

Testimony of Alex Crohn
Mayor's Office of Criminal Justice
New York City Council
Committee on Courts and Legal Services
December 4, 2015

Good afternoon, Chair Lancman and members of the Courts and Legal Services Committee. My name is Alex Crohn and I am General Counsel for the Mayor's Office of Criminal Justice ("MOCJ"). Thank you for the opportunity to testify today. I am joined by my colleague, Jamison Blair, Counsel for Management and Operations at MOCJ.

The Mayor's Office of Criminal Justice advises the Mayor on public safety strategy and, together with partners inside and outside of government, develops and implements policies aimed at reducing crime, reducing unnecessary arrests and incarceration, promoting fairness, and building strong and safe neighborhoods.

New York City is proud of its robust system for providing indigent defense, which serves the vast majority - over 90% - of the people who go through the City's criminal justice system. Several indicators distinguish New York City's indigent defense system. Every defendant is assigned a lawyer at arraignments, which is not the case in other jurisdictions within the state and nationwide. And our City's innovative providers have developed comprehensive wraparound services, including dedicated immigration lawyers and social workers who assess needs and connect clients to available support. Such services, coupled with high-quality legal representation, serve as a lifeline for many New Yorkers who come from chronically disadvantaged neighborhoods and face significant housing, employment, and immigration challenges, some of which can be exacerbated by contact with the criminal justice system. Additionally, the City's Assigned Counsel Plan is currently working a cutting-edge case management technology tool to support the City's hundreds of 18B lawyers.

The high-quality representation that exists in New York City's indigent defense services is attributed to various quality control measures that are already in place. These include rigorous hiring standards, extensive and ongoing training, performance reviews, and constant supervision for attorneys.

The City invests significantly in high-quality indigent defense. In Fiscal Year 2015, New York City will spend over \$225 million on indigent representation. Of this total, \$150 million goes to Legal Aid and institutional providers in each borough. Additionally, New York State government will add \$55 million to the annual budget to the institutional providers as part of a recent effort to fund reduced caseloads for indigent defense attorneys throughout New York City. Assigned Counsel Plan, or 18b attorneys, will receive \$75 million in city and state funding for indigent representation in FY15.

We take these investments seriously, and just as we approach every other part of the criminal justice system, we are committed to effectively measuring what works and what needs to be

improved. Effective evaluation allows us to ensure that funding supports evidence-based practices and to track, refine, and increase accountability.

In January we testified before this Committee that measuring the quality of indigent legal services is widely acknowledged to be difficult and most existing evaluations are limited. For example, some performance metrics only evaluate one-time snapshots of a public defender office, have access to limited data, or do not allow for evaluation of changes in policies, practices, or procedures. Most existing evaluations also fail to provide information about the most effective resource allocation, and do not always tell you what is or is not working and why. The challenges associated with evaluating indigent defense systems exist nationwide.

In the months since, our office has taken important steps toward improving how we evaluate indigent defense to ensure that we are not just counting outputs, but truly capturing the quality of representation. On October 1st of this year we were awarded a Smart Defense Initiative grant by the Department of Justice. Under this grant, we are working with the Center for Court Innovation to improve case management capabilities and attorney oversight for the City's Assigned Counsel Plan, and to lay critical groundwork for extensive system-wide evaluations in the future.

The lessons we are learning in implementing this grant will have spillover effects, helping us to more effectively measure the quality of all indigent defense providers in the City. Specifically, we are identifying key performance indicators that correspond to articulated best practices, using methods ranging from quantitative analyses to individual focus groups. Although not yet finalized, we anticipate indicators such as whether or not specific motions were filed, certain appearances were made, the number of visits conducted by the attorney—all vital aspects of attorney practice—to be highly relevant in determining the quality of attorney representation.

Accordingly, the City generally supports the spirit behind Intro. No. 958 because, at its core, the bill aims to improve the way we evaluate the quality of legal representation. However, we think that the mechanism the City develops to evaluate these services must comprehensively measure the quality of services and identify system-wide areas of improvement. Therefore legislation may be premature at this time. We hope the current research we are conducting with CCI will inform this process and the extent to which client feedback is an effective measure of the quality of legal defense.

Thank you for the opportunity to testify here today. I would be happy to answer any questions.



Testimony Of Sara Zuiderveen, Deputy Commissioner Of The New York City Human Resources Administration, at the New York City Council's Courts and Legal Services Committee on Civil Legal Services – December 4, 2015

Good morning. Thank you Chairman Lancman and members of the Courts and Legal Services Committee for giving us this opportunity to testify today.

My name is Sara Zuiderveen and I am the Deputy Commissioner for Legal Services and Rental Assistance Initiatives at the New York City Human Resources Administration (HRA).

We are here to discuss the role civil legal assistance plays in providing access to justice, and to testify about Int. No. 958 in relation to client satisfaction surveys designed to measure a client's satisfaction with representation in a civil legal matter by city-funded attorneys.

Every day in all five boroughs – The City's Human Resources Administration (HRA) is focused on carrying out the Mayor's priority of fighting poverty and income inequality and preventing homelessness. With an annual budget of \$9.9 billion and a staff of 14,000 HRA provides assistance and services to some three million low-income children and adults, including:

- economic support and social services for families and individuals through the administration of major benefit programs (Cash Assistance, Supplemental Nutritional Assistance Program benefits (food stamps), Medicaid, and Child Support Services);
- homelessness prevention assistance, educational, vocational, and employment services, assistance for persons with disabilities, services for immigrants, civil legal aid, and disaster relief;
- and for the most vulnerable New Yorkers: HIV/AIDS Services, Adult Protective Services, Home Care and programs for survivors of domestic violence.

As you know, Mayor de Blasio consolidated all of the civil legal assistance programs in the City's baseline budget at the Human Resources Administration. This consolidation was implemented to enhance the coordination and effectiveness of these important programs. The new contracts at HRA fund anti-eviction legal assistance, immigration legal aid, and a range of other civil legal services that are vital to vulnerable New Yorkers.

Given this recent consolidation and the creation of the Office of Civil Justice following the Mayor signing Int. No. 736 into law, I wanted to provide a brief overview of funding and services that fall under this office.

Record Investment in Civil Legal Services to Prevent Homelessness

As part of HRA's reform efforts over the past 23 months to carry out the Mayor's priority of addressing poverty and preventing homelessness, HRA created the Homelessness Prevention Administration. In this new program area, we streamlined existing programs targeted at homelessness prevention, and with

the Mayor's support established two new programs to enhance our ongoing efforts to provide low-income New Yorkers with access to legal assistance regardless of whether they are HRA clients.

These two programs are:

- **Anti-Eviction Legal Services** when fully implemented during FY17 with \$25.8 million in annual funding will serve 19,000 households each year. This program is aimed at communities in which the highest numbers of children and adults are losing their homes and entering shelter.
- **The Anti-Harassment Tenant Protection Program** when fully implemented in FY17 with \$36 million in annual funding will serve more than 13,700 households each year. This program is aimed at preventing tenant harassment in communities that will be designated for rezoning and was announced by the Mayor in the 2015 State of the City.

By way of comparison, this \$62 million in legal services funding to prevent evictions and tenant harassment is more than ten times the \$6 million spent in Fiscal Year 2013. It is by far the largest initiative of its kind in the nation, enough to give more than 113,000 New Yorkers each year legal services to protect against harassment and evictions—which also has the benefit of protecting our affordable housing stock.

Additionally, **The Early Intervention Outreach Team (EIOT)** is the Homelessness Prevention Administration's newly-created central office whose mission is outreach to families and individuals in need of legal assistance or emergency rental assistance. The team's work is currently based on early warning referrals from Housing Court Judges, with "early warning" referrals soon to be added for NYCHA tenant arrears cases and NYCHA Section 8 eviction actions, as well as Adult Protective Services referrals and referrals from New York City marshals. The outreach team makes referrals for tenant counsel to legal services organizations in accordance with contractual allocations set by HRA's **Office of Civil Justice**.

The provision of civil legal assistance is part of HRA's overall effort to address poverty and prevent homelessness. As I just outlined, tenant protection is the cornerstone of our initiatives to provide access to justice for low-income New Yorkers, but we are also working on many additional fronts, by investing:

- \$4.3 million for Executive Action legal assistance programs for immigrants, operated by HRA in conjunction with the Mayor's Office of Immigrant Affairs and CUNY;
- \$3.2 million for comprehensive immigration legal assistance (that will begin to be implemented through a new RFP process during FY16);
- \$2.1 million for civil legal services for seniors; and
- \$2.5 million for legal services to secure federal disability benefits.

When all of these programs are fully implemented in FY17, New York City will be allocating over \$70 million annually in our baseline budget to provide access to justice for low-income New Yorkers.

These initiatives in the baseline budget represent an unprecedented commitment of resources by the Administration for civil legal assistance. No other municipality allocates even a small fraction of what New York City is committing to help low-income New Yorkers avert homelessness and access the civil justice system.

It is important to also acknowledge and thank our partners in the Council for their support for civil legal services. In addition to enacting legislation to create the Office of Civil Justice at HRA, as part of the FY16 budget agreement between the Mayor and the City Council, \$18.6 million in Council discretionary funding (including the \$5 million for anti-eviction services) was added to the City budget this year for the following programs:

- \$11.725 million for civil legal services, including citywide civil legal services, legal services for low-income workers, legal assistance to obtain unemployment insurance benefits and federal disability benefits, legal services for survivors of domestic violence, legal services for veterans, and anti-eviction and SRO housing legal services;
- \$1.5 million for the Unaccompanied Minors Initiative; and
- \$4.9 million for a unique Family Unity Project to keep immigrant families together and avert deportation.

