

Hi my name is Joanne Sirotkin and I am an Attorney-in-Charge at Legal Services of the Hudson Valley. We provide free civil legal services to those who cannot afford an attorney where basic human needs are at stake. We are the only provider of comprehensive civil legal services in six of the seven counties of the Hudson Valley (Westchester, Putnam, Dutchess, Rockland, Orange, Ulster and Sullivan), and one of two providers in Rockland. We handle 12,000 cases annually. Our work provides justice to those who have nowhere else to turn, including protecting survivors of domestic violence; defending seniors against abuse; serving veterans on the home front; supporting the rights of the disabled; ensuring that LGBTQ individuals are free from discrimination; and keeping families in their homes.

We are in a unique position to assess the availability of assigned counsel in civil proceedings – particularly in family court. Many cases in Family Court involved a constitutionally protected liberty interest—the right of parents and children to be together and NYS Law requires the appointment of counsel in such cases. Having a lawyer is essential to protecting these interests. It means better outcomes for all litigants in Family Court and it means Judges have to spend less time educating unrepresented litigants. In the case of Domestic Violence survivors, the appointment of counsel can impact victim's safety—without an attorney clients may not know what to disclose to the court, they may fail to raise vital issues that would impact judicial decision-making simply because the litigant was unfamiliar with the law and the court system.

However, since the regulations are unclear as to when someone will be appointed an attorney, it's very difficult to predict whether someone will be provided an attorney. This makes it challenging for us as legal services providers to know how to advise clients who may be seeking legal assistance. We are frequently guessing based on our experiences with a particular court and county. In addition, county by county in the ninth judicial district, the vague standard actually varies – so a person with the precise same income and expenses may be assigned an attorney in one county and not in the other county.

We urge the courts to adopt clear guidelines with a poverty perspective when viewing whether someone should be assigned an attorney. We hope the guidelines will encourage courts to take into consideration not only the person's income and percentage of poverty but also unreimbursed medical expenses, fixed debts the individual may be responsible for, child support and other obligations of life that reduce the likelihood that someone will be in a position to hire private counsel including the cost of living in a given county. We hope the court will create transparency around the standard by disseminating the criteria by posting it on the courts website and in the courts, so people have predictability.

Moreover, assignment of counsel, without language access is meaningless. Members of the 18b panel who are assigned to assist clients are performing a service to our community. There is no consistent translation service available to members of the panel. Frequently, clients bring friends or family to court to translate for them. The presence of 3rd parties destroys attorney client privilege which can be damaging to the client. I would urge the courts to provide translation services such as language line for free to attorneys who have accepted assignment of cases and are serving clients who do not speak English.

Finally, in order to ensure high and consistent standards statewide, free training for members of the panel should be available. The pay is far less than they would be paid in private practice with retained clients and members of the panel are performing valuable work. There should be universal trainings available to ensure the highest quality of legal representation. Thank you.