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**TESTIMONY of  
Legal Information for Families Today (LIFT)  
Presented by Melanie F. Hart, Chief Program Officer  
on  
Resources for Family Court Litigants  
on January 11, 2012  
to  
New York State Bar Association Family Court Taskforce**

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Good morning. Thank you to the New York State Bar Association Family Court Task Force for the invitation and opportunity to present testimony today. My name is Melanie Hart, I am the Chief Program Officer of Legal Information for Families Today (LIFT), and I am pleased to present on behalf of LIFT regarding resources for Family Court Litigants.

The distinguished panel is well aware of the many challenges faced by unrepresented litigants in the New York Family Courts, and the tremendous pressure under which the Family Courts operate. Citywide last year, there were approximately 250,000 petitions filed with only 51 judges to adjudicate those matters. Moreover, in 2010 an estimated 80% of litigants were unrepresented in their Family Court matter. While LIFT unconditionally supports free counsel for all litigants in Family Court, we recognize unfortunately that it will require tremendous economic, political, as well as legislative shifts to provide legal representation for all family court litigants. Thus, LIFT is a critical resource to thousands of unrepresented litigants.

In addition to the family crisis that often leads families to Family Court, far too many families must carry the added burden of representing themselves, usually because they are ineligible for free, Court-appointed representation. Indeed in many cases, including child support cases, the litigant has no statutory right to representation. And in other matters, the litigant may not qualify for free, court-appointed representation, but lacks the liquid assets to hire a private attorney. An unrepresented litigant who does not understand Family Court process or procedure faces significant challenges, such as improper service, the inability to successfully represent themselves in Court, and no understanding of the appellate process. The consequences are stark: delays, excessive burdens upon the Court, and unequal access to justice. Moreover, without an understanding of their legal rights and responsibilities, families lose what little opportunity they have to secure a prompt and appropriate legal response to their problems. Furthermore, the feelings of helplessness, alienation, and anger evoked by these systemic conditions compound

the stressors that originally drove many families into Court, thus setting the stage for additional family crisis and poor outcomes for children.

LIFT's mission is to enhance access to justice for children and families by providing legal information, community education, and compassionate guidance, while promoting system-wide reform of the courts and public agencies. Using an empowerment model, LIFT works with unrepresented litigants in Family Court to teach them to effectively navigate and self-advocate in Family Court. LIFT's programs range from short-term interventions—including the Family Court-based Education & Information Sites, which I will describe in greater detail shortly, and the community-based Family Law Information Telephone and Email Hotlines—to the in-depth services of our Court- and community-based Family Legal Centers. LIFT's success in carrying out our services depends not only on our legal expertise, but also on our ability to leverage effective partnerships with the Courts and other valuable public, private, and community stakeholders.

### **LIFT's Education and Information Sites as a Scalable, Cost-Effective Model to Serve Unrepresented Litigants Statewide**

Fifteen years ago LIFT opened its first Education & Information Site in Manhattan Family Court. A simple folding table and chair at the time, the EI Site was launched with the goal of providing all Family Court litigants with basic information about what they could do in the system. Quite intentionally LIFT does not provide advice or representation, as it is our goal to empower litigants to successfully navigate and self-advocate in the system. In this way the Sites are a key service offering on-the-spot help inside the Courthouse at tables stocked with original “know your rights” Legal Resource Guides, and staffed by knowledgeable, compassionate people.

Today, thanks to investments from the court system, individual donors, private foundations, as well as local and state government – most notably the New York City Council – the EI Sites are now operating in the heavily-trafficked lobbies and waiting areas in the Brooklyn, Bronx, Manhattan, and Queens Family Courts; we hope to re-open our Staten Island Site later this year. Often the EI Sites serve as a litigants' first exposure to LIFT and they act as both a key source of support and otherwise unavailable legal information gateway to other, more intensive services the organization offers as well as other Court- and community-based resources.

At the Sites, bilingual (Spanish/English) staff and intensively trained law student interns work with hundreds of people each day to answer a wide-range of questions pertaining to the Family Court and family law, as well as distribute LIFT's 36 original, Legal Resource Guides, which are translated into eight languages. Utilizing a database system, EI Site staff capture the number and type of Legal Resource Guides distributed, basic demographic information, whether the litigant has counsel, the litigants' role in the case (mother, father, relative caregiver, etc.) and the type of inquiry made. Surveys administered quarterly, measure whether those served are able to successfully navigate the courthouse, have gained adequate knowledge on what to do next, and more.

