entering the Right to Counsel practice are recent law graduates. Unlike private law firms where new attorneys may not work directly with a client or enter a courtroom for years, new Right to Counsel attorneys must immediately dive into all aspects of litigation including directly working with clients, researching and drafting legal papers, negotiating with opposing counsel, and handling all court appearances up to and including trials. This requires extensive supervision at every level to ensure high quality legal work on behalf of tenants.

However, attracting and retaining experienced supervisors remains a challenge across Right to Counsel legal service providers. Legal service providers lack sufficient funding to ensure appropriate supervisor to attorney ratios or provide competitive salaries, in some cases trailing experienced Law Department attorneys by more than twenty thousand dollars annually.

(e) Funding that takes into account the training needs of new attorneys and paralegals, the ongoing professional development needs of all staff, and new supervisor development.

High quality legal services require robust initial and ongoing training for all staff. Landlord-tenant law in New York City implicates complicated federal, state, and local laws and regulations. New attorneys must learn how to identify the type of rental housing at issue, the way the rent is set, and whether a tenant uses a subsidy to pay the rent to determine the respective rights and responsibilities of the parties. Resolving cases is also frequently dependent on an advocate's knowledge of numerous rent arrears and rent subsidy programs. Adequate training programs covering this material takes several weeks and must be offered repeatedly. Funding and caseload expectations for newly hired attorneys must take this into account.

Further, all staff must regularly attend updated training and other learning opportunities to keep pace with the rapidly changing legal landscape that is both the result of the Right to Counsel program itself and watershed changes in the law like the Housing Stability and Tenant Protection Act of 2019. Finally, most attorneys are never formally trained to be managers. When experienced attorneys are making the transition to supervisors, legal service providers must be able to provide them with development opportunities to ensure our on the ground staff receive appropriate supervision at all levels.

(f) Coverage of affirmative litigation that is directly needed to prevent eviction

There are many contexts in which affirmative litigation is critical to preventing a tenant's eviction such as where a tenant is subject to housing discrimination by a landlord who won't accept their Section 8 voucher, making the apartment unaffordable, or where a tenant is subjected to deplorable housing conditions that results in a constructive eviction because the

tenant cannot occupy the apartment safely. While the Fiscal Year 2024 HPLP renewal contract, at an acute moment for preserving capacity for eviction defense representation, removed the ability of providers to take on this work unless the tenant is already subject to an eviction proceeding, the ability to address this need should be reinstated in the next contract.

(g) Funding a sufficient number of cases to match the cases pending in housing court

While the case rate needs to be increased, OCJ also needs to ensure that it is funding enough cases to provide full legal representation to all tenants facing eviction proceedings. This means not only matching the anticipated number of new filings, but also ensuring there is funding to cover the cases that are pending where tenants do not have attorneys. OCJ should partner with the current providers to develop additional capacity within our organizations as well as seek potential new providers.

II. OCJ SHOULD WORK WITH LEGAL SERVICES PROVIDERS TO EXPAND PROVIDER CAPACITY AND PARTNER WITH PROVIDERS ON SOLUTIONS TO THIS PROBLEM WHILE STAFFING CHALLENGES PERSIST

With the lifting of pandemic-related stays and NYC's tremendous housing affordability crisis, the demand for eviction defense legal services far outstrips the capacity of the attorneys currently working at legal services providers. Without additional support and intervention, providers are left in an untenable position wherein staff are overworked and overwhelmed, leading to high attorney attrition rates. And tenants, in need of representation to protect their fundamental rights, are left without the high-quality legal services Right to Counsel envisioned. A sustainable Right to Counsel program will expand the capacity of legal services providers to meet the need for representation, will incorporate practices to train and mentor advocates who are engaging in this work, and will include regular conversations with legal services providers to respond to new and emerging issues that may be impacting the provision of services as envisioned by Right to Counsel.

(a) OCJ should partner with stakeholders to address the crisis of tenants with eviction cases not being provided with right to counsel and regularly convene stakeholders to discuss emerging issues.

