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April 26, 2011

Hon. James S. Oddo
Hon. Eric Ulrich
Hon. Dan Halloran
Hon. Vincent Ignizio
Hon. Peter Koo
New York City Council
City Hall
New York, NY 10007

Dear Council Members Oddo, Ulrich, Halloran, Ignizio, and Koo:

I am writing in response to your request of March 9, 2011 that the Independent Budget Office (IBO) compile data on city spending for the purpose of providing legal services to New Yorkers. The following summarizes the results of our survey of spending using information available from city budget documents.

We need to point out, however, that while some city contracts are explicitly designated as "legal services" contracts (i.e., falling under Object Code 682), many others have different designations although they too may to some extent involve the delivery of legal services. Unlike the City Comptroller's office, we do not have ready access to individual contracts and therefore are limited in our ability to identify each contract involving legal services. Faced with this constraint, some of our response involves summarized statistics rather than listing individual city contracts potentially involving legal services providers.

Specifically, in response to your request we present the following:

- An overview of indigent defense spending, the largest single category of legal services spending within the city budget.
- A breakdown of those City Council initiatives and discretionary allocations within the fiscal year 2011 adopted budget where the listed purpose indicates that the contract does to some extent involve the delivery of legal services.
- Discussion of other appropriations within the city's adopted contract budget for 2011 for legal services not related to indigent defense.

Indigent Defense Spending. The largest component of legal services spending in the city budget is for contracts to provide legal counsel to defendants who are indigent. Appropriations for indigent defense spending are found within Unit of Appropriation 005 of the Miscellaneous Budget (Agency 098).

By state statute, New York City has responsibility for funding counsel and supportive services for indigent defendants charged with crimes in New York City. The city funds indigent defense representation at both the trial and appellate levels. The city also provides services for indigent adults needing representation in Family Court.

The major providers of legal representation for the indigent are the Legal Aid Society as well as numerous individually assigned 18-B attorneys screened by the court system. The court appoints private 18-B attorneys to handle cases in which representation by a given provider would create a conflict of interest (i.e., when multiple defendants need representation) or when the defendant is charged with a crime punishable by death or life imprisonment.

As discussed in a recent briefing paper produced by the City Council's Finance Division, indigent defense spending is expected to rise from \$220.2 million this year to \$250.7 million next year, an increase of \$30.5 million or almost 14 percent. According to Council Finance, the planned increase reflects the Mayor's Office of Management and Budget (OMB) estimate of increased costs associated with the letting of new trial-level indigent defense contracts.

For both 2011 and 2012, the February 2011 financial plan calls for state funds to cover \$41.0 million of total indigent defense costs with the remainder covered by city funds. However, OMB has indicated to us that the soon to be released 2012 executive budget may reflect somewhat less than \$41.0 million in state funding anticipated for next year as a result of changes in the recently adopted state budget. If the state's contribution to indigent defense spending is ultimately less than \$41.0 million next year, even more than the planned increase of \$30.5 million in total indigent defense spending would need to be funded with city funds.

City Council Initiatives. The adopted budget for 2011 contained numerous City Council initiatives which provided city funds for organizations engaged at least to some extent with providing legal services or legal information to individuals and community groups. The following table groups the Council initiatives listed in Schedule C accompanying the fiscal year 2011 adopted budget into four broad programmatic categories: domestic violence (Schedule C, pages 5-7); housing (pages 23-25); immigrant services (page 26); and criminal and civil legal services (pages 28-30).

Note that some of the initiatives provide grant funding for an array of services which include but are not limited to legal services. For example, the Domestic Violence and Empowerment Initiative (DoVE) provides \$2.5 million in city funds to "support community-based organizations that provide prevention and empowerment workshops, comprehensive service referrals and legal advocacy to victims of domestic violence." We have included the entire grant as long as the description included some mention of providing legal services.

