

## Access to Justice Committee: Meet the Three Co-Chairs

John Caher: Welcome to Amici, news and insight from the New York Courts. I'm John Caher.

Today, we are going to focus on one issue, Access to Justice, with three guests: Helaine M. Barnett, the Grand Dame of the Access to Justice Movement in New York, and the founder of the Permanent Commission on Access to Justice; and the two Judicial Co-Chairs of the Commission, Supreme Court Justice Christina Ryba, the Supervising Supreme Court Justice in the Third Judicial District, and Acting Supreme Court Justice Shahabuddeen A. Ally, Supervising Judge of the New York City Civil Court.

Ms. Barnett has championed the effort to provide legal representation to low-income New Yorkers for well over a half century, when she began her career as a Legal Aid Society lawyer in the mid-1960s. She later headed the Legal Services Corporation in Washington. Ms. Barnett was recruited by then-Chief Judge Jonathan Lippman in 2010 to help him address the justice gap. That led ultimately to the Permanent Commission on Access to Justice.

Justice Ryba and Judge Ally were appointed judicial co-chairs of the Permanent Commission in February by the current Chief Judge, Rowan D. Wilson.

About a year ago, shortly after taking office, the Chief Judge made quite clear that Access to Justice is a priority in his administration. In announcing the appointments of Judges Ryba and Ally, the Chief Judge said that the work of the Commission is "integral to the court system's mission." He said, and I quote again, "Beyond a core principle of the rule of law, Access to Justice is an essential lifeline, whether for the tenant facing eviction or the person in litigation with predatory lenders, among the many others throughout our State in dire need of civil legal representation and assistance."

In this podcast, we're going to attempt to unpack all that, and we have three guests uniquely equipped to do so. Ms. Barnett, let's start with you. Nobody knows the history of this better than you because you are the history of this. What does Access to Justice even mean?

Helaine Barnett: To me, John, Access to Justice means you create a level playing field, so there are not two systems of justice. Everyone gets their day in court.

As for its history, in 2010 I had just returned from serving as President of the Legal Services Corporation in Washington D.C., and met with the Chief Judge, Jonathan Lippman, who was in the process of establishing the Task Force to Expand Access to Civil Legal Services in New York, to address the unmet civil legal needs of low-income New Yorkers, and he appointed me as the Chair.

The Chief Judge was committed to the composition of the task force that would create and build support for the work of its mission. He wanted the wide range of members to include partners from large and small law firms, business leaders, labor leaders, judges, funders, and legal services providers. As the Chief Judge, he looked extremely favorably on the recommendations of the Task Force, accepting and adopting them as recommended in our annual report. In 2015, Judge Lippman wanted to institutionalize the Task Force and change its status by court rule to a permanent entity and renamed it the New York State Permanent Commission on Access to Justice.

He also set a goal of \$100 million of state funding for the provision of civil legal services to low-income New Yorkers. This funding was more than in any other state. The achievement of the goal happened over a seven-year period and has been sustained annually since 2022.

John Caher: Wow, that's fantastic. So in a nutshell, where are we right now in terms of providing what our current Chief Judge has described as an "essential lifeline?"

Helaine Barnett: Well, we've made some progress, John, but we have a long way to go.

The Commission's funding study done last year found that between \$842 million and \$1 billion is a realistic estimate of the additional monies necessary, over and above existing funding to close the justice gap in the state, and which is defined as the unmet civil legal needs of low-income New Yorkers and the resources available to meet those needs.

As for the current status of judiciary civil legal services funding, it increased from \$12.5 million in 2011 to \$100 million in 2016 and through subsequent cost of living increases, \$122.4 million for the current fiscal year of 2024-25.

As always, the Commission is continuing its work on ideas for improving Access to Justice that do not cost money and is currently studying in particular the handling of housing cases in the town and village courts, the feasibility of expanding legal roles beyond lawyers, and ways to make

assistance more accessible in rural areas of the state. Our annual report, which is issued in the fall, will include our recommendations of these topics.

John Caher: Thank you. Now in February, Chief Judge Wilson announced a structural change with of appointment of the judicial co-chairs, who we have with us today. Ms. Barnett, what is the significance of that?

