



**NEW YORK CITY CORPORATION COUNSEL MICHAEL A. CARDOZO  
RECOMMENDS THE CREATION OF A WORKING GROUP TO ANTICIPATE AND  
PLAN FOR LOW-INCOME NEW YORKERS' LEGAL NEEDS AFTER NATURAL  
DISASTERS LIKE HURRICANE SANDY**

***TESTIMONY GIVEN DURING CHIEF JUDGE LIPPMAN'S HEARING ON CIVIL LEGAL SERVICES***

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New York, N.Y. October 1, 2013 – Today New York City Corporation Counsel Michael A. Cardozo testified about the impact of natural disasters like Hurricane Sandy on the legal services needs of low-income New Yorkers.

The hearing was one in a series conducted by Chief Judge Jonathan Lippman to evaluate the continuing unmet legal services needs in New York State.

Of particular note, Corporation Counsel Cardozo recommended the creation of a working group comprised of government and court system officials, representatives of bar associations, and legal services providers that would draw from Hurricane Sandy and other past natural disasters in assessing and preparing for the legal services that low-income individuals may need in future emergencies.

Below are the Corporation Counsel's full remarks:

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Good morning, Chief Judge Lippman, Justice Eng, Judge Prudenti and President Schraver. It is an honor to be here today in my role as the Corporation Counsel of the City of New York to share with you some observations, from the City's perspective, about the impact of natural disasters like Superstorm Sandy on the legal needs of low-income New Yorkers, the experience of legal service providers in responding to those needs, and lessons the Sandy experience teaches us for the future.

Much of what we've learned, and about which I will testify today, is also drawn from the City's experiences after other crises in the last several years. While there are major differences between these events, what they share in common is that each has resulted in the need for urgent and substantial legal assistance, particularly for low-income people. Whether it was the man-made disaster of September 11; the time-sensitive opportunity for immigrant children to gain status in this country; or the extreme weather events of Hurricane Irene, the earthquake in Haiti, or the terrible destruction resulting from Superstorm Sandy, low-income people have been faced with the acute need for counsel and representation by attorneys, which by necessity must be on a no-fee or low-fee basis.

I want to begin by emphasizing that, as I see it, both the City and legal services providers have responsibilities for helping to ensure the availability of legal services during and after a crisis of this

nature. The City has two important roles. First, it has the critically important function of providing communication to the public with current information, not only regarding important news developments about the disaster, but also to provide specific information explaining how to obtain legal assistance for those in need. Second, the City also can be instrumental in helping to find emergency physical space for attorneys who provide the actual legal assistance.

The other key role, in the aftermath of this kind of natural disaster, belongs to legal services providers, several of which are affiliated with the City's major bar associations. Utilizing attorney volunteers from the private bar to supplement the work of their own staffs, they have been the key source of direct legal services to those in need.

For those entities to be able to provide such help requires funding, primarily for the training and supervision of attorneys, as well as the salaries of the staff attorneys who are or must become subject matter experts, and who form the backbone of the non-profit and legal services organizations poised to provide these services. This is appropriate, because City lawyers cannot provide such assistance due to a multiplicity of factors, including the potential conflicts that arise in these types of matters. In that connection, I should also note that although large law firms are typically an excellent source of pro bono attorneys, we have seen that in certain kinds of crises—such as those involving mortgage foreclosures and, as in Superstorm Sandy, insurance matters—many of these law firm attorneys could not represent people in need because of firm representation conflicts.

Let me paint the picture of the legal services challenge presented by Superstorm Sandy: of the more than 840,000 people living in the neighborhoods that sustained the greatest damage from the Superstorm, virtually all of whom live within the jurisdiction of this Department, approximately 17 percent (or 142,800) were already living below the poverty line. Moreover, 80,000 residents in 400 Housing Authority buildings were affected by power outages and the loss of heat and hot water. In addition, for many homeowners affected by the Superstorm, who might not otherwise have been categorized as needing or qualifying for pro bono legal assistance, their homes were or are their most valuable asset. They had expected to convey this asset to their families, and without it, would be impoverished for years.