We know that the community's needs shift and change over time. A pressing community need is that tenants facing eviction are not all being provided with lawyers to represent them. The challenges in provider capacity caused by the rapid expansion of the program to all zip codes are further exacerbated by Office of Court Administration's (OCA) refusal to slow down the calendaring of new eviction cases to match the providers' capacity to represent vulnerable

tenants in housing cases.⁹ There were thousands of active eviction cases pending in Housing Court as of March 16, 2020 when OCA suspended evictions statewide (the statewide Covid eviction moratorium). With the end of the moratorium, thousands of low-income unrepresented tenants and occupants were served with notices of eviction and as a result started appearing in Housing Courts to stop their evictions. The number of residential evictions has risen each month since the end of the moratorium.¹⁰ According to the most recent reports, once the various eviction moratoria ended on January 15, 2022, the Housing court returned to business as usual. As landlords filed new eviction proceedings, and old proceedings were re-calendared, the Right to Counsel law assumed an even greater importance for low-income New Yorkers. Elected officials, legal services providers, and more importantly the tenants in need of these services have called on OCA to decrease the calendars during this time.¹¹ These requests have been ignored by OCA and new cases are proceeding at breakneck speed with tenants going unrepresented. We call on OCJ to partner with providers to ask OCA to slow down calendaring cases to match providers capacity and to adjourn cases to allow tenants to connect with counsel.

We hope that OCJ convenes stakeholders regularly to discuss emerging issues and develop and implement responses that align with community needs and provider capacity. OCJ, agencies, courts, and providers, all must work together to ensure the success of Right to Counsel. Working together will lead to better outcomes for our communities, and for the long-term success of the Right to Counsel program.

(b) OCJ should commit resources to creating a systematic pipeline to recruit new advocates to become Right to Counsel practitioners

In addition to providing funding and ensuring adequate time for training, OCJ should work with legal services providers to create an effective pipeline to harness the passion of new advocates of all backgrounds about the importance, promise, and career opportunities within Right to Counsel. Similar to training, OCJ should incorporate into Right to Counsel programming the funding and time to enable providers collectively to recruit and train advocates dedicated to engaging in this work. Developing a pipeline will expand program capacity and ensure ongoing services as Right to Counsel continues to grow to meet its full potential. At some point, this pipeline may start as early as high school, but there is a lot more that OCJ in partnership with legal services providers could be doing now to foster more interest in Right to Counsel among current law students. For example, multi-provider panels could present to law schools students

⁹ See, [NYC Led The Way On Right To Counsel For People Facing Eviction, Now Its Program is Struggling](#) by Roshan Abraham November 20, 2022 Next City available at: [NYC Led The Way On Right To Counsel For People Facing Eviction. Now Its Program Is Struggling. \(nextcity.org\)](#) (accessed on 2/24/2023).

¹⁰ See, [NYC Eviction Rate Continues to Rise Since Ban was Lifted, as Homelessness Surges](#) by David Brand January 18, 2023 Gothamist available at: [NYC eviction rate continues to rise since ban was lifted, as homelessness surges - Gothamist](#) (accessed 2/24/2023).

¹¹ See, [Courts and Other Officials Must Act Now to Protect Right to Counsel in Eviction Proceedings](#) by Shaun Abreu & Diana Ayala, March 27, 2022 Gotham Gazette available at: [Courts and Other Officials Must Act Now to Protect Right to Counsel in Eviction Proceedings \(gothamgazette.com\)](#) (accessed 1/25/2023).

nationally and locally on what it's like to be a Right to Counsel attorney. There could be presentations to law school public interest student groups, CLE programming, and job fairs. Law schools can be encouraged to create more housing clinics. There are a number of touchpoints to engage law students in New York City and beyond at every stage of their law school career, so they are eager to become Right to Counsel attorneys upon graduation. In the future, programming could be geared to college and even high school students, which could involve volunteer opportunities at legal services providers that could also expand provider capacity. A strong focus on law school pipeline efforts now would mean that whenever there was a vacancy at a Right to Counsel legal services provider, there would be a solid number of law graduates or soon-to-graduate 3Ls who were already primed to apply and ready to commit themselves to the important work of Right to Counsel.

(c) OCJ should commit resources to providing new Right to Counsel advocates with a comprehensive training institute leveraging the knowledge and expertise of the legal services provider community

Staffing alone isn't enough. We also need focused strategies to train up attorneys joining in this practice. New attorneys are critical to the continued success of Right to Counsel, but OCJ must begin committing resources to ensuring these new attorneys have an efficient introduction to the practice of housing law so that they can rapidly become powerful advocates in the fight for housing justice. OCJ should work with and provide additional resources to the legal services provider community to create a comprehensive training program for newly hired Right to Counsel practitioners. Incorporating training as an essential part of the Right to Counsel program must, at the same time, recognize that caseload standards cannot and should not be the same for new attorneys to this practice who are going through this training period.

