

Interest on Lawyer Account Fund of the State of New York

Funding civil legal assistance for low-income New Yorkers since 1984

MEMORANDUM FROM:

CHRISTINE M. FECKO ESQ.
General Counsel

DATE: November 23, 2021

TO: New York State Bar Association's President's Committee on
Access to Justice and Committee on Legal Aid

RE: Access to Justice in the post-COVID Legal Landscape

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I offer the following statement in support of the effort by the New York State Bar Association's President's Committee on Access to Justice and Committee on Legal Aid to collect information regarding access to justice in the post-COVID legal landscape.

IOLA Fund

The IOLA Fund ("IOLA") supports non-profit organizations in New York State that provide legal assistance to low-income people and improve the administration of justice for communities underserved by legal services.

IOLA was established as a public body by the State of New York in 1983, with the strong support of the New York State Bar Association. It is governed by an independent Board of Trustees appointed by the governor, legislative leaders, and the Chief Judge of the State of New York. A former President of the New York State Bar Association currently sits on the IOLA Board.

IOLA's revenue is derived from interest on attorney IOLA escrow accounts that hold pools of client money that individually are too small or expected to be held too briefly to generate sufficient income to justify the expense of administering a segregated account for the client's benefit. Today, every state, along with the District of Columbia, Puerto Rico, and the Virgin Islands, operates a similar program.

In New York, approximately 45,000 IOLA accounts are currently open at 185 banking institutions. The interest from these accounts, together with an annual grant of \$15 million from the Office of Court Administration, allowed IOLA to provide \$70 million in grants to 74 non-profit organizations for the two-year grant cycle ending March 31, 2021.



11 East 44th Street
Suite 1406
New York, NY 10017-0055

tel (646) 865-1541
fax (646) 865-1545

www.iola.org
cfecko@iola.org

IOLA Grantee Reporting

IOLA collects extensive reports from its Grantees to track progress towards contract goals and to aid IOLA's understanding of the civil legal aid community in New York State. IOLA Grantees submit annual reports with detailed narrative descriptions and statistical and financial data regarding their programs. These Grantee reports are not limited to the work funded by IOLA, but rather include data on all civil legal services delivered.

Overview of Legal Services by IOLA Grantees during the Pandemic

After comparing the narrative and statistical reports from IOLA Grantees for fiscal years 2021 and 2020, I offer the following overview of legal services provided by IOLA Grantees during the pandemic:

- Overall client intakes were down by 22% due to a dramatic fall in in-person intake. Telephone and online intake, however, doubled.
 - Many Grantees reported creating new hotlines and new online intake tools to meet community demand.
 - Several Grantees conducted systemized outreach to check on the well-being of current and former clients.
- Approximately 25% fewer cases were closed.
 - Cases closed after litigation (including due to settlement, administrative decision, and court decision) were down 51%, likely due to court closures. In contrast, non-litigated resolutions (including non-litigation advocacy and settlement) were down 19% and brief services were down 16%.
 - Housing matters, which account for the largest number of cases, were down almost 30% and may reflect a reduction in client need due to the eviction moratorium.
 - It seems unlikely that other categories of cases such as Family Law, Income Maintenance and Employment experienced a reduction in need. Rather, given news reports of family tensions, job losses and increased food insecurity during the shutdown, these case closure reductions may reflect unmet legal need.
- Community Legal Education doubled. Unsurprisingly, this was driven by presentations via Teams, Google, FaceBook, and Zoom. The people served online in this manner increased from about 90,000 in 2020 to over 2.6 million in 2021.
- Pro Se assistance, which is largely comprised of helping individuals to prepare their own court filings, was down by about 30%, likely a reflection of court closures.
- Pro Bono volunteers slipped only 5%, but the total hours donated dropped 20%.
- Overall, IOLA Grantee staffing remained steady, with a small increase

in legal staff that was offset by a small decrease in administrative staff. Many Grantees reported significant delays with government contracts that caused cash flow problems, but the receipt of PPP loans appears to have staved off staff reductions.

- Many Grantees reported significant efforts to facilitate client access to non-legal services including cash assistance, food pantries, and other essential resources.