In combination, the aforementioned programs prioritize providing civil legal assistance in core matters involving the “essentials of life” – legal problems in the areas of:

- housing (including evictions, foreclosures, and homelessness);
- family matters (including domestic violence, children, and family stability);
- access to health care and education;
- and subsistence income (including employment wages, disability and other basic benefits, and consumer debts).

As illustrated by this summary of available legal assistance programs that have been consolidated at HRA, we oversee essential legal assistance programs for all New Yorkers, but particularly low-income New Yorkers. These programs emphasize the provision of preventative legal assistance that can avert or reduce the need for litigation and highlight the need for the provision of comprehensive services that require a seasoned, well-trained civil legal services staff to address often complex, interrelated legal matters. Bringing all services together at HRA enables the City to utilize existing HRA mechanisms to claim available State and federal reimbursement for legal services, streamline the contract management process to avoid duplication of effort and maximize resources for the direct provision of legal assistance, and enhance planning to address service

Now I would like to turn to results we have seen since the consolidation of City’s civil legal services at HRA.

RESULTS TO DATE

Since the consolidation of civil legal services at HRA, we can point to real successes that we can attribute to the consolidation and historic investment in the City's indigent civil legal services. Clients routinely report that these services are invaluable, help keep them in their homes and help level the playing field against landlords.

So far, 16,745 New Yorkers have received eviction prevention legal assistance – including working heads of households, and as noted, this will increase to almost 33,000 households a year, including well over 113,000 people.

- After a family of five (a single father with four minor children) had resided in their apartment for two years, their landlord claimed their lease had expired and commenced an eviction proceeding in Bronx Housing Court. The tenant, unaware of his legal rights, signed an agreement which gave the family just over a month to find a new home. After he contacted Legal Services NYC, an attorney noticed that the apartment is actually rent-stabilized because the building receives a 421-a tax abatement credit of over \$26,000 per year. The attorney made a motion to dismiss the proceeding, which resulted in a favorable outcome. The Housing Court case was discontinued and the family is receiving a renewal lease which permits them to remain in the apartment and pay an affordable monthly rent.
- A client and his wife live in a Section 236 apartment with their two young children. After the client fell behind in the rent due to employment issues, their landlord sued them in a non-payment case. Then the client was injured at work and completely lost his employment income. In order to prevent the family's eviction, the New York Legal Assistance Group submitted a rental assistance application, which was approved, thereby preventing an eviction from an affordable, sustainable apartment.
- A landlord brought a nonpayment case seeking the full market rent after allegedly terminating the client's project-based Section 8 subsidy. The Legal Aid Society argued 1) her subsidy was not properly terminated to allow them to charge market rent and 2) even if it had, they should have provided her with a reasonable accommodation based on her disability. The main issue was that our client, who is physically disabled, used her mother's address for her social security award letter because she is not always able to check her mail and did not want notices from social security to go unopened. She had been doing this since the inception of her tenancy and never had a problem with recertification. For some reason, in 2013, her landlord refused to accept it nor did they accept her explanation. Judge Stanley dismissed the nonpayment for failure to state a cause of action.

These are just a few examples of what these programs can accomplish and why they are so important to the City's homelessness prevention efforts.

Additionally, the City is saving money because of its investment in civil legal services. A legal services case averages about \$2,000, compared to \$37,000 a year for shelter. Investing in legal services gives us a powerful tool to address the deep-rooted and complex challenges that low-income New Yorkers face and allows the City to advance its efforts to provide access to justice in civil legal matters.

INT. NO. 958

In light of the Mayor's commitment to accessing justice as evidenced by the unprecedented municipal commitment of resources for civil justice efforts, we are pleased to highlight HRA's civil legal services programs and support the concepts contained within Int. No. 958. Transparency and ensuring that government services are working for the residents of New York is paramount to our work at HRA.

The introduction would require HRA to develop client satisfaction surveys and assess patterns with respect to quality of services rendered by civil indigent legal services provided by city-funded attorneys. The quality satisfaction surveys would inform and allow HRA to make recommendations for systemic changes to improve client service, trust and overall satisfaction with civil legal services providers based on client feedback. We agree that there should be deliberate efforts to regularly obtain feedback from clients in regard to satisfaction with HRA's legal services, and to respond swiftly and recommend appropriate responses based on the results of such surveys.

We believe the client satisfaction surveys are consistent with our shared vision of ensuring that every client receives the highest possible client-centered legal assistance. However, while the Administration has increased its investment in civil legal services, resources are still finite and every penny that we spend on the surveys is one less penny available to HRA to keep low-income New Yorkers in their homes. To that end, we suggest an amendment to require that survey responses be submitted to HRA electronically over the internet. Requiring HRA to bear the cost of submission of the surveys by regular mail is an unnecessary use of limited resources when such a survey could be submitted electronically in a mobile-friendly format, accessible in English and the six Local Law languages.

We also have concerns about the lack of a clear mechanism to investigate claims made by clients so that recommendations to the Council based on the surveys are grounded in verified information. Likewise, there is no mechanism to compare client satisfaction with City-funded civil legal services with client satisfaction with non-City-funded civil legal services. We also have concerns about the potential impact the collection of the surveys may have on the attorney-client privilege.

We look forward to continuing to work with the Council as Int. No. 958 moves through the legislative process. In particular, we would like to work with the Council and experts in the field of client satisfaction surveys and measures to develop a process to obtain useful client feedback to inform our programs and services.

Thank you for the opportunity to testify today. The City has made a historic investment in indigent civil legal services and reporting annual data to the Council is consistent with the Mayor's goal of agency transparency and accountability and is critically important to ensuring every New Yorker is provided with access to justice in civil legal matters. We have accomplished a great deal over the past 23 months,

but we know that we have much more work to do and look forward to partnering with you on the provision of legal services during the coming year. I am happy to answer your questions.

Written Comments of The Bronx Defenders

New York City Committee on Courts and Legal Services

Hearing: Int. No.958 – In relation to client satisfaction surveys for city-funded indigent legal services

December 4, 2015

My name is Robin Steinberg, and I am the Founder and Executive Director of The Bronx Defenders. I submit these comments on behalf of The Bronx Defenders and thank the New York City Committee on Courts and Legal Services for the opportunity to testify.

The Bronx Defenders has a long history of innovation, including the creation of interdisciplinary programs to address the unique challenges of individuals entangled in the criminal justice system. For the past 18 years, we have provided groundbreaking, holistic, and client-centered criminal defense, family defense, civil legal services, social work support and advocacy to indigent people of the Bronx.

In 2001, The Bronx Defenders became the first public defender office in New York City to conduct client satisfaction surveys. What we learned then, and what we know far more deeply now, is that people directly impacted by the criminal justice system need and deserve to be heard. They want to tell their stories, they want to have a say in how their lawyers defend them and they want to be well-informed participants in the legal process.

Capturing client voices through client satisfaction surveys has helped us pioneer new and responsive ways to represent them. Having a deep understanding our clients' experiences has been an extraordinary engine for change in both our systemic priorities and in the way we practice as public defenders.

For 14 years, we have extensively compiled and tracked our performance metrics—ranging from the most granular issues, like how many clients received their attorney's business card after arraignment, to tracking larger systemic problems, like how many clients experienced trauma while in custody—ever mindful of ways that we can improve.

Fueled by the desire to identify the best ways to receive client feedback, we have experimented with a variety of different survey methods throughout the course of over a decade. With each of our survey collection efforts, we've included evaluation and implementation periods in order to incorporate survey results into our internal practices. Every year, we've gained new insights and asked new questions so that we, as an organization, can remain nimble, flexible, innovative and responsive to the rapidly changing realities of our clients' communities and lives.

Our 14 years collecting client feedback has made us aware of the crucial role client satisfaction surveys play in engaging clients in criminal justice reform. Client satisfaction surveys give clients the opportunity to voice their opinions, report on the services that they receive, and ultimately change practices. As public defenders, we must stay connected to the needs of our clients. By integrating their voice into the reform process, we are ensuring clients lead the way to how we grow and innovate as public defenders. We are pleased to see the presentation of this provision and urge the committee to follow the example of many other industries by implementing the use of client satisfaction surveys.

I. Other Industries Assessing Client Satisfaction

The business and medical fields have long been aware of the importance of customer satisfaction. To gauge satisfaction, businesses routinely monitor the quality of their customers' experiences through surveys. These surveys serve multiple purposes—they are used as tools for monitoring businesses, identifying areas for improvement and developing growth opportunities. They are also a tool for businesses to develop relationships with customers, reduce negative word-of-mouth and create a point of differentiation among competitors. Finally, customer satisfaction surveys help to increase profits. They allow businesses to identify repeat customers and customers who are at risk of not coming back, helping to secure customer loyalty and prevent customer turnover, and thus leading to increased profits.

The medical field has taken a lesson from the business world and similarly found great value in conducting satisfaction surveys with patients. As in the business world, patient satisfaction has been found to lead to patient loyalty, which yields increased revenue for doctors and hospitals.