Helaine Barnett: Well, I think it's great. Chief Judge Wilson wanted to have a closer relationship and collaboration with the Permanent Commission and the Office of Court Administration. Clearly, this is evidence of Chief Judge Wilson's strong desire to tackle the matter of the justice gap New Yorkers are experiencing.

My two co-chairs have an impeccable reputation for fairness, integrity, and hard work, and they are both deeply committed to enhancing Access to Justice for all New Yorkers by greater collaborations with the local courts and their communities, professional affiliations and high level of stakeholder engagement.

John Caher: The Chief Judge also spoke of the need to "eliminate socioeconomic, racial, ethnic, language, geographic and other barriers to equal justice." That is a tall order. So what can the Commission do to move that ball forward? I'd like to pose that question to each of the judges, and why don't we start with you, Justice Ryba?

Justice Ryba: I think the best way to work together is for the commissioners to continue the work that we're doing with our working groups, to make sure that we come up with solutions and make sure the Chief Judge is aware of what we're doing and our recommendations. I also think it's important for us to work with the Office for Justice Initiatives and make sure that we collaborate, because there's a lot of overlap, and I think our mission obviously mirrors the mission of Office for Justice Initiatives under the leadership of [Deputy Chief Administrative] Judge [Edwina] Richardson.

And I think we will continue to work closely together to do as much as we can because eliminating socioeconomic, racial, ethnic, language, geographic and other barriers sounds like an insurmountable effort. But if we work together, under the leadership of our Chief Judge, I think we can get the job done.

John Caher: Judge Ally, can you address the Chief Judge's goal/ mandate and how this Commission can move that ball forward?

Judge Ally: Yes, thank you, John. And it is a real pleasure to be on this Commission in this role along with Justice Ryba and Helaine Barnett who together, I think, come in with a like-minded goal. So the Chief's goal is a tall order, but it's a necessary order. I think the real way we tackle it is the way you tackle any major project of this nature, which is one step at a time.

The significance for me in turning the Commission into a Permanent Commission is to keep the awareness. I think the first step to addressing these problems is to acknowledge we have these issues and that everything we do has to hit the socioeconomic, the racial, the ethnic. It's not an easy fix. But as long as we keep our mind to it, as long as we acknowledge it exists, it'll always evolve as the compositions of our city and state change. As long as we are conscious of it and make an effort to address it, it will be at least on the forefront of our conscience.

And that's what I think the Access to Justice Commission, and I know we'll talk about this later, but that's what I really love about this Commission, that we reflects the trends of our society. When you talk about moving the ball forward, moving the ball forward to me means you acknowledge that we have these issues, and we're addressing them one step at a time or collectively. I agree with everything that Justice Ryba mentioned regarding trying to address these issues. But as long as we keep it up front and we never become complacent with the fact that these issues exist, I think we'll be able to meet that tall order.

John Caher: Thank you. I want to drill down a little bit on the local discussion. This issue, like most in New York is a tale of two states. Judge Ally, you're in New York City. Judge Ryba, you are in downtown Albany. Geographically not that far apart, but really two different worlds. So Judge Ally, let's start with you. What does Access to Justice mean in New York City in a concrete rather than abstract manner?

Judge Ally: You know, John, that's very interesting. New York State is a very large state, 62 counties. It could take you close to half a day, 12 hours, to travel out to our western big city of Buffalo from where I'm sitting in Manhattan. And New York City has about, and the numbers change, they're fluid, 8.3 million people. What I found to be very interesting is that the issues that are faced in New York City are really faced in New York throughout the State.

So we probably have more issues that connect us together as a state than we do locally. And what I mean by is this. Court interpretation, language access, very big throughout the state, and it's also very big in New York City. There was an issue regarding connectivity and having Wi-Fi access in

different parts and rural areas of the state. We have that same issue in New York City. Maybe the proximity of our courthouses to our public might be more condensed in New York City, but the challenge to get to a court also exists in New York City, so much so that remote proceedings and innovative ways to address legal issues outside of a courthouse is also present in New York City.

So to answer the question about New York City, look, it's clear that the five counties that make up New York City might be differently situated than the remaining 57 that make up New York State.

But I don't know that we are so different in the needs. Folks who need assistance with attorneys and cannot hire one, it's probably multiplied exponentially in New York City because of our population. And that by the way is a good thing because we address it globally, a 62-county answer to that question. I don't want to leave the impression that in New York City we have it all and our poor counterparts and the other counties are so far behind. I don't know if we're so far ahead. I don't know if we're so far behind. But I do know we have enough common issues that we could be searching for common answers.