Statewide Data

The above Overview is supported by the following statewide data, taken from IOLA Grantee reports for the fiscal years ending March 31, 2020 and March 31, 2021. Brief explanations of reporting metrics are included.

1. **Intakes** counts completed intakes (aka, “screenings,” “initial interviews,” etc.), defined as the collection of a potential client’s information used to determine client and case eligibility.

Intakes by Type			
	2020	2021	% change
Online	6,386	9,716	52%
Telephone	138,853	200,940	45%
In-Person	173,959	37,457	-78%
Total Intakes	319,198	248,113	-22%

2. **Cases Closed** counts all matters where the legal work has concluded, including the rendering of individualized legal advice (“brief services”), finalizing a settlement (with or without litigation), and obtaining a judgment (after an administrative proceeding or court trial).

Cases Closed by Level of Service			
	2020	2021	% change
Brief Services	207,442	173,664	-16%
Closed without Litigation (non-litigation advocacy and settlement)	36,640	29,748	-19%
Closed after Litigation (settlement, administrative decision, and court decision)	82,756	40,570	-51%
Other	374	73	-80%
Total Cases Closed	327,212	244,055	-25%

A closed case is classified into one of 11 broad case types (e.g., Housing), each of which is further broken down into a specific case benefit (e.g., “Prevented eviction from public housing,” “Avoided or delayed foreclosure or other loss of home,” etc.).

Cases Closed by Case Type			
	2020	2021	% change
Housing	84,508	59,473	-30%
Family Law	47,337	37,816	-20%
Immigration	57,807	37,014	-36%
Income Maintenance	37,900	33,183	-12%
Education	20,953	18,217	-13%
Consumer	19,374	8,982	-54%
Health	16,020	13,637	-15%
Employment	10,788	8,709	-19%
Individual Rights	5,527	4,317	-22%
Juvenile*	735	1,158	58%
Miscellaneous¹	26,263	21,549	-18%
TOTAL	327,212	244,055	-25%

¹ Miscellaneous cases include advanced planning, taxes, reentry, etc.

*Result of improved data reporting.

3. **Community Legal Education** counts individuals receiving legal education via in-person presentations to community groups, distribution of brochures, and other (online forums such as Facebook, YouTube, and Instagram Live and via email or text distribution of legal information).

Community Legal Education			
	2020	2021	% change
Presentations to Community Groups	304,733	708,255	132%
Legal Education Brochures	1,209,702	1,425,071	18%
Other	90,633	2,661,044	2836%
TOTAL	1,605,068	4,794,370	199%

4. **Pro Se** counts the number of self-represented individuals assisted with individualized documents to aid with their legal disputes via workshops or clinics, court help centers, self-help materials, and other (primarily, online forms).

Pro Se Assistance			
	2020	2021	% change
Workshops or clinics	24,696	28,556	16%
Help Center at Court	24,024	2,004	-92%
Self-Help Printed Materials	117,511	69,356	-41%
Other	41,093	47,830	16%
TOTAL	207,324	147,746	-29%

5. **Pro Bono Involvement** counts attorneys (including AEP volunteers), law students, and others who are enrolled with Grantee programs. “Enrolled” means, at a minimum, that the volunteer has committed to do work, usually evidenced by registering and receiving training from the Grantee. Volunteer hours counts the time worked on pro bono matters as reported by the volunteers or, in some cases, estimated by the Grantees.

Pro Bono Involvement			
	2020	2021	% change
Total Volunteers	40,602	38,687	-5%
Total Volunteer Hours	1,022,308	832,382	-19%

6. **Grantee Staffing** counts the total number of full-time equivalent paid staff persons and compensated fellows (e.g. AmeriCorps members, Equal Justice Works fellows, Immigrant Justice Corps or deferred associates) who were directly involved with Grantee programs throughout the full fiscal year.

Grantee Staffing			
	2020	2021	% change
Lawyers	2,389	2,467	3%
Paralegals	988	1,014	3%
Other	1,038	992	-4%
Total Staff	4,415	4,472	1%