Patient satisfaction reduces negative word-of-mouth about the profession generally and the provider more specifically. In the medical field, patient satisfaction has also been found to increase the satisfaction and morale of health care providers, thus leading to less turnover and greater productivity. One of the most important findings related to patient satisfaction in the medical field has been its impact on outcomes. Patient satisfaction has led to improved relationships and communication with caregivers, who rely on information from patients to make diagnoses, recommend treatment, and monitor recovery. Finally, high patient satisfaction correlates to reduced malpractice suits and helps health care providers maintain accreditation.

II. Making the Case for Client Satisfaction Surveys in Indigent Legal Services

As in the business world and the medical field, assessing client satisfaction in public defense is crucially important. Like medical providers and business leaders, public defenders have an interest in capturing client satisfaction as it improves outcomes not only for them but also for their clients. Creating metrics to measure client satisfaction enhances relationships between defenders and clients, helps identify areas for growth, and improves public perception of the criminal justice system and public defense. As described below, the benefits of conducting client satisfaction surveys in indigent legal services are endless and mirror many of the advantages found in the medical and business field.

Improved Case Outcomes

Just as in the medical field, client satisfaction in indigent defense is critical to case outcomes. When clients are satisfied with their representation, they are more likely build a foundation of trust their lawyer. That trust is the foundation for good communication that lawyers rely on to obtain information about the case, develop defenses, and identify witnesses, all of which will improve trial outcomes. Even where a case is resolved with a plea bargain, trust and good communication are still crucial, as they allow the lawyer to obtain mitigation information about the client that might result in a reduced charge and sentence, or an alternative to incarceration. Additionally, client satisfaction will often dictate whether the client will take the lawyer's advice about the direction of the case, the strategy involved, and the likelihood of certain outcomes. Undoubtedly, whether the case is tried or pled, client satisfaction is a key component of case outcomes.

Critical to Client Centered Representation

Many in the indigent defense community in New York City and beyond have shifted to a client-centered model of representation. Client-centered representation places the client, rather than the lawyer, at the center of the process. This approach to representation mirrors many of the elements found in patient-centered care in the medical field. While the lawyer provides information and advice, the client is the one who decides in what direction she wants to take her case. Client-centered representation, therefore, requires that the lawyer work to understand the client's point of view, priorities, and goals. In order to do so, the lawyer must communicate regularly with the client, actively listen to the client, and engage the client in strategic decision-making. Assessing client satisfaction is an integral part of the client-centered approach, since it is the only way to determine whether a provider is delivering on its promise.

Key Component of Procedural Justice

Researchers are increasingly recognizing that clients' perceptions of their experience in the criminal justice system are not based solely on case outcomes but also on their perceived fairness of the system. Tom Tyler's procedural justice research at Yale Law School has shown that by far, the most important factor in whether clients accept a particular decision is their perception that the process is fair. His research has found that the fairness of the process is more important than the outcome itself or even the fairness of the outcome. Procedural justice research has also shown that how clients view their attorneys is the second most important factor for shaping client perception of the court system.

From this body of research, four factors have emerged in helping ensure that clients perceive the court system as fair. First, that the client's voice is heard. Second, that the client is treated with dignity. Third, that decisions are unbiased, and fourth, that the client understands the process, including her role and the decisions available to her. Defense attorneys play a critical role in ensuring these factors are met. Reviews of indigent defense legal services should capture the extent to which clients feel like their lawyer listened to them, understood them, advised them, fought for them, and helped them. Client satisfaction surveys are a key way of capturing this information.

Increased Attorney Satisfaction

As in the medical field, client satisfaction can also increase attorney satisfaction and reduce attrition. Clients are at the very center of what we do as public defenders. Very often, public defenders represent anywhere between 50 and 100 clients at a time, and are in constant communication with those clients. Unsurprisingly, when clients are unhappy with their representation, lawyers often report feeling frustrated, stressed, and angry. Over time, strained relationships with clients can lead to what some refer to as “burnout.” Ensuring greater client satisfaction can lead to better experiences for both attorneys and the clients they represent. Establishing strong rapport with clients makes attorneys’ working relationship more enjoyable, rewarding, and enriching, which in turn helps sustain lawyers in the practice.

Highlighting Opportunities for Growth

Furthermore, client satisfaction surveys allow providers to identify organizational opportunities for growth. As in the business field, client satisfaction surveys help guide the direction of the organization. Client satisfaction surveys are transformative. They shed light on clients’ neglected needs and expand services to address them. Survey findings also lead to an evolution of internal practices and the establishment of new policies, trainings and procedures to strengthen attorney performance. Clients are no longer passive recipients of public defense services, but rather agents for change. Client satisfaction surveys make us more innovative, aware, and informed attorneys. Our effectiveness depends on our ability to innovate, create, adapt, and evolve. As our understanding of our clients needs changes, so too must indigent providers. Incorporating client satisfaction surveys in the review of indigent criminal defense gives providers the information we need to better serve our clients.

III. The Bronx Defenders’ History of Collecting Client Satisfaction Surveys

At The Bronx Defenders, we have been championing the importance of client satisfaction surveys for over a decade. We first started collecting client satisfaction information in 2001. Our first client satisfaction survey targeted clients who had been charged with “quality of life” misdemeanors that were resolved at the initial arraignment. We sought to learn how clients felt, what they needed, and how to improve the legal services we provided. With the support of law students and college

interns, we interviewed numerous clients using The Quality of Life Crime Survey. Survey findings paved the way for significant changes in our offices. Results signaled that 43 percent of those interviewed did not know how to contact their lawyer, and only a small number of clients knew that The Bronx Defenders offered social services interventions and assistance. In response, and in order to improve contact with the office and access to social services, The Bronx Defenders created a client information sheet describing how to get in contact with the office, as well as a guide to social services like shelters, soup kitchens, the civilian complaint review board and employment agencies.

Since then, The Bronx Defenders has continued to conduct client satisfaction surveys and experimented with various survey designs. Surveys are conducted approximately once a year during the summer when we can draw on the help of law student interns. We have administered surveys in person as well as via phone. We have administered surveys that capture feedback about our holistic defense model, as well as those that ask more general questions about the quality of legal representation. We have conducted the surveys while clients' cases are pending as well as when they have closed. With each survey, we learn something new about our clients, our practice, and our delivery of indigent defense services, and we use that knowledge to adapt, change, and grow.

Our most recent attempt to gather information about client satisfaction took place just a few weeks ago and came in the form of a series of focus groups. Historically, the questions we have asked clients have been ones that we as defenders wanted to know because we thought they were important to quality defense. The purpose of these focus groups, however, was to ask clients to discuss what *they* thought was important and to use that information to inform our next client satisfaction survey.

IV. Endorsement

Given our long-standing recognition of the importance of assessing client satisfaction, we applaud the New York City Council's Committee on Courts and Legal Services' recognition of its value and potential for systemic change. We wholeheartedly endorse the elevation of clients' voices, experiences, and perspectives to the governmental level. We also appreciate the recognition, at

the core of the Committee's bill, that we can and must do more to ensure clients' trust in, participation in and overall satisfaction with their representation. To achieve the stated goals of the bill, however, we need to do more. We must ensure that client satisfaction surveys ask questions that are meaningful, are designed to adequately allow clients to comment on their experience, are shared with individuals best suited to make changes, and are used to promote collaboration among public defenders. Below, we outline our concerns with the current provision and identify ways to strengthen the bill.

Survey questions must be relevant and framed in a meaningful way.

First, there is more that must be done to determine which questions to ask. While there are lots of existing standards for the delivery of indigent defense, there is no unanimous agreement about which ones defenders should follow. The National Legal Aid and Defender Association, the National Association of Criminal Defense Attorneys, and the American Bar Association each has its own standards. The survey should not only consider which of these standards to use, but also what other questions might be relevant to client satisfaction. Questions must also be framed in ways that are meaningful. For example, asking about performance without defining what is meant by that term will not yield results that are congruent with the goal of the bill – acquiring information to help improve client trust, participation, and overall satisfaction. Moreover, the survey must appropriately determine which questions clients can accurately answer. For example, whether the attorney made efficient use of his/her time is not something a client can assess without knowing much more about the lawyer's practice. Finally, a client satisfaction survey coordinator should not be allowed to include anything else that he or she deems important to assessing client satisfaction, as the bill provides, without input from a range of criminal justice stakeholders.

Survey design must adequately provide clients with the opportunity to report their experience.

Second, more needs to be done to ensure that the survey is designed in a way that adequately allows clients to report their experiences. Undeveloped survey instruments and uncertain research methodology make it even more difficult to determine whether the information produced from client surveys will adequately achieve the goals of the bill. Poor survey design could have a negative impact on whether or not clients are able to comment on the vast work performed by public

defenders. The use of open-ended versus close-ended questionnaires allow for very different levels of responses—close-ended questionnaires poll clients on specific measures, while open-ended questions give clients the opportunity to describe their experiences without restriction. Without a finalized instrument, it is unclear if these surveys will give clients the opportunity to fully speak to their experiences in the criminal justice system.

Surveys must be administered in a way that allows individuals facing housing instability and lacking Internet access to be included.