John Caher: So it sounds like you're saying nobody is an outlier and nobody is an inlier?

Judge Ally: I think we're all, in a very good way, in the same position.

John Caher: Do you agree with that Justice Ryba, from your perspective in Albany?

Justice Ryba: I do think that sometimes we feel a little forgotten here in Albany, compared to things that are happening downstate. But I think it's all about perspective. And I think that we do share a lot in common. I think when it comes to meeting resources or an attorney for your particular issue, if you're having a housing issue, it's going to be the same experience if you don't have an attorney probably in both areas.

But I think what's unique about being outside the city is our rural communities have a whole different issue when it comes to representation because there aren't many attorneys that live in any of these rural areas.

We have a new commissioner, a recently appointed commissioner, Dan Hurteau, who is a private practitioner at Nixon Peabody. But he grew up in a rural community and he talked about the fact that he's got family members who are just really uncomfortable even with doing virtual

because, if you're not used to having Wi-Fi or going on the internet, appearing for a conference or for a hearing virtually has been even more nerve-racking.

So I think that when it comes to differences, people in rural communities are going to have special identified needs than outside of those areas. And that's why we do have a subcommittee now on rural justice and we're really looking at ways to fill the gaps there.

Now that I'm the Supervising Judge of the Third Judicial District, I'm more familiar with some of the other counties as well. We're working on rolling out a Help Center in Albany County, and I know we're modeling that after successful Help Centers throughout the state, and there are some in New York City that are functioning really well. We actually have a Help Center in our family courts that was modeled after the Help Center and family courts in New York City.

So, I think in many ways, New York City leads the way, and then we get to adopt some of those best practices from them. But then there are things that are really unique to our region. We also have Surrogate's Court issues here that have not really been addressed.

Judge Pettit is our Albany County Surrogates Court judge, and they suffer from having individuals that don't have representation, and it's really difficult for them to move forward with their estates. I think that sometimes Surrogate's Court gets forgotten about because it's a court that you deal with people after they pass, but there are people who lose their homes. There are really big issues, and it's such a specialized area that I think that our Surrogate's Courts do need more help. And I don't think that's unique to Albany County or to the Third Judicial District or outside of New York City, but that is something that is prevalent.

John Caher: That is a daunting responsibility and task. So what resources are available?

Judge Ally: The resource we have as a Commission is relationships. We get to set an agenda on a topic that universally no one really opposes, right? No one opposes Access to Justice. So we really leverage our relationships. We're not the implementing body. That's OJI, that's Judge Richardson, that's other groups. So through social media and getting the word out, it's activating others who have either resources or the ability to get things done.

And maybe Justice Ryba will say the same thing, but once we received this position in February, then the number of people who have reached out to say, "I want to get involved. Let me help," was tremendous. There was more of an ask than I had a return answer to, like, "Oh yeah, this is how you get involved." So I think we should just keep doing that because the Commission has no budget. We have no implementing power. But we do have the awesome power of persuasion.

John Caher: So what should the commissioners know about their new co-chairs? Judge Ally, why don't we start with you?

Judge Ally: What folks should know is that I'm deeply passionate about this work, about Access to Justice, and about making sure that anyone who interacts with our legal system is able to do so without those barriers that we mentioned earlier.

Folks should also know that my background, I was a public defender. John, you and I did a podcast earlier where I lay this out, but these are deeply personal issues to me. As someone who came to this country as an immigrant and benefited from public services, public benefits, I know the value of being able to participate in our society without barriers being put forward.

So what folks should know is my real mission and purpose of being involved is to give back, and it's deeply personal. I spent a good chunk of my career, pre-bench, as a public defender. I think you and I went over this where I said I went into private practice to make millions of dollars, and then I wind up working as a public defender where if you added up every dollar I made in 15 years, it wouldn't even come to half of that. But it enriched my soul. It made me wealthy in a way that had nothing to do with dollars. It's because we were bridging a gap, and we know we were helping people, and that's what I bring to this Commission, and that's a fire and that's a mission that I will always take with me.

John Caher: That's wonderful. Justice Ryba.