In the immediate aftermath of the Superstorm, these homeowners were not only displaced (either temporarily or permanently) from their homes, but many were left cash-poor. How would they, and the thousands of others needing pro bono or low cost legal assistance, find an attorney to help them get back into their home, obtain food stamps, deal with unemployment issues and scores of other legal problems? Where would those attorneys come from? And where would they physically be located?

From the City's perspective, one of the ways it met these issues was to be sure its 311 call center and related website could advise callers whom to contact for legal assistance. This required, of course, that the City obtain such information quickly and efficiently, and then train its 311 operators about the crisis and the available resources. In addition, the City also helped to see that space was allotted to legal service providers at the Restoration Centers so that Sandy victims could speak in person with an attorney.

When the seriousness of the crisis became clear, several legal services organizations immediately recruited and directed primarily volunteer attorneys to locations where they could provide assistance on an immediate basis. A number of non-profit organizations and community-based groups, including the Legal Aid Society, Lawyers Alliance for New York, Legal Services-NYC, City Bar Justice Center, Brooklyn Bar Association's Volunteer Lawyers Project, Queens Bar Association's Volunteer Lawyers Project, and the New York Legal Assistance Group were present and working incredibly hard under unusually difficult circumstances.

The City Bar Justice Center played a coordinating role among these groups. For example, it not only helped facilitate the dispatching of volunteers, but, as time went on and the need for pro bono legal services for Sandy's victims continued, it also hosted a monthly roundtable to raise the knowledge and understanding about insurance claims. It held several meetings with the other legal assistance providers throughout the early days of the crisis and served as a central focal point of communication. These various organizations' own staff attorneys worked with numerous volunteer attorneys at locations set up in neighborhoods most affected, including Restoration Centers co-located with federal, State, and City emergency personnel as well as at public buildings, churches, and schools.

Many of the legal services attorneys were viewed as "first responders"—for example, FEMA asked them to go door-to-door to check on disabled and elderly residents, and they performed cleanup and garbage removal work. If it had to be done, they were doing it, even if it wasn't "legal" work.

The actual legal work that has had to be done as a result of the storm has been varied. Attorneys have provided counseling, immediately after the storm and continuing thereafter, about the victims' legal rights. This is the "limited representation" model that can be offered in a clinic setting, and in this context meant, for example, helping people fill out FEMA and other government assistance forms. Moreover, administrative or judicial proceedings—such as FEMA appeals, insurance disputes, or actions against contractors—as well as re-building efforts by homeowners, have been taken on by volunteer and legal services staff attorneys. Many of these matters are not yet resolved, and many are likely to be protracted. I note that the City's Department of Consumer Affairs has been monitoring the contracting work undertaken after Superstorm Sandy, holding accountable through its licensing function the providers of services to homeowners attempting to re-build.

Legal services attorneys were able to tap into their and their volunteers' existing knowledge of areas such as employment law, real estate law, and landlord tenant law. But they also undertook to learn, and then train volunteers in, new or unfamiliar topics, including preparation of FEMA applications for assistance; appeals of FEMA denials and insurance claims; and continuation of federal benefits such as food stamps and welfare payments. One of the significant products of this work was the development of a FEMA appeal template form that could be completed by homeowners on their own, a form that has been made widely available throughout the country for others to use.

The need for training in many of these areas was acute, since many of the lawyer volunteers were unfamiliar with the areas where legal help was needed the most, such as insurance law. Experts were retained to provide that training, which was funded by a prominent foundation.

I cannot emphasize enough the difference that adequate funding makes in the legal work that needs to be provided to people under these circumstances. For example, in the wake of Superstorm Sandy, grants were provided to the New York Legal Assistance Group's Storm Response Unit to focus on the special needs of immigrants and their families, including through collaborations with the Mayor's Office of Immigrant Affairs, Catholic Charities, and the Federation of Protestant Welfare Agencies. Multi-lingual help was provided, and referrals were made to caseworkers and a hotline, all of which provided help with FEMA and other disaster benefits applications, as well as housing, insurance, and other public benefits. Other funding was directed to the Lawyers Alliance for New York to assist non-profit organizations affected by the storm. Their work included hosting free webinars on disaster relief and various rebuilding topics; support in five neighborhood clinics in Sandy-affected areas; and phone consultations related to Sandy relief. Lawyers Alliance continues to provide direct legal assistance to non-profit groups on matters including real estate, employment law, government grants and loans, operating a disaster relief program, and insurance coverage.