The LIFT EI Site model enhances litigants' access to justice by serving as a cost-efficient and effective model to provide Family Court litigants with the tools that they need to effectively navigate and successfully self-advocate in the Family Court. In 2005, the Association of Family and Conciliatory Courts (a national membership organization for those working in and around Family Courts) highlighted the LIFT EI Site model as extremely effectively in advancing access to justice.

In addition to the success witnessed by evaluators, a key indicator of the model's impact is the feedback of LIFT EI Site users. In 2010 litigants reported the following feedback regarding the LIFT EI Sites:

- 99% felt like they were treated with respect and compassion
- 93% knew what their next step would be in their case

It has been noted and acknowledged that there are seriously negative consequences for unrepresented litigants, as well as negative costs to the efficiency in court operations. In the Closing Statement of Justice Fern Fisher, Deputy Chief Administrative Judge for New York City Courts, Director, New York State Courts Access to Justice Program, Public Hearing on Civil Legal Services (October 2010), Judge Fisher noted "the negative effect of unrepresented litigants on the efficiency of court operations has been supported by the testimony of trial judges." Judge Fisher offered regarding a survey of judges that: "63% of judges felt that it was difficult to ascertain facts as evidence is not properly presented, 73% indicated unrepresented litigants failed to present necessary evidence, 64% felt there was ineffective witness examination, 67% felt there were ineffective arguments, 70% felt there was confusion over the issues and 84% felt there was a lack of knowledge about the law."

LIFT's EI Site model offers litigants the information that they need to effectively address the concerns raised by judges including how to effectively present evidence; how to prepare for court proceedings; identifying appropriate documents to present; and how to understand the law relevant to their matter to effectively present and make choices regarding their matter, and thereby increase efficiency in court proceedings and reduce court costs. Moreover, litigants' access to justice is significantly increased as their understanding of their process and legal rights and options are illuminated empowering them to effectively expedite and conclude their matters.

LIFT combines public and private funding to operate each of the incredibly cost efficient EI Sites. The LIFT EI Site model utilizes one staff person under the supervision of LIFT's management team, student interns, and a small investment of space within the Family Court to offer litigants essential legal information. Therefore, for the cost of a single staff person with supervision from LIFT's management team, and an EI Site stocked with Legal Resource Guides, LIFT is able to provide a very high return on investment in services provided to the public. At LIFT's current EI Sites in Brooklyn, Bronx, Manhattan, and Queens Family Courts, LIFT serves over 20,000 people annually.

## **Systemic Enhancement to Increase Access to Justice**

In addition to LIFT's direct services provided to litigants, we take the lessons learned from our programs, our participants, and our partners to think about the catalyzing lasting change in the system that benefits both litigants and the system as a whole. Through that discipline, LIFT has identified the need for a document that encompasses the rights and opportunities of litigants in the Family Court system statewide. The idea of this document was created in partnership with a wide range of stakeholders and through this research we revealed a vibrant consensus for the creation of this document as a vital tool in enhancing access to justice.

## **Conclusion and Recommendations**

The LIFT EI Site model is a participant centered approach to empower unrepresented litigants with legal information and compassionate guidance to successfully navigate and self-advocate in the New York Family Court system. The model also offers litigants, no matter where in New York State they live, access to additional supportive services, namely LIFT's Telephone and Email Hotlines. With public and private support, and partnerships with the courts, government and private agencies, academic institutions, and community based organization, LIFT leverages cost-efficient, data proven effective, award winning programs that offer litigants support, as well as helping to produce greater efficiency in the courts by ensuring that litigants understand their legal rights, as well as court process and procedure. Further LIFT's partnerships with community based organizations and government agencies ensure a responsible and sustainable response to litigants' needs.

As such, we recommend replication of and support for LIFT's Education and Information Sites statewide to offer necessary legal information to unrepresented Family Court litigants throughout New York State.

In addition, based on data from across the organization, we also recommend the creation of one cohesive document that clearly explains the rights and opportunities for all litigants in Family Court. We envision this document as a poster and a hand out that can be disseminated by both LIFT staff and Court clerks. This document would serve to ground litigants with a clear explanation of their rights and would additionally further the culture of support already in existence for all litigants facing the system.

Thank you.