Justice Ryba: I bring to the Commission my commitment and my ability and desire to help problem-solve and make sure we can get Access to Justice, fill those gaps. My background is public service for the most part. I started out with corp counsel after law school and then made my way into leadership, but went over to the AG's office as an Assistant Attorney General. And then I did have a year and a half in private practice at Nixon Peabody, which was the first time I really was able to do *pro bono*, because when I was at the AG's Office, there's a prohibition of outside activity.

I remember some of the work we were doing was for a mom in Family Court, and I'd never even dealt with Family Court. I'd never been in Family Court before. And helping this family with a custody issue, it just was so fulfilling and it was the type of feeling that I hadn't received from the work I'd done in the past. While it was important work and necessary work to represent state agencies and also represent corporations in private practice, there was something so rewarding about helping individuals.

As a judge, I ran for office because I wanted to help people resolve their problems. And I find that this Commission is just in line with the reasons why I focused on becoming a judge.

I hope that I'm pivotal in helping move things forward and helping resolve these issues, some of them are based on the fact that we need funding, and we need to make sure that our partners are all working together. And I think that I'm that person who can help bring people together. I do that when I settle cases, and I hope that I'm effective. That's the reason why I applied for this opportunity.

John Caher: Thank you. Ms. Barnett, we've heard from the judges a little bit of the personal angle, why they got involved in this. You've been involved in it longer than anyone. What drives that interest? What got you into this? Why do you stick with it for so long?

Helaine Barnett: Actually, John, the path of my legal career was set when I was in law school, where it was indeed my incredibly good fortune to have Professor Robert B. McKay as my teacher and mentor. He guided, encouraged, and directed me upon graduation to the Legal Aid Society of New York, the oldest and largest legal aid organization in this country, with a mission to provide the poor in New York City with meaningful Access to Justice. I served there for 37 years before being appointed President of the Legal Services Corporation.

John Caher: Judges, you both have very busy calendars as well as supervisory duties. What motivates you to get involved in something like this, which is likely to be time-consuming? And as hard as you work, and as much as you achieve, you're never going to completely solve the problem. Judge Ally, do you want to tackle that first?

Judge Ally: Yes, thank you, John, for the question. I've always said that having the honor, and it really is an honor, to be part of our Unified Court System is an amazing privilege. Having the chance to be a judge, be a frontline judge, is amazing. It's then doubly amazing to be a Supervising Judge

because you take on different roles in addition to being a courtroom frontline judge.

So I always say when you're within the court system or just in general, and this is a commentary on life, just make sure that you handle your first assignment well. And once you do that, then you should expand and take full advantage of everything that happens. When the opportunity came up to apply for this position on such a worthy cause, the Access to Justice Commission, I thought, how could I not take advantage?

So do I have a busy calendar? Absolutely. But these issues are so important that you make time for it. And the truth is, we always make time for things that are important to us. Access to Justice is making sure that there's an equal playing field for everyone, and that if there are barriers, that we tackle them and address them.

The question is, what motivates me? And I say to you, John, simply, how could I not get involved in this? And I think that's the call to action for all of us. We all should say, "How can we get involved in this mission?" God willing, as long as there's strength in my legs and a desire in my heart, I will keep doing it.

John Caher: Justice Ryba?

Justice Ryba: I applied to be the co-chair of this Commission because I want to be part of the solution. I think we always have the habit of complaining or talking about the problems. But anytime I can be part of a solution and be part of the team that comes up with the ways to fill those gaps, then count me in. I really am so motivated by the leadership that we have here under Chief Judge Wilson. I really wanted to be able to work with Helaine, but also with OJI. Judge Richardson's a role model of mine. So to be in the room with her is invaluable.

When I applied, my son asked me, "Mom, so you are already a Supervising Judge."

I became Supervising Judge and I was appointed to that position in August [2023]. And then, fast-forward, I'm applying to this a few months later and my son's asking me, "So how much more money are you going to make?" And I said, "Oh, there's no more money." And he is like, "Well, then why are you applying?" And I said, "Because I want to be part of this solution, and I want to be in the room when we come up with ways to fill these gaps."

I hope my son is learning from my example. That's why I applied, and I hope that I'm effective in helping us fill these gaps.

John Caher:

That is wonderful to hear. And Judges, Helaine Barnett, thank you so much for coming on the program.