Council Initiatives by Program Area, FY 2011 Adopted Budget		
	Recipient Organization(s)	City Funds Awarded
<u>Domestic Violence</u>		
Domestic Violence and Empowerment Initiative (DoVE)-Restoration	Various (See Schedule C)	\$2,500,000
Legal Services for Domestic Violence Victims	Various (See Schedule C)	\$350,000
Immigrant Battered Women's Initiative-Restoration	Sanctuary for Families	\$475,000
<u>Housing</u>		
Citywide Task Force on Housing Court	Citywide Task Force on Housing Court	\$500,000
Community Consultants	Various (See July 29, 2010 City Council Transparency Resolution, Chart 12)	\$415,000
Mortgage Foreclosure Prevention Program	Center for NYC Neighborhoods	\$500,000
Anti Eviction and SRO Legal Services	Various (See July 29, 2010 City Council Transparency Resolution, Chart 11)	\$2,000,000
<u>Immigrant Services</u>		
Immigrant Opportunity Initiative	Various (See August 25, 2010 City Council Transparency Resolution, Chart 4)	\$4,500,000
<u>Legal Services – Criminal *</u>		
Indigent Defense - Restoration	Legal Aid Society	\$5,650,000
Indigent Defense - Restoration	Neighborhood Defender Services	\$1,500,000
<u>Legal Services – Civil</u>		
Citywide Civil Legal Services	Legal Aid Society Legal Services NYC	\$1,500,000
Unemployment /SSI Program	Legal Aid Society Legal Services NYC	\$1,000,000
Legal Services for the Working Poor	Various (See Schedule C)	\$1,050,000
Legal Information for Families (LIFT)	Legal Information for Families (LIFT)	\$485,000
TOTAL		\$22,425,000
Source: IBO, City Council Finance Division		
Notes: * The \$7.2 million in funding restored for Legal Services—Criminal is included in the \$220.2 million for indigent defense discussed on page 1.		

City Council Discretionary Allocations. The adopted budget for 2011 also contained scores of discretionary allocations (sponsored by one or more Council members) which to some extent involve the provision of legal services. More specifically, in our review of Schedule C we counted 66 such discretionary allocations totaling \$1.4 million in city funded appropriations (see *Attachment 1*). Once again, note that many of the 66 discretionary allocations provide

grant funding for an array of services which include but are not limited to legal services. Therefore, as was the case with the Council initiatives summarized above, it is not possible from the limited information in Schedule C to determine what portion of funds awarded through such discretionary allocations are to be used to provide legal services as opposed to other types of services.

Contract Budget Spending for Legal Services Other Than Indigent Defense. The city's adopted contract budget for 2011 also contained \$24.0 million in appropriations for 86 other legal services contracts not related to indigent defense. These contracts are assigned to Object Code 682 in the city's financial records, which are defined as "payments for professional legal services performed by other than city employees." Over half of such funding (\$13.3 million) was appropriated to cover 35 legal services contracts to serve the needs of the Department of Education (DOE). Another \$2.7 million was appropriated to cover the cost of 17 contracts issued by the city's Law Department. It is quite possible, however, that several other city contracts may also to some extent involve the delivery of legal services either to city agencies or to members of the public.

I hope this information is helpful to you. Please feel free to call for additional assistance on this or any other matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Ronnie Lowenstein". The signature is fluid and cursive, with a prominent initial "R" and a long, sweeping tail.

Ronnie Lowenstein

City Council Discretionary Allocations (Legal Services Related)