Furthermore, the stipulated recruitment strategy raises questions about clients' ability to respond to client satisfaction surveys. Our 14 years of experience soliciting client feedback has made us aware of the many challenges that exist in collecting such information, as well as the benefits and drawbacks of various survey modes. Our efforts to recruit clients or conduct surveys via telephone or by mail have always yielded low response rates. Out of the 1,470 clients we contacted via phone, only 9% of clients responded to our request. Many clients had their phones disconnected or had pre-paid phones that were out of service. Mail results have had similarly low or lower response rates. We strongly advise against using survey methods that place the responsibility for completing the survey most heavily on the client. Given the transient nature of our clients and the conflicting priorities they face on a daily basis, asking clients to mail-in surveys or call-in to report information is ineffective.

Additionally, creating a web-based survey as an alternative would not increase survey accessibility for our clients. The neighborhoods where we work in the South Bronx have the highest rates of eviction, unemployment, public benefits, and child welfare involvement in the state. According to the 2013 American Community Survey, 30% of all residents and 41% of all children live below the poverty line. Furthermore, the South Bronx neighborhood of Mott Haven has the highest percentage of people living in poverty in New York City. With the lowest annual earnings in the state (median income is \$16,800 per year), many South Bronx residents rely on public benefits to cover basic living expenses. Unsurprisingly, our clients caught in the criminal justice system reflect these statistics. Many struggle with poverty, homelessness, unemployment, drug addiction, mental health issues, and unmet educational needs. We should not make the assumption that our clients have access to the Internet to take a client satisfaction survey.

Survey findings should be reported directly to providers to allow for immediate action.

To ensure that the bill will result in changes that increase trust, participation and satisfaction, the results need to go to those best suited to make those changes. Yet this bill would bypass the legal services provider in favor of direct delivery to the Mayor's Office of Criminal Justice. While we applaud the desire to elevate clients' experiences to those making policy decisions at the Mayor's Office, doing so undermines the goals of the proposal. Survey findings should be relayed directly to providers of indigent legal services. This would allow for timely responsiveness to client concerns and lead the way to improved practices. Omitting attorneys from the results-sharing process would delay action and further shadow clients' perception of the justice system. Clients deserve to know that their recommendations are being heard and appropriate steps are being taken to rectify injustices. Delivering survey findings directly to practitioners would allow speedy implementation of client recommendations.

Survey findings should not be connected to funding streams.

Finally, more needs to be done to ensure that results of any client satisfaction survey are used for intended purposes. Specifically, we advise against the use of client satisfaction surveys for the purpose of evaluating efficacy of indigent defense and making funding determinations. The purpose of client satisfaction surveys should be to improve internal practices to better serve clients across the city. Connecting survey results with the distribution of monetary resources is counterintuitive to the goal of the survey. Including client satisfaction surveys in the evaluation of indigent defense creates a competitive working relationship among public defenders. Instead, feedback from clients should be used to develop better attorneys, not to measure attorneys against one another. In order to foster collaboration among public defender offices, client satisfaction surveys must not be linked to funding for indigent defense.

V. Moving Forward by Creating a Working Group

Given these concerns, we believe the best way to move forward is to develop a working group, which would convene civil attorneys, criminal defense attorneys, and researchers in order to shape program operations. The working group should be tasked with the responsibility of developing a civil and criminal survey instrument with the guidance of a research specialist. This would ensure

that questions posed to clients thoroughly capture the extent of our work. The working group would also help bridge communication between practitioners and researchers, and thus avoid the omission of important key factors in indigent defense that may be less obvious to individuals outside the legal field. Elevating attorneys to a project advisory role would also promote buy-in for client satisfaction surveys. Individuals resistant to client satisfaction surveys may be more willing to endorse a survey instrument they helped to develop.

Incorporating the perspective of practitioners would also help guarantee that the implementation procedures are realistic for both providers and clients. Requiring client satisfaction surveys will invoke the need for additional funds. Indigent legal services resources require increased support to thoroughly implement this new provision. The working group should identify funding streams to help attorneys respond to feedback from client satisfaction surveys, and to link clients to survey administrators or survey locations. The value of client satisfaction surveys is dependent on its response rate. Our intimate and frequent connection with clients makes us best positioned to inform clients on how to participate in the survey and institute a recruitment mechanism that does not prevent clients from participating.

Moreover, the working group should also develop a satisfaction survey that captures clients' experiences with other stakeholders such as police, court officers, corrections, court clerks, judges, and prosecutors. Clients' representation by an indigent defense provider is just one piece of a client's experience in the criminal justice system, and by no means the most important, because clients and attorneys do not operate in isolation. By narrowly focusing on a client's experience with his/her attorney, we are missing a crucial opportunity to understand his/her experience with other individuals. A survey seeking to improve court and legal services should look to understand clients' relationship with other key players in the justice system.

VI. Conclusion

The Committee's bold undertaking of client satisfaction surveys in indigent legal services is admirable and necessary. We are aware of the myriad benefits of collecting client feedback and are pleased to see the development of this bill. However, in order to ensure the success of this proposed bill, a working group should be created to tease out details of the provision, including the

development and implementation of the client satisfaction survey. Only by working in collaboration with practitioners will we be able to create an instrument that is comprehensive, adequate and useful for clients, policymakers and attorneys.

We thank the City of New York's committee on Court and Legal Services for the opportunity to comment and look forward to future discussions on this topic.



**Testimony by the New York Legal Assistance Group (NYLAG) before the
New York City Council Committee on Courts and Legal Services:**

**Int. No. 958 – A Local Law to amend the administrative code of the city of New York,
in relation to client satisfaction surveys for city-funded indigent legal services**

December 4, 2015

Chairman Lancman, Council Members, and staff, good afternoon and thank you for the opportunity to speak about the proposed legislation providing for the development and implementation of a client satisfaction survey for clients of NYC-funded indigent legal service programs. NYLAG is a nonprofit law office dedicated to providing free civil legal services to the most vulnerable New Yorkers. NYLAG serves immigrants, seniors, the homebound, families facing foreclosure, renters facing eviction, low-income consumers, those in need of government assistance, children in need of special education, domestic violence victims, persons with disabilities, patients with chronic illness or disease, low-wage workers, low-income members of the LGBTQ community, veterans, Holocaust survivors, survivors of disasters like Superstorm Sandy, as well as others in need of free legal services.

As NYLAG does not provide any criminal legal services, our comments are limited to the portion of the proposed legislation relating to civil legal services. While NYLAG supports the use of client satisfaction surveys and the proposal generally, we highlight below some of our concerns and propose to work with the Committee and our fellow legal services providers to fashion solutions for those concerns.

NYLAG has for many years conducted client satisfaction surveys to obtain feedback on the quality of services provided, determine where there are areas for improvement, and to comply

with funder obligations. While individual client responses are useful for program management purposes, we have been unable to draw broader conclusion about our services because of the consistently low survey response rates. Even with the inclusion of self-addressed-stamped envelopes, response rates have been extremely low. Further, we have found that the survey responses generally come from clients with the strongest views – those who were either particularly pleased or exceedingly displeased with the legal services they received. While those responses are useful to us, we do not feel that the survey responses are representative of NYLAG's overall client experience, and we continue to fine-tune the survey to simplify it and make it more user friendly so as to increase response rates.

The process for conducting client surveys as specified in the proposed legislation is likely to reduce response rates even further. Clients are asked to send the surveys to the City, rather than return them to the legal services organization from which they received both the services and the survey itself; clients are therefore likely to be confused by the process and less likely to respond. Also, many clients are wary of sending information to government entities, even when anonymity is assured. Moreover, it is critical that surveys be available in multiple languages. Furthermore, the waiver of confidentiality contained in the current proposal may deter clients from responding, especially because this waiver will conflict with the promise of confidentiality clients had heard from their attorneys during the course of the representation. We are also concerned about the very real risk that in responding to these surveys, clients may inadvertently waive the attorney-client privilege. Finally, we are concerned whether the Civil Justice Coordinator will have sufficient information to provide meaningful reports given the likely low response rates.

Additionally, we are concerned that the legislation's survey requirement will negatively impact our ability to gather survey information as we have in the past for our own internal purposes, as it is unrealistic to expect clients to complete two surveys.

In conclusion, while we support the use of client satisfaction surveys to ensure accountability and the use of City funds for high-quality legal services, our experience administering surveys has demonstrated that response rates will likely be quite low, and do not have much statistical validity. The proposal as drafted has a number of features that may well reduce response rates even further. We would be happy to work with the Committee and with other legal services organizations to determine survey administration strategies that increase the likelihood of clients returning completed surveys, minimize the risk that clients may inadvertently disclose confidential information and/or waive the attorney-client privilege, and ensure that the City obtains more meaningful and reliable results.

We thank the Council for convening this hearing and welcome the opportunity to further discuss or comment on these matters in the future.

Respectfully submitted,

New York Legal Assistance Group

Surveys of any kind have extremely low response rates—less than 5% is typical, and this number may be even smaller given the challenges of this particular survey: our clients have numerous challenges brought on by poverty; the surveys are to be returned to the City and not to someone the client knows; there may be language and literacy obstacles; there is a provision that requires clients to waive confidentiality, something that is likely to put off some potential respondents; and some of the questions—e.g., asking about satisfaction with the attorney’s “investigation of the case” or about the “efficiency of the attorney’s use of time,” are likely to be beyond the client’s knowledge.