Working collectively through OCJ's convening, the legal services provider community, which is replete with numerous Housing Court practitioners who are genuine experts in every domain of housing law, could efficiently create a comprehensive training institute that would take new attorneys and law graduates from inexperienced to practice-ready. The Housing Justice Leadership Institute, which started in 2019 as a partnership between the Sargent Shriver Center for Poverty Law and New York Law School, has successfully trained multiple cohorts of new and experienced supervising attorneys in both the hard and soft skills of being an effective Right to Counsel supervisor. There is tremendous promise that a similar program could be created for the newest Right to Counsel attorneys.

All the legal services providers currently commit a substantial amount of time and effort each creating its own training programs for new staff members, but these trainings take place contemporaneously with new staff members being expected to attend intake and take on complicated cases for representation. The long-term impact of failing to adjust caseload and intake expectations for newer staff means that it takes even longer to equip staff with the tools

necessary to take on complex matters and is a contributing factor to ongoing attrition. Prioritizing training would redound to the benefit of all: (1) legal services providers would be able to handle more cases more efficiently; (2) clients would be better served and obtain improved outcomes in their cases; (3) new attorneys would feel more confident, effective, and fulfilled in their work, fostering improved retention; (4) the experts in each domain of housing law in the provider community would be able to share their expertise broadly and prepare new attorneys for the complex and novel legal issues that will arise in their cases, (5) new attorneys would be primed to engage in successful motion practice resulting in judges issuing a range of new decisions that would advance the jurisprudence in a manner aligned with housing justice principles.

III. OCJ SHOULD PARTNER WITH PROVIDERS TO CREATE A PROGRAM THAT MINIMIZES AND ADDRESSES ATTORNEY ATTRITION

Legal Services providers are currently scrambling to fill vacancies and to attract dedicated and qualified attorneys to the practice. Attracting qualified candidates requires a housing practice that pays a living wage, provides training, mentorship, and support for staff, avoids burnout, and allows for a meaningful work-life balance for practitioners. The mass exodus of public defenders due to low pay and burnout over the last year was chronicled by the New York Times in an article published in June 2022.¹² According to the article, public defenders, including housing attorneys, are often overworked and under compensated with their salaries well below the salaries of City lawyers and prosecutors.

Acknowledging and responding to the unprecedented attrition that all Right to Counsel providers have experienced is necessary to ensure the sustainability and success of this program. Providers are experiencing inordinately high attrition rates and are competing against one another to hire from a very small pool of applicants.

This increase in attrition is in line with that felt across the legal service field throughout this pandemic time, but is further exacerbated by the lack of funding and structural support afforded to advocates tasked with implementing this new and groundbreaking program. Staffing structures for the Right to Counsel program must enable providers to hire additional staff, beyond what was initially conceived, to provide adequate time for training, supervision, and client engagement outside of court: so that staff who join this program are able to sustain this practice.

¹² See, Hundreds Have Left N.Y. Public Defender Offices Over Low Pay by Jonah E. Bromwich New York Times, June 9, 2022 available at: [Hundreds Have Left N.Y. Public Defender Offices Over Low Pay - The New York Times \(nytimes.com\)](https://www.nytimes.com/2022/06/09/nyregion/public-defender-offices-low-pay.html) (accessed 2/24/2023)

High attrition rates impact remaining staff's sustainability as well. When a staff attorney with an active full caseload resigns, the capacity of the remaining staff shrinks because the departing attorneys' have a full caseload of ongoing and active cases, which must be redistributed among staff who are already at or near capacity. Remaining staff are then forced to familiarize themselves with the factual background and procedural history of the reassigned cases, leaching time and capacity to take on new client matters, and causing additional strain for staff that contributes to further attrition.

The most direct way to correct the compounding effects of attrition is to fund the Right to Counsel program sufficiently to enable providers to hire more staff attorneys than were initially considered and to structure the program in a manner that ensures manageable caseloads for attorneys with varying levels of housing experience.

IV. CONCLUSION

As we move through the many stages of this housing and health crisis, we remain on the frontline of efforts to ensure that the needs of New York's marginalized communities are met. We will continue to make the case for justice and equity. As our clients undergo this unparalleled crisis, we stand right there beside them. So much of this would not have been possible without the consistent investment of OCJ funding since 2014. On behalf of Brooklyn Legal Services Corporation A, New York Legal Assistance Group, Legal Services NYC and The Legal Aid Society, we thank you for your continued support, and again for the invitation to share our recommendations with you today.