As per FY 2011 Schedule C, From Largest to Smallest

Council Member / Sponsor	Legal Name of Organization	Amount	Agency	Purpose of Funds
Speaker's Allocation / Brooklyn Delegation, Recchia, Levin	Ridgewood Bushwick Senior Citizens Council, Inc.	\$225,000	DYCD	Funds will be used for a community organizing program and a legal services program.
Speaker's Allocation / Fidler, Lander, Greenfield, Recchia	Council of Jewish Organizations of Flatbush, Inc.	\$175,000	DYCD	To provide a broad range of social services, free legal services, programs for seniors, youths, immigrants and refugees, employment and small business programs to the residents and localities.
Speaker's Allocation	Catholic Charities Community Services, Archdiocese of New York	\$145,000	DYCD	To provide direct legal services to 400 indigent New Yorkers and to conduct at least 15 outreach presentations to New York City schools.
Speaker's Allocation / Brewer	Housing Conservation Coordinators, Inc.	\$145,000	HPD	To provide tenant & Community organizing, legal services, anti-displacement activities in Hell's Kitchen.
Speaker's Allocation / Varro, Arroyo, Jackson, Brewer, Gentile	Medicare Rights Center, Inc.	\$90,000	DFTA	Low-income program enrollment casework and legal assistance for older adults and people with disabilities.
Nelson	Community Legal Resource Network (CLRN)	\$45,000	CUNY	Funding for a wide range of legal services including but not limited to pro bono assistance, immigration, elder law, housing, etc. & for legal training and support for constituents of the 48th Council District.
Ferreras	City University of New York School of Law Foundation, Inc., The	\$40,000	CUNY	Immigrant legal assistance.
Reyna	Central American Legal Assistance	\$35,000	DYCD	For immigrant opportunities.
Reyna	Southside Community Mission, Inc.	\$35,000	DYCD	Offers seniors, families, individuals a wide range of social services, legal assistance on immigration and referrals to other agencies and services.
Jackson	Northern Manhattan Improvement Corporation	\$34,000	HPD	Anti-eviction legal and tenant organizing services with predominantly Latino, 100% low-income tenants in Washington Heights & Inwood. Services include legal representation, building-wide tenant organizing for building repairs and security improvements.
Speaker's Allocation / Lander, Williams, Fidler, James	Fifth Avenue Committee, Inc.	\$25,000	DYCD	To build & manage affordable, supporting housing, employment counseling; benefits access, legal & financial counseling; adult education & family literacy programs.
Genmaro	Community Legal Resource Network (CLRN)	\$20,000	CUNY	To provide free legal services to low and moderate-income constituents in the 24th Council District.
Eugene	Council of Jewish Organizations of Flatbush, Inc.	\$20,000	DYCD	Social services for immigrants, seniors, single parents, low-income families; legal counseling services for housing and medical problems.
Lander	Church Avenue Merchants Block Association (CAMBA)	\$15,000	DYCD	To provide immigration, workforce training, and legal assistance, and to help build organizing and service capacity in the Bangladeshi and South Asian communities.

Source: IBO, City Council.

City Council Discretionary Allocations (Legal Services Related)

As per FY 2011 Schedule C, From Largest to Smallest

Attachment 1

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Speaker's Allocation / Dromm, Koo	Community Legal Resource Network (CLRN)	\$15,000	CUNY	To assist low and moderate income NY'ers who have unmet legal needs.
Weprin	Community Legal Resource Network (CLRN)	\$15,000	CUNY	To provide assistance to moderate income people in NYC who have unmet legal needs in the 23rd Council District.
James	Pratt Area Community Council, Inc.	\$15,000	HPD	Organize programs to provide services to tenants, organize legal clinics and survey buildings to ensure code compliance, safety and environmental health.
Speaker's Allocation / Dromm	Research Foundation of the City University of New York	\$15,000	CUNY	To provide direct legal services to constituents of the district who are not available to visit the centers.
White, Jr	Research Foundation of the City University of New York	\$15,000	CUNY	To assist low and moderate income constituents in the 28th Council District who have unmet legal needs.
Eugene	Brooklyn Defender Services	\$10,000	DYCD	Immigrant justice initiative, providing civil legal services to help immigrants apply for TPS, citizenship, green cards, asylum, and special visas for victims of domestic violence and other benefits.
Comrie	Community Legal Resource Network (CLRN)	\$10,000	CUNY	Funds will be used to assist low and moderate-income constituents who have unmet legal needs.
Ferreras	Community Legal Resource Network (CLRN)	\$10,000	CUNY	Assist Council District 21 residents with legal needs.
Palma	Community Legal Resource Network (CLRN)	\$10,000	CUNY	These funds will help assist low-to moderate-income constituents in Council District 18 with their unmet legal needs.
Eugene	Council of Peoples Organization, Inc.	\$10,000	DYCD	Immigrant American Rights Project support for salary of staff, including a project attorney, outreach assistant and paralegal who work at the legal clinic, serving over 400 people every year throughout the City.
Speaker's Allocation / Koppell, Gennaro, Lappin, Greenfield, Koslowitz, Fidler	Hebrew Home for the Aged at Riverdale	\$10,000	DFTA	To provide direct shelter costs to house victims of elder abuse and to provide legal services and psychological support within NYC.
Vallone, Jr	Immigration Advocacy Services, Inc.	\$10,000	DYCD	Immigration legal services, counseling and fraud prevention for citizens and immigrants in the NYC metro area.
Speaker's Allocation / Clin, Mendez, Brewer	Urban Justice Center	\$10,000	DYCD	To support legal services for immigrant, low-income and homeless lesbian, gay, bisexual and transgender youth living in NYC.
Garodnick	Urban Justice Center	\$10,000	HPD	Funding will support legal assistance to tenants and tenants associations in Council District 4. Services include representing tenants in eviction proceedings, helping tenants obtain repairs from negligent landlords, offering legal clinics for housing-related matters and monitoring a housing help hotline.