The results, if you get them, will be spotty, anecdotal, and therefore unreliable and difficult to draw conclusions from. For example, those who respond to surveys tend to be those who are extremely dissatisfied or extremely pleased. Those who respond to these surveys will be responding about one case—about which no details are known—and a relationship with one attorney. Although the proposed legislation requires the Office of Civil Justice to base its annual report on the quality and effectiveness of the legal services funded by the city, in part, on the results of the surveys, conclusions will be very difficult to support from the responses of a handful of disgruntled, or highly satisfied, respondents.

Of course, the most important indicators of the effectiveness of the legal services that you fund will be the results obtained: evictions prevented or delayed; essential services restored or conditions fixed; safety from domestic violence obtained; federal disability benefits received. Client satisfaction is a critical part of the mix, but that satisfaction is usually best measured by whether a satisfactory result has been obtained.

We have recently completed a client satisfaction assessment with the assistance of the New York University’s Robert F. Wagner School of Public Service. Not surprisingly, there is a

vast literature about how to assess “customer satisfaction,” addressing such matters as the nature of the questions (e.g., “outcome oriented” vs. “process oriented”); and the methodology of conducting the surveys (e.g., phone interviews vs. paper/electronic surveys; independent vs. “known” researchers; length of survey; the use of incentives; language accessibility). We would be happy to share with you some of the results of our work with NYU.

Civil legal services make this City fairer and more just for all. The creation of the Office of Civil Justice has given us the opportunity to institutionalize and operationalize the pursuit of justice— more effectively and comprehensively than ever before—as part of the fundamental infrastructure of a fair and just City. We look forward to continuing our work with you to fine tune the delivery of those services.

Thank you for your continued commitment to help New York’s most vulnerable families and individuals.

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TESTIMONY

The Council of the City of New York
Committee on Courts and Legal Services

and

Committee on Public Safety

December 4, 2015
New York, New York

The Legal Aid Society
199 Water Street
New York, NY 10038

Presented by: Justine M. Luongo, Attorney-in-Charge Criminal Practice
Adriene Holder, Attorney-in-Charge Civil Practice

The Legal Aid Society, the nation's oldest and largest not-for-profit legal services organization, is an indispensable component of the legal, social and economic fabric of New York City – passionately advocating for low-income individuals and families across a variety of criminal, civil and juvenile rights matters, while also fighting for legal reform. The Society has performed this role in City, State and federal courts since 1876. With its annual caseload of more than 300,000 legal matters, the Society takes on more cases for more clients than any other legal services organization in the United States, and it brings a depth and breadth of perspective that is unmatched in the legal profession. The Society's law reform/social justice advocacy also benefits some two million low-income families and individuals in New York City, and the landmark rulings in many of these cases have a national impact. The Society accomplishes this with a full-time staff of nearly 1,900, including more than 1,100 lawyers working with over 700 social workers, investigators, paralegals and support and administrative staff through a network of borough, neighborhood, and courthouse offices in 26 locations in New York City. The Legal Aid Society operates three major practices — Criminal, Civil and Juvenile Rights — and receives volunteer help from law firms, corporate law departments and expert consultants that is coordinated by the Society's Pro Bono program.

The Society's Criminal Practice is the primary public defender in the City of New York. During the last year, our Criminal Practice represented over 200,000 indigent New Yorkers accused of unlawful or criminal conduct on trial, appellate, and post-conviction matters

The Society's Civil Practice provides comprehensive legal assistance in legal matters involving housing, foreclosure and homelessness; family law and domestic violence; income and economic security assistance (such as unemployment insurance benefits, federal disability benefits, food stamps, and public assistance); health law; immigration; HIV/AIDS and chronic diseases; elder law for senior citizens; low-wage worker problems; tax law; consumer law; education law; community development opportunities to help clients move out of poverty; prisoners' rights, and reentry and reintegration matters for clients returning to the community from correctional facilities. Last year the Civil Practice worked on nearly 49,000 cases benefiting close to 121,000 people.

The breadth of The Legal Aid Society's representation places us in a unique position to address the issue before you today. Our perspective comes from our daily contact with people who can experience life-altering consequences as a result of arrest

We commend this committee and its Chair, Councilmember Rory Lancman, for holding this important hearing to discuss the need to create client feedback mechanisms for people who are involved in the criminal and civil court systems and for inviting us to testify today.

Client engagement and feedback are critical to ensuring that our criminal and civil court systems provide for the fair treatment, inclusion and respect of all who find themselves subjects of the courts' proceedings. We stand with this committee and our colleagues in the indigent defense and civil legal services communities to continue to assure that we are

all providing client-centered representation that strives to have every client feel engaged in the process and empowered to make educated decisions about her case.

The Legal Aid Society has a strong commitment to providing zealous, effective and client-centered representation to all of our clients. Hiring and recruitment efforts focus on finding a diverse field of candidates who have a dedication to indigent defense and civil legal services. Once hired, rigorous new staff training programs are built around meeting clients legal needs while engaging them in critical decision making and providing client education on collateral consequences so that clients feel empowered in often marginalizing processes.

At The Legal Aid Society, we take any client's dissatisfaction seriously. We have a review protocol whereby supervisors handle all complaints from clients and their family members. Additionally, any post-conviction appeal based on ineffective assistance of counsel and all complaints made to the attorney disciplinary committees are investigated by the respective practice's Attorney-in-Charge and Legal Aid's General Counsel. Attorneys are evaluated annually and the first focus of review is the attorney's relationship with the client community. Here, attorneys are evaluated on their responsiveness to clients' questions and concerns and understanding of clients' needs. In 2016, the Criminal Defense Practice will be forming a client advisory board that will assist the practice in reviewing its current protocols and charting new programs and initiatives.

The Legislation is a Step Forward But As Drafted Potentially Compromises Ongoing Client Legal Services or Claims

While we believe that this legislation's intent is to be commended, and reflects the commitment this committee and the City Council have to fairness and respect for all New Yorkers, we oppose the proposed legislation, as currently drafted, for the following reasons:

Clients Must Waive Confidentiality

The proposed legislation requires a client to waive confidentiality in order to participate.

§ 7-1021 **the client waives confidentiality with respect to the client's responses, including the existence of the representation.** The coordinator shall provide different options for completing and submitting such survey, which options shall include, but need not be limited to, submission by mail, by telephone and electronically over the internet.

This requirement creates two serious concerns:

- 1- The waiving of confidentiality creates an enormous risk for any client seeking post-conviction remedies, such as a 440 motion or an appeal, since any information in the survey would likely contain information about the facts of the case and possible statements of the client that could be used against them.

Because counsel is required by the rules of ethics to advise the client about the material risks and benefits of actions taken by the client concerning the case, this would obligate counsel to warn the client about potential disadvantages of participating in the survey and, in potentially many cases, to advise the client not to participate.

- 2- Where a client's dissatisfaction relates in whole or part to the effectiveness of counsel's representation, this would place counsel in a potential conflict of interest, since counsel would be required to offer advice to the client concerning the impact of the waiver on potential claims against counsel herself. In order to avoid this conflict of interest, the client would be required to obtain neutral advice from a third-party advisor. This would be impractical, require substantial resources that could be used much more productively for other purposes, and be unduly time-consuming.

The Proposed Legislation Does Not Consider Other Causes of Clients' Possible Dissatisfaction and Will Not Effectively Measure Quality of the Legal Services Program

The Legal Aid Society's Criminal Defense Practice and Civil Practice represent over 300,000 New Yorkers every year in civil and criminal courts across this City. Often, because of the collateral consequences of a person's arrest or conviction, we share many of the same clients in both court systems at the same time. We meet our clients at some of the worst or lowest points in their lives: arrested, often homeless or facing eviction, unemployed or working for very little money, no benefits for medical or mental health treatment and now involved in the court system. The system is infamous for long court case delays and multiple adjournments and hours of waiting where people sit (or in some courts, stand) waiting for their cases to be called, even when there are other pressing needs such as children, work, school or medical treatment. It is under these circumstances that our attorneys work extremely hard to foster relationships with their clients and

provide client-centered representation. This is no easy task given the obstacles and frustrations facing many of our clients. Additionally, there are many other professionals involved in the case or court process, such as arresting officers, district attorneys, judges, court officers, landlords and employers, about whom the client may feel disrespected or abused.

Creating a satisfaction survey that only focuses on a client's satisfaction with her defender or civil legal service attorney, creates the likely risk that the attorney becomes a focus of fault for many ills felt by the client during the pendency of the case, regardless of whether the attorney had any power to ameliorate them. Further the proposed legislation fails to recognize that in many instances clients perceive the attorney as part of dysfunctional, disrespectful systems that are seeking to prosecute or disenfranchise them, despite best efforts of the attorney. For example, New York State's unfair discovery laws fail to require prosecutors to turn over evidence early on in a case. This is often viewed by the client as a failure of the attorney to share the evidence with the client or a deficiency in obtaining evidence when, in fact, the attorney does not have and could not obtain the evidence despite making numerous demands and filing legal motions that attempt to do so.