On yet another front, the Center for New York City Neighborhoods was provided resources to fund housing counselors and legal service providers. In coordination with the City's Department of Housing Preservation and Development, this has included giving homeowners access to expert help securing critical relief and resources from FEMA, insurance providers, and other public and private programs. They have also assisted individual homeowners in applying for forbearances and loan modifications while repairing and rebuilding their homes. Also in the housing area, we can predict that there will be a need for legal counseling under a program being developed with the State under which homeowners will be able to sell their homes to the government. Specialists at the Center for New York City Neighborhoods will be an invaluable resource to assist in the legal issues involving foreclosure or similar mortgage issues that are likely to arise.

Let me pause here to express, on behalf of Mayor Bloomberg and myself, the City's enormous thanks to all these legal service organizations and the volunteer attorneys who made such an extraordinary contribution in this time of crisis. It was another shining example of efforts that former Chief Judge Judith Kaye, speaking after the events of 9/11, characterized as "the bar's finest hour."

New Yorkers should also thank the generous companies and charities that helped fund the important work of the legal services groups.

As I mentioned earlier, the City has a key role in communicating information to the public about legal services. Its 311 system, operated by the City's Department of Information Technology & Telecommunications, partners with City agencies to provide the "content" of information to the public. During and after Superstorm Sandy, its 311 operators provided information to people about referrals to bar associations and non-profit organizations, as well as the "lawhelp.org" website that is the most comprehensive online source of information about entities providing legal assistance. It is essential that in planning for future crises, provisions be made for the 311 and related web system to be supplied with information so that it can explain to the caller how to find a lawyer or a legal services organization that can help.

In addition, government officials are also well positioned, particularly during a crisis, to help obtain space for lawyers to meet with clients, such as at a Restoration Center, or churches, schools, and meeting halls. Unfortunately, we all know that while it is likely that there will be another crisis, we don't know what type it will be, when it will occur, or where emergency legal help will again be needed. So we must remember, and be in a position to act upon, what we have learned from this crisis.

Specifically, we know that low-income individuals will be impacted more seriously than people who can more easily afford services of all kinds, particularly legal assistance. Communication needs to be enhanced to all members of the public, and it should include information about legal help. Attorneys poised to provide that assistance must be given adequate space in which to work and meet with clients. The legal problems that emerge during such a crisis necessarily can involve longer-term matters, particularly litigation or quasi-litigation matters involving disputes with insurance companies, landlords, or employers. Legal services providers are in the best position to train volunteer attorneys, but they must be adequately funded.

Based on our experiences and observations, I would offer the following recommendations as we consider planning for future emergencies:

- We should continue to encourage members of the bar to be trained in, and to provide, volunteer service during times of emergency. The new mandate regarding the reporting of pro bono service and contributions sets the stage for such encouragement.
- Although the specific nature of the crisis will affect the kind of legal help needed, we should be able to identify now many of the general subject areas of law that will be needed. Support should be provided to legal services organizations to develop training materials, with the assistance of subject matter experts, that can be available "at the ready" and utilized "on demand", whether it be in insurance law, emergency housing and landlord/tenant issues, FEMA protocols, or trusts and estates law.
- The court system should place a high priority on developing a more coordinated means of sharing information with the public—perhaps with the assistance of the bar and City government communication resources—regarding matters such as the status of the opening and closing of court parts, juror and witness responsibilities, and case schedules. I know that the Federal State Judicial Council, on whose Advisory Group I sit, is actively considering this issue.
- In light of my observations, and to implement some of the recommendations I have made, I suggest that consideration be given to creation, as soon as possible, of a working group comprised of government and court system officials, along with representatives of bar associations and legal services providers. Armed with the experiences gained from Superstorm Sandy and earlier crises, this group could start preparing now for the inevitable need for legal services during and after the next crisis. With careful preparation in advance, resulting in a plan that can be implemented quickly, there is likely to be less chaos in the midst of an inherently chaotic situation.

Thank you for the opportunity to be part of the conversation about this complex and critically important topic. I would be happy to answer any questions if you would like to explore these issues in further detail.

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