Source: IBO, City Council.

City Council Discretionary Allocations (Legal Services Related)

As per FY 2011 Schedule C, From Largest to Smallest

Seabrook	Urban Justice Center	\$10,000	HPD	To provide legal assistance to low-income tenants and tenants' associations in CD 12 in the Bronx. Examples of types of services that we offer include representing tenants in eviction proceedings, helping tenants obtain repairs from negligent landlords, legal clinics for housing-related matters and a housing help hotline.
Levin	Southside Community Mission, Inc.	\$8,437	DYCD	To cover salary expenses for specialists and case workers that provide families and immigrants with legal and social services.
White, Jr	Common Law Inc.	\$8,000	HPD	To provide legal services, counseling, and outreach for constituents in the 28th Council District who are facing foreclosure.
Koo	Chinese Immigrant Services, Inc.	\$8,000		To support the Auntie Wu hotline, cultural exchange programs, Economic Development programs, English community skills classes, health programs, health care program internships, legal information services, social services and women's and youth programs.
Dickens	Legal Services NYC -Manhattan Legal Services	\$7,500	HPD	To provide legal services to low income tenants who are facing eviction.
Levin	Southside Community Mission, Inc.	\$7,000	DYCD	To offer social services, legal assistance on immigration and referrals to other agencies to seniors, families and individuals. Funds used for salaries, fringe benefits, supplies, etc.
Rodriguez	Bodega Association of the United States, Inc.	\$5,000	DSBS	To provide training, financial literacy, legal and accounting services to small food businesses (bodegas).
Weprin	Center for the Women of New York, Inc., The	\$5,000	DYCD	To fund employment training and legal referral programs for women.
White, Jr	Changer, Inc.	\$5,000	HPD	To provide legal services, counseling, and outreach for constituents in the 28th Council District who are facing foreclosures as well as consumer financial education program.
Dickens	Godard Riverside Community Center	\$5,000	HPD	To fund SRO Law Project providing legal representation to tenants in non-payment, holdover, illegal lockout and housing part actions.
Chin	HIV Law Project, Inc., The	\$5,000	DOHMH	To provide free, direct legal and ancillary social services to low-income people living with HIV/AIDS in the areas of eviction prevention, housing advocacy, and immigration related services.
Rose	Legal Services NYC	\$5,000	HPD	To serve the needs of SI residents in Council District 49 who have been hit by the current economic crisis. To provide legal services such as helping families secure gov't benefits, subsidized housing and child support.

Source: IBO, City Council.

City Council Discretionary Allocations (Legal Services Related)