The Civil Practice has experience with client satisfaction surveys throughout the years, and similar to other civil legal services programs we have administered surveys to clients at the time of case closing and usually by mail. The client response rate is usually between 20 to 40 percent, and on average 97 percent of client responses rate their

experience favorably. High favorable ratings is not unusual in civil legal services for very specific reasons. First, since there is not a right-to-counsel in civil legal matters, and the demand for legal services is so great, we find that once an applicant client receives an advocate, more times than not the client will remain grateful for the legal assistance throughout the legal process regardless of the outcome; and second, with advocates civil legal services cases are successfully resolved, on average, ninety percent of the time. Consequently, client satisfaction surveys are of very limited use in measuring the quality or effectiveness of the legal work – rather they are a record the client’s gratitude towards their specific advocate.

Proposed Legislation Excludes Clients in Jail or Prison

For those clients represented by indigent defense providers, the proposed legislation makes no effort to address the obstacles that those clients who are incarcerated in either local jails or state prison will face in returning the survey. While the legislation mentions various ways a client can return the survey, such as telephone or mail, there are costs and logistical issues that will create barriers for that population to participate. The result would be an over-reporting of those clients that are out in the community and exclusion of the incarcerated, those who are the least engaged and often voiceless.

An Alternate Proposal

As an alternative to the proposed legislation, we ask this committee to consider the following:

- 1- Create a task force to examine the best course of action in developing feedback mechanisms for those in the criminal and civil court systems to evaluate their treatment, representation and views of the courts process. The task force should be comprised of all stakeholders that provide a function in the court process and case, as well as community groups that represent the interests of public.
- 2- Enact legislation to fund the hiring of a research firm to assist the task force with its goals and to insure that any feedback mechanisms created meet standards for research and data collection, including confidentiality.

We thank the committee for the opportunity to express our views and look forward to working with you on this important reform effort.

NDS

H A R L E M

TESTIMONY OF THE NEIGHBORHOOD DEFENDER SERVICE

before the

NEW YORK CITY COUNCIL COMMITTEE ON COURTS AND LEGAL SERVICES

IN RELATION TO

**INT. NO. 958 – CLIENT SATISFACTION SURVEYS FOR CITY-FUNDED INDIGENT
LEGAL SERVICES**

by

**Matthew Knecht
SUPERVISING ATTORNEY, CRIMINAL PRACTICE**

December 4, 2015

Testimony of Matthew Knecht

Introduction

I am Matthew Knecht, Supervising Attorney for the Criminal Practice at the Neighborhood Defender Service (NDS) and I am here speaking on behalf of NDS' Executive Director, Rick Jones. NDS is a community-based defender office that provides high-quality legal services to residents of Northern Manhattan. NDS created a model for a neighborhood-based, comprehensive, client-centered approach to service that has led to improvement of defense services throughout New York State and the country. **Philanthropedia, the leading source of information about non-profit organizations, assembled a national panel of foundation professionals, academics, researchers, non-profit senior staff, policy makers and other professionals working in the field, to select and determine the best non-profits in the country and, through that process, NDS was named a top non-profit for 2011-2014.**

Background

The Neighborhood Defender Service is a community-based non-profit organization, and a social justice leader in the effort to improve the quality of criminal defense representation for those unable to afford an attorney. Since 1990, when NDS began full operations, our service model has enhanced the quality of in-court representation and expanded the scope of services that defenders provide to their clients. Consistent with our expanded approach, NDS has engaged in initiatives to help communities address a wide range of criminal justice problems. As a closely watched model law office, NDS has fostered system-wide improvements as well. **NDS' collateral consequences work serves individuals, families, and communities throughout the city with its aggressive commitment to outreach, education, and coalition-based solutions.**

NDS was established to create new techniques in the provision of legal services for the poor. Since its inception, NDS has grown from a pilot project of the Vera Institute of Justice into an independent, full-service legal and social service provider, and remains committed to a broad approach to help address the criminal justice issues affecting our clients, their families and communities.

CLIENT SATISFACTION SURVEYS

Client Feedback is Important

NDS recognizes that a client's experience with the criminal justice system generally, and his/her experience with his/her attorney¹ more specifically, is important. A client's sense of procedural

¹ In addition to being client centered and community based, NDS employs a team based model of defense. Any client that NDS undertakes to represent is represented by a team consisting of attorneys, social workers,

justice, or the idea that a client feels as though he/she is treated fairly, is critical. Clients who have trusting relationships with their attorneys and confidence that the system is treating them fairly will consistently achieve better outcomes in their cases than those who do not. In fact, one of NDS' core principles is that a client's voice is important -- that the collective voices of the community we serve ought to inspire what services we provide and the manner in which we provide those services. That being said, **the proposed legislation, while well intentioned, will not lead to an improvement in the level of services NDS provides.**

No Validated Instrument/Method of Data Collection

Client satisfaction is very difficult, if not impossible, to measure through client surveys. Presently, we are unaware of any validated instruments or methods through which client satisfaction can be meaningfully measured. For any client satisfaction survey effort to succeed -- i.e. to offer meaningful data upon which future policy decisions can be made -- the data collection instrument and method must be validated.

Any validated client satisfaction survey for indigent clients would have to be designed in a way that measures the level of a client's satisfaction with their attorney and not their level of satisfaction with the larger criminal justice system. It is not unusual for a client to feel as though he or she was treated unfairly by the police, the prosecution, the court, or, in some instances the attorney. By offering a client the opportunity to comment about their satisfaction with only one actor in the criminal justice system, there is a risk that a client's dissatisfaction with the system as a whole will be registered as dissatisfaction with that actor. Any validated instrument and method must be able to distinguish between a client's satisfaction with his/her attorney and his/her satisfaction with the larger criminal justice system.

Any validated client satisfaction survey for indigent clients would have to be designed in a way that measures the level of a client's satisfaction with their attorney and not their level of satisfaction with the outcome of his/her case. Anecdotally, any attorney can describe clients who were ecstatic about the work the attorney performed on their case in getting the case dismissed, when in reality the attorney did little more than stay out of the way. On the other hand, we have all represented clients who find themselves in very difficult legal situations for whom we have invested countless hours and resources, but who end up with serious convictions and lengthy sentences at the end of the cases. Those clients are often dissatisfied with their attorney. In both of those situations, the clients are really describing their satisfaction with the outcomes of their cases. While there is likely some correlation between client satisfaction and the outcomes of the clients' cases, any validated instrument and method must be able to distinguish between a

investigators, advocates, paralegals, and college and law school interns. As a result, any valid client satisfaction survey would need to take into account the reality of the client's experience with all the members of his or her team. Any reference to the attorney-client relationship in this testimony necessarily refers to the team based defense.

client's satisfaction with the outcome of his/her case and his/her satisfaction with the work performed by the attorney.

Even a validated client satisfaction survey can, by definition, only offer feedback about the work performed on the clients' cases that the clients actually observe. A validated client satisfaction survey can gather data regarding a) whether a client felt as though he/she had access to his/her attorney, and b) whether a client felt as though he/she was kept informed and was involved in his/her defense. A client satisfaction survey cannot measure either the quantity or quality of the work performed on his/her behalf outside of his/her view. A client really cannot offer a meaningful opinion on the extent to which a lawyer conducted research and writing, worked with investigators, social workers, or other attorneys on the case, negotiated with the prosecution, or really any other aspect of defense work that happens outside of a client's view.

Any Data Collected Should Be Provided to the Organization and Not the City

Assuming that a validated instrument and method were to be created, then any information provided through client satisfaction surveys should not be provided to the City. Rather, that information should be provided to the defense organization who represented the client. The organization can then use that information to make changes necessary to address client satisfaction issues. The organization is in the best position to collect the data, to interpret and understand the data, and to know what changes are possible within the organization to address any needs identified in the surveys.

Collection of this data and the issuance of any directives or recommendations by the City threatens the independence of the defense organizations. **One reason New York City is fortunate to be home to some of the finest public defender offices in the nation is that the organizations are independent from the City government.** By looking in on the work performed by the organizations at the individual client level, the City would threaten the independence that is so important for an effective public defender system.

There are important privacy and privilege issues related to the collection of client satisfaction data. **The number and nature of meetings between clients and attorneys is not information that is publicly available, nor should it be.** A client should not be put in a situation where they feel obligated to waive their right to keep that information private and instead provide details about their relationship with their attorney to the City.

Conclusion

A client's satisfaction with his/her attorney is an important consideration for defense organizations as they strive to provide the highest quality legal services possible for their clients. However, in order to achieve the goal of improving the quality of representation offered to clients, the City must attempt to develop a validated instrument and method of collecting the data, and the data collection program needs to be performed not by the City but by the

organizations themselves. There are three actions the City can take to achieve its goal: 1.) The city should fund a study to develop a validated instrument and method to measure client satisfaction; 2.) the City should provide that validated instrument and method to the organizations for their use; and 3.) The organizations, as part of their reporting requirements to the City, should affirm that they are using the surveys, considering the results, and making changes to their programs as needed. This would achieve the important goals of measuring client satisfaction and improving the quality of legal services provided to the City indigent population, without jeopardizing the privacy of the clients or the independence of the defense organizations.

We are grateful for the opportunity to testify today on this important issue, and we look forward to continuing to work with you in the service of our fellow New Yorkers.



**BROOKLYN
DEFENDER
SERVICES**

TESTIMONY OF:

**Lisa Schreibersdorf – Executive Director
BROOKLYN DEFENDER SERVICES**

Presented before

The New York City Council Committee on Courts and Legal Services

Public Hearing on Int. 958-2015

In relation to client satisfaction surveys for city-funded indigent legal services

December 4, 2015

My name is Lisa Schreibersdorf. I am the Executive Director of Brooklyn Defender Services (BDS). BDS provides innovative, multi-disciplinary, and client-centered criminal, family, and immigration defense, as well as civil legal services, social work support and advocacy, for 40,000 clients in Brooklyn every year. I thank the New York City Council Committee on Courts and Legal Services for the opportunity to testify about Intro 958-2015 to mandate client satisfaction surveys for city-funded indigent legal services.

New York City's public defenders are among the highest quality defenders in the United States, in large part due to funding and ongoing support from the Mayor and the New York City Council and due to statutory case caps that assure adequate resources to our offices. BDS takes pride in our ability to provide support to thousands of clients on a daily basis in a variety of ways. One aspect of our self-evaluation is how we treat our clients, their families and the communities from which they come. In fact, as the City Council members know, BDS is in the forefront of addressing important issues that affect these very clients and communities. Examples of our advocacy on behalf of clients include protecting the rights of people in jail, particularly young people on Rikers Island. In addition, BDS not only advocated for the rights of detained immigrants, we created, along with other defenders, and thanks to City Council funding that we

advocated for, the first-in-nation right to counsel program for immigrants facing deportation.

BDS has developed a model of representation that includes specialized attorneys and staff for clients with special needs, such as the mentally ill, victims of trafficking, veterans and adolescents. In each of these units, clients receive direct and collateral services that meet their specific needs, such as helping veterans apply for a change in discharge status or assigning an education attorney to advocate for 16- and 17-year-olds in the school setting.

There is no question that BDS takes the concerns of clients very seriously, that we provide excellent legal representation and that we also provide services that our clients desperately need and often cannot access anywhere else. We do this because it is the right thing to do, because we are morally and ethically required to do this and because as an organization that has been entrusted with significant public funds, it is the right thing to do.

Int. 958-2015 is a well-intentioned effort to assess how clients feel about the services they are receiving from BDS and other organizations. Although BDS agrees wholeheartedly with the sentiment that led to this bill, we must respectfully oppose the legislation in its current form.

We have two sets of concerns regarding this bill. The first and primary is the requirement in the legislation that individuals waive confidentiality when they fill out the prospective survey instrument.

Int. 958-2015 states in pertinent part:

“Such [client satisfaction] survey and instructions each shall include a prominent notice informing the client that by submitting the survey, **the client waives confidentiality with respect to the client’s responses, including the existence of the representation.**”

BDS strenuously objects to any legislation that requires our clients to waive any aspect of the attorney/client relationship for a client survey. The attorney/client relationship is founded on the privileged nature of any communications between client and attorney. This privilege is so fundamental and inviolable that it is only by way of a court order issued in very limited circumstances that we would ever disclose confidential information given to us by our client. Once the client waives confidentiality, there may be no limit to the possible use of the information provided in the survey. There is no way for a client (or even us, as attorneys) to understand the possible impact of such a waiver on their case now or in the future. Information given in a seemingly innocuous survey could be used against an individual in immigration, housing, child welfare or other proceedings. In some cases, once communications are subject to a waiver, any party can be subpoenaed to testify. If a client waived the privilege and said he told his lawyer he was innocent, it is conceivable that a prosecutor could call the attorney to the stand and argue that the privilege has been waived, forcing the attorney to testify to the nature of the client conversations. With the current legislation, there is nothing to

prevent a prosecutor from issuing a subpoena or making a FOIL request for a client's survey responses.

As valid as an assessment of the client experience with his or her attorney may be, it is not worth giving up this extremely precious and meaningful right. Nor is there any reason this needs to happen. Most client surveys gauging criminal defendants' satisfaction with their public defenders have been conducted by independent researchers, with the results collected and reported anonymously.¹ There is no other valid way to conduct such a survey.

BDS also has a variety of concerns regarding the collection, validity and use of these planned satisfaction surveys.

First, the likelihood of a statistically valid sample being obtained in these types of client surveys is very low. In the area of health care patient satisfaction survey data, studies find that only a small percentage could be considered statistically valid or reliable.² We foresee similar difficulties in drafting and implementing client satisfaction surveys for legal services.

In a study of criminal defendants conducted by Washington State University researchers in 2009, 27% of potential survey takers completed the client satisfaction study. Researchers obtained the majority of their survey responses (134 total) from in-person interviews that took place at the local courthouse (68), at the public housing authority (11), and at the public defender's office (55).³ The least effective methods included the mailed surveys, for which only 12 responded out of the 300 mailed. Also among the least effective were the telephone (10 responses of 50 attempts) and the internet link sent via postcard (zero recorded responses out of 218 mailed). Researchers opined that "these low response rates were to be expected due to the disproportionate lack of internet access and a permanent address among members of this population."⁴

Second, client satisfaction scores do not necessarily correlate to the quality of the work of a legal services provider or individual attorney. In our work, it is important for attorneys to be honest with their clients and give them the real story. Many of our clients are in dire circumstances, facing significant prison time or other serious consequences. In this system, it is only the defense attorney who is legally permitted to speak to the client once the case is brought. Thus, the old adage about blaming the messenger is often brought to life in this context. Our clients often associate the

¹ See Christopher Campbell et al, *Unnoticed, Untapped, and Underappreciated: Clients' Perceptions of their Public Defenders*, BEHAV. SCI. LAW (2015).

² John Sitzia, *How valid and reliable are patient satisfaction data? An analysis of 195 studies*, 11 INTL J. FOR QUALITY IN HEALTH CARE 319-328 (1999).

³ Christopher Campbell et al, *Unnoticed, Untapped, and Underappreciated: Clients' Perceptions of their Public Defenders*, BEHAV. SCI. LAW (2015), p. 5.

⁴ *Id.*

consequences they are facing with us, as their attorney, because we are the one explaining the plea offer on the case or the risk of proceeding to trial.

It is important that we be able to be straight and honest with our clients, even when the news is bad. But if the client might decide he doesn't "like" the attorney because of that bad news, some attorneys may decide that being "liked" is more important than being candid with the client. This could create poorer actual legal services, a goal that is not in anyone's best interest.

Client satisfaction surveys have resulted in absurd unintended consequences in the medical field, such as an uptick in prescribing unnecessary medications to patients.⁵ *The Atlantic* recently reported that an alarming number of hospitals offer poor care and still get high patient-satisfaction ratings. These are hospitals, in other words, that patients like but which have higher rates of patient fatalities, hospital re-admittance, or serious complications. As one clinician noted in the article, "Patients can be very satisfied and be dead an hour later."⁶

BDS values conveying information honestly and candidly to our clients. We also value excellent legal work, including investigation of cases, researching legal issues, conferencing cases with colleagues and supervisors, attending continuing legal education programs and training sessions. Each of these actions are invisible to clients yet may be the most important in obtaining the best possible result in each case. To be sure, treating clients with dignity and respect is the hallmark of our office. We know that in the lives of poor people, callous treatment is commonplace. We take the time with our clients so they know what is happening in their court case, so they can adequately explain the circumstances of their arrest to us and so they can ask questions about the justice system.

Many of our clients are mentally ill, have developmental disabilities or are facing obstacles that are unimaginable to the City Council. In Brooklyn, a large percentage of our clients are from other countries and do not understand anything about the

⁵ For example, when the Affordable Care Act linked patient satisfaction surveys to hospital pay, many experts noted an uptick in the prescription of opiate drugs as an unintended consequence. *See, e.g., Jeffrey Bendix, Are Medicare's patient satisfaction surveys contributing to opioid abuse?, MEDICAL ECONOMICS*, June 26, 2014.

⁶ Alexandra Robbins, *The Problem with Satisfied Patients*, *THE ATLANTIC*, April 17, 2015 available at <http://www.theatlantic.com/health/archive/2015/04/the-problem-with-satisfied-patients/390684/>. Unsurprisingly, research shows that hiring more nurses, and treating them well, results in the best patient outcomes. *See, e.g., Matthew D. McHugh et al., Nurses' Widespread Job Dissatisfaction, Burnout, And Frustration With Health Benefits Signal Problems For Patient Care*, 30 *HEALTH AFFAIRS* 202-210 (2011); *see also* Norman Lefstein, *Securing Reasonable Caseloads*, *AMERICAN BAR ASSOCIATION* (2011), available at http://www.americanbar.org/content/dam/aba/publications/books/ls_sclaid_def_securing_reasonable_caseloads.authcheckdam.pdf (arguing the importance of reducing public defender caseloads in order to improve the quality of representation)

American judicial system. It is hard to imagine how these issues will be factored into surveys.

Proper evaluation and measurement of client experience

It is completely appropriate and desirable for the the Mayor's Office of Criminal Justice to collect and assess information on the quality and effectiveness of legal offices that provide services to New York residents. We would look forward to working with the Mayor's office to analyze the standards by which we should be judged—such as standards set forth by the New York State Office of Indigent Legal Services. Fundamental understanding about what it takes to provide the type of defense work we do would be as valuable to us and our clients as it would be to the City.

BDS recommends that the City Council engage with an independent consultant to analyze the best way to assess the services provided by public defenders and to gain an understanding of the concerns of the consumers of the criminal justice system. This could improve the experience of the public and create a more fair and just system, goals we can all agree with.