As per FY 2011 Schedule C, From Largest to Smallest

Chin	MFY Legal Services, Inc.	\$5,000	HPD	Free legal services to low-income New Yorkers in the areas of housing, public benefits, consumer, employment, civil & disability rights, foreclosure prevention and family law matters.
Palma	MFY Legal Services, Inc.	\$5,000	DYCD	These funds will support free legal services to low-income New Yorkers.
Rose	MFY Legal Services, Inc.	\$5,000	HPD	To provide free legal services to low-income New Yorkers
Dilan	Pro Bono Net	\$5,000	DYCD	Operational support for training programs.
Palma	Pro Bono Net	\$5,000	DYCD	These funds will help provide vulnerable and low-income New Yorkers with free legal aid.
Rose	St. Stanislaus Kostka Church	\$5,000	DYCD	To fund youth program that provides immigrant youth with counseling, computer, art and music classes. Provide legal and ESOL programs for immigrants.
Speaker's Allocation / Mendez	Transgender Legal Defense & Education Fund, Inc.	\$5,000	DYCD	To provide transgender people in NYC seeking name changes with trained pro bono attorneys who provide free legal name changes.
Eugene	Council of Jewish Organizations of Flatbush, Inc.	\$4,714		Social services for immigrants, seniors, single parents, low-income families; legal counseling services for housing and medical problems.
Jackson	Dominican Sunday, Inc.	\$4,000	HPD	Legal services, tenant legal clinic and service the community with housing advocacy.
Jackson	MFY Legal Services, Inc.	\$4,000	HPD	Support MFY's free legal services to low income New Yorkers in the areas of housing, public benefits, consumer, employment, civil and disability rights, foreclosure prevention and family law matters to low income individuals who cannot afford it.
Levin	Brooklyn Defender Services	\$3,500	DYCD	Provides critical civil legal services for indigent Haitian and other Brooklyn immigrants.
Halloran	Center for the Women of New York, Inc., The	\$3,500	DYCD	A walk in and telephone resource center for woman. Provide weekly legal referral clinic, job club, financial clinic and support group for women in crisis. *
Levin	Central American Legal Assistance	\$3,500	DYCD	To represent Spanish-speaking, low-income immigrants who are in danger of losing legal status and/or being removed in deportation proceedings.
Dromm	Community Legal Resource Network (CLRN)	\$3,500	CUNY	Assist low and moderate income people with unmet legal needs.
Garodnick	Eviction Intervention Services Homelessness Prevention, Inc.	\$3,500	HPD	Funding will support legal aid and advocacy services offered to East Side residents through the Affordable Housing Resource Center.

City Council Discretionary Allocations (Legal Services Related)

As per FY 2011 Schedule C, From Largest to Smallest

Jackson	Fund for the City of New York, Inc.	\$3,500	DYCD	Funding for Day One's Upper Manhattan Prevention and Intervention Project for Young Victims, which includes providing community education and legal services programs assisting youth in violent relationships.
Garodnick	Gay Men's Health Crisis, Inc.	\$3,500	DOHMH	Funding will support GMHC's legal service program to families and individuals.
Jackson	Legal Information for Families Today (LIFT)	\$3,500	MISC	Empowers low income families with the tools they need to successfully represent themselves in court through the Family Legal Center.
Garodnick	MFY Legal Services, Inc.	\$3,500	HPD	Funding will support legal services to seniors and other vulnerable populations on the East Side who are facing home loss and eviction.
Manhattan Delegation	MFY Legal Services, Inc.	\$3,500	HPD	To support MFY's free legal services to low-income New Yorkers in the areas of housing, public benefits, consumer, employment, civil and disability rights.
Jackson	New York County Courts Public Access Law Library	\$3,500	DYCD	Supports open access to legal materials to the public, self-represented litigants, attorneys and court staff.
Garodnick	New York Legal Assistance Group	\$3,500	HPD	Funding will support NYLAG's Foreclosure Prevention Project, which provides legal representation, counseling, court based services and community education for families facing foreclosure.
Garodnick	Pro Bono Net	\$3,500	DYCD	Funding will support lawhelp.org.ny to expand outreach to those most in need of legal help in New York City facing foreclosure, eviction, consumer debt, bankruptcy and unemployment legal challenges, as well as increase access to resources through lawhelp.org for these populations.
Drumm	SEVA Immigrant Community Advocacy Project, Inc.	\$3,500	DYCD	Funding for legal services and assistance for immigrants.
Comrie	St. John's University	\$3,500	DYCD	Funds will be used to acquaint first generation students from economically challenged backgrounds with the legal profession.
Crowley	Polonians Organized to Minister Our Community (POMOC), Inc.	\$2,000	DYCD	Legal immigration program to inform, assist, counsel, and advocate immigrant clients.

\$1,995,151

Total