December 4, 2015

Testimony before the Committee on Courts and Legal Services re Int. 958

My name is Raun Rasmussen and I am the Executive Director of Legal Services NYC. Thank you Councilmember Lancman and all of the members of the Committee on Courts and Legal Services for the opportunity to testify regarding Int. 958, which requires the development and promulgation of client satisfaction surveys for those served by city-funded indigent legal services.

Legal Services NYC fights poverty and seeks racial, social and economic justice for low-income New Yorkers. For nearly fifty years, we have challenged systemic injustice and helped our clients meet basic needs for housing, access to high-quality education, health care, family stability, and income and economic security. Our staff of nearly 400, with deep roots in all of the communities we serve throughout the City, helps more than 80,000 New Yorkers annually.

We are very pleased about the creation of the Office of Civil Justice, and look forward to working with that Office to continue to improve the funding and coordination of civil legal services, which we all know are essential to help low income New Yorkers access the essentials of life: shelter, safety, income stability, and access to education and health care.

We are generally supportive of efforts to determine client satisfaction, and solicit client feedback ourselves. We also have some observations about the challenge of collecting that information, and are cautious about what can be learned.

Testimony of Her Justice
New York City Council Committee on Courts and Legal Services
City Council Intro. No. 958
December 4, 2015

Thank you Chair Lancman, the Committee on Courts and Legal Services, and other members of the Council for inviting testimony today regarding Local Bill number 958. I am Amy Barasch, the Executive Director of Her Justice, a nonprofit organization that takes a “pro bono” first approach to the provision of legal services to low-income women in crisis in New York City. Our staff of 17 lawyers and legal assistants ensures that over 3,000 women (and their over 4,000 children) receive legal assistance in family, divorce, and immigration matters every year.

Our clients are the working poor, with very limited resources. They live in all five boroughs of the City. Half are Latina, a quarter of them need interpreters in court, most are victims of domestic violence, and most are mothers who are, or become, the heads of their households. They are all looking for help with family, divorce or immigration law matters that directly affect the safety, economic security and well-being of themselves and their children. Her Justice offers a full range of legal services—information, advice, brief services and full representation in order of protection, support and custody matters in Family Court, divorces, and immigration matters under the Violence Against Women Act. Given our practice, I will be addressing the proposed amendments to Chapter 10, Civil Indigent Legal Services today.

The majority of our cases - 80% - are handled by volunteer attorneys from the City’s premiere law firms, with rich assessment, triage, mentoring, training and support from



our staff. The remaining 20% of the cases are handled in-house to ensure that we retain the necessary flexibility to respond to emergency situations, navigate particularly complex or lengthy legal issues, and ensure that our attorneys continually refresh their knowledge of the courts and cases on which we train and provide support. We recognize the severe shortage of lawyers available for low-income New Yorkers. In the civil courts, that burden falls with disproportionate weight on women who represent the bulk of the unrepresented in family and divorce matters, and in particular on victims of domestic violence. The representation we offer from the private bar, often matched with expert witness testimony from volunteer private sector forensic accountants, results in fair child support awards, more favorable decisions without trial in most cases, and seriously reduced stress and strain for our clients. Pro Bono services are necessary and important complements to legal services, in our view, and we work to identify the best places to offer help – on matter types best suited to volunteers, and where legal services may be stretched too thin to respond. In our fiscal year 2014, our legal staff trained and mentored 2,400 volunteer lawyers, paralegals and law students who provided 78,000 hours of service—valued at more than \$34 million. We put the power of the private sector behind our clients, to ensure that they have access to justice in our civil courts.

Her Justice supports Chair Lancman’s desire to ensure that poor litigants in NYC receive quality legal representation. Her Justice was created with just that goal in mind. We often make adjustments to our work in order to stay responsive to client needs. While



essential, collecting informed client feedback is not easy. The challenges to obtaining litigant feedback fall into two basic categories:

- 1) The mechanism you use to elicit the feedback; and
- 2) The questions you ask to obtain the information sought.

Like many of our colleagues, we use a survey to obtain feedback from clients after the conclusion of their case, and that information is essential to how we design our programs. We use a survey instrument to obtain feedback, but administer it through phone calls to clients when they indicate that calling them is safe. At a basic level, we get a better response rate if we take the burden of completing the survey away from the client, and take it upon ourselves to reach out to them for information. In addition, it provides us with an opportunity to inquire as to whether clients have additional unaddressed barriers with which we might assist. We have found that sending survey links to clients is less successful because many clients do not have easy access to computers, receiving emails from us may be unsafe (85% of our clients are victims of domestic violence), responding to our survey is not a priority for clients facing innumerable life challenges, and because binary answer options are always less informative than narrative ones. By switching to an in-person follow-up approach, our response rate has improved, along with the quality of the information we receive. We are also able to distinguish in a conversation between a client's response to the legal outcome they received versus the quality of the representation they received from their lawyer.



Based on our experience, we are concerned that a survey alone may be an incomplete and possibly misleading way to obtain the feedback sought by the Council. The rate of return could be very low; it places a burden on clients who do not need additional burdens; and it is possible that those who are least happy with their treatment will be the most likely to respond. We suggest that any survey be approached carefully, with expert input, and considerations given to how to make completion of the survey as easy for litigants as possible.

The second challenge is ensuring that feedback is really about the quality of the legal representation, separate from the overall experience with the court system.

Unfortunately, good lawyering does not always result in good outcomes. Litigants surveyed may not have had a strong case, may have experienced system delays or worse, or the litigant may have had unrealistic expectations of what the court case might achieve. Evaluating the quality of a lawyer based on subjective reports as to whether the client received the outcome they were looking for, or other subjective assessments of attorney performance, will likely result in many negative responses that have more to do with the court system, the quality of the client's case, and the reality of life as a poor litigant in NYC than the quality of the representation.

Despite these challenges, getting input from clients about the quality of the legal representation they receive is essential. Ideally, we would want to know both if litigants legal representation that objectively consisted of best practices, as well as subjective information about their experience with the process.



We are concerned that the survey questions included in the proposed legislation are not framed in a way that will obtain the results sought by the Council. Some of the questions ask for information not immediately obvious to litigants – such as whether the attorney used their time efficiently. Questions that ask about attorney actions as opposed to subjective assessment provide objective measures against which all attorneys should measure themselves. These could include questions like did the attorney meet with the client both before and after court appearances; was the attorney responsive when the client had questions; did the client receive explanations about the process that they understood, and was the client able to reach their attorney in a timely fashion. Developing such questions is as much art as science, and an expertise held by many academic researchers. We believe these are the types of questions that would be more likely to elicit the information sought by the council. Given the complicated nature of measuring the quality of legal representation, and the fact that many in the field are working on this goal, we at Her Justice recommend that the Council consider the creation of a working group that would include a range of stakeholders from the civil and criminal justice systems, as well as academic researchers, to develop an evaluation strategy to measure whether New Yorkers are receiving the best legal representation possible. Her Justice would be eager to participate in such a conversation, and would be happy to share any data we have (in a non-individualized way) to further this conversation. We commend the Committee on its dedication to ensuring the provision of quality legal services to indigent New Yorkers,



and provide this testimony with the goal of ensuring that any legislation or project best achieves that goal.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 958 Res. No. _____

in favor in opposition

Date: 12/4/15

(PLEASE PRINT)

Name: Matt Knecht

Address: 317 Lenox Ave 10th Flr NYC 10027

I represent: Neighborhood Defender Service of Harlem

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 958 Res. No. _____

in favor in opposition

Date: 12/4/15

(PLEASE PRINT)

Name: Alex Cohn, General Council

Address: _____

I represent: Mayor's Office of Criminal Justice

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 958 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Jamison Blair

Address: 1 Centre Street

I represent: Mayor's Office of Criminal Justice

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Amy Barasch

Address: _____

I represent: Her Justice

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Rann Rasmussen

Address: _____

I represent: LSNYC Barasch

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: ROBIN STEINBERG

Address: 360 E 161 ST St Bronx

I represent: The Bronx Defenders

Address: 360 E 161st St Bronx, NY

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 12/4/15

Name: Adrienne Helder (PLEASE PRINT)

Address: _____

I represent: Legal Aid

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

Name: LORI ZENO (PLEASE PRINT)

Address: 118-21 Queens Blvd. Forest Hills

I represent: Queens Law Associates NY

Address: same

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 958 Res. No. _____

in favor in opposition

Date: 12/4/15

Name: Sara Zuiderveen (PLEASE PRINT)

Address: HRA

I represent: Deputy Commissioner for Legal Services

Address: and Rental Assistance

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: ~~Bern Goldman, Randal Jeffrey, Jonathan Fox~~

Address: _____

I represent: NYLAG

Address: 7 Hanover Square

**THE COUNCIL
THE CITY OF NEW YORK**

Question

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Jonathan Fox

Address: _____

I represent: NYLAG

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Questions

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Randal Jeffrey

Address: _____

I represent: NYLAG

Address: _____

◆ Please complete this card and return to the Sergeant-at-Arms ◆

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 12/4/15

(PLEASE PRINT)
Name: Lisa Schribesdorf

Address: _____

I represent: Brooklyn Defender Services

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition *as written*

Date: _____

(PLEASE PRINT)
Name: Justin Luong

Address: 199 Water St

I represent: Legal Aid Society, Criminal Practice

Address: 199 Water St

Please complete this card and return to the Sergeant-at-Arms