

Public Protection Hearings
Testimony by Lisa A. Frisch, Executive Director
The Legal Project
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Thank you for allowing me the opportunity to speak about the inordinately negative impact that the proposed Executive Budget would have on our program, The Legal Project of the Capital District Women's Bar Association. As many of you know, The Legal Project was created 13 years ago to provide civil legal services to the working poor in this area, filling a gap of services not provided at the time by other programs in the region. Each year, we serve over 1500 residents of the Capital Region through our small cadre of staff attorneys and over 200 pro bono attorneys.

Our core program is one which provides free legal representation and consultations to victims of domestic violence in the Capital District. We provide representation in Family Court, divorces, and other civil legal matters. Because our program is designed to offer services to the "working poor", and recognizes that victims often have no access to family funds, it is unique in its ability to provide help to those who would not otherwise be eligible for assigned counsel or public legal services because they have incomes that appear too high "on paper." We recognize, and are able to respond to, the particular needs that victims have for effective, informed, and sensitive legal advice and representation. Without our services, these victims would likely go unrepresented, and having an attorney helps them immeasurably in finding safety and independence.

Our nationally-known domestic violence program was developed largely through a federal Violence Against Women grant that we were fortunate to have for several years, but which was unexpectedly not renewed in 2005, creating a major funding crisis for our program. Because at that time we did not receive any state funding through the Legislature, losing this grant was nearly a death knell for our program. As we were, and still are, the only comprehensive legal program for domestic violence victims in the Capital District, we absolutely could not close, and the community, and the Legislature, rose to the challenge and helped us get through that difficult time. I have attached for your information several articles from the local media regarding our funding situation. A large part of the reason our program was able to continue, and actually grow to better meet the needs of the community, was because we were granted funds through the Assembly's portion of the Legal Services Assistance Fund (LSAF), and, subsequently, had wonderful local initiative support from our Capital District Senate and Assembly Members along with a grant made available through the creation of a new Domestic Violence funding stream championed in a bi-partisan manner by both the Senate and Assembly.

It was clear to us then and now, that having a stream of stable, state funding was critical to our program and our ability to serve the community. This is something that the Assembly Majority has clearly understood for years – your commitment to ensuring that the state funding is available for civil legal services has been a saving grace for years. We were so pleased to find a partner in this commitment in Governor Spitzer, Chief Judge Kaye and ultimately in the Senate Majority this past year when all branches of state government came together to make an historic investment in civil legal services.

As you know, OCA initiated \$5 million in funding in the 2007-08 Executive Budget for civil legal services. The Governor embraced this and ultimately, you brought your longstanding commitment to civil legal services to the table, resulting in a total investment of \$15.85 million in the adopted budget. At the same time, the Governor worked with IOLA to change their regulations to require banks to pay comparable interest rates to other accounts—designed to enhance the earnings of the Fund. We felt a sense of recognition and relief that we could now focus more on the services that we needed to provide rather than the constant state of grant writing and fundraising that unfortunately gets in the way of good planning and best practices. We *finally* had, between the support of both the Governor and the Legislature—partners in the state budget process that prioritized our work, and understood what a good investment this funding was.

The Legal Project was stunned and disappointed when we heard the news that the Executive Budget did not contain the \$8 million in additional funds that the Governor provided last year through OCA, but also, eliminated the funding that our programs depended on—the \$ 2 million in LSAF funding, the \$4.6 million in Department of State funding and the Domestic Violence Fund of \$1.25 million, leaving a single \$1 million appropriation. Instead, \$72 million in appropriation authority is provided to the IOLA Fund. This move is of dire concern to the Legal Project, as We are not and has never been an IOLA grantee. We applied for and did not receive an IOLA grant this year, and our window of opportunity for this funding has passed until next year's funding cycle which starts in January of 2009. We currently receive funds through the LSAF and the Domestic Violence Fund, and these funds are absolutely essential to our program. We use these as a base to build upon with other fundraising and grant programs, but know that at least our basic services are supported with these state funded grants. Without it, our stability is lost. It leaves us with nothing to build on, nothing to help us leverage other funding, nothing to give us the support to best plan for future needs.

The message we are hearing is that the growth in the IOLA fund will fill this gap, but in reality, The Legal Project is an example of why that will not be a successful plan this year. There is simply no guarantee of funding from IOLA, particularly for those of us who are not current grantees. Even the programs that did get IOLA grants did not anticipate that the state funding would no longer be available, so their applications did not include attempts to fill that gap. And, as we all know, the recent interest rate drop brings us back to reality that we cannot depend on that fund alone to support our programs. I'm certain that the Governor and his staff did not intend for this to be a crisis for our programs, but the timing and lack of opportunity to plan for this change unfortunately does create a potentially disastrous situation for us.

For The Legal Project, the resulting budget shortfall would be devastating. We would again be thrust into a situation where we may not be able to help the more than 700 victims of abuse who come to us each year. Victims like Carrie, who recently wrote to us saying "You gave me back my freedom and I am so grateful." Or Joan, who said "I don't know what I would have done without you." Or Mariela who said "The Legal Project changed my life." For many of the victims we help, it comes down to life and death struggles and we must be there to help them. Our program, and the many others who exist to provide civil legal services to those who are truly in need, must be able to rely on support through the New York State Budget, this year and in the future--to ensure that our services are consistent and we can get to a place where we no longer have to turn people away because we don't have the resources to help—nothing is more heartbreaking. The reasons that the Governor put funding in the Executive Budget last

year have not changed—as most other states have recognized, there is a responsibility to ensure that these services are available and are supported. Our program and the others across the state are here to do that hard work for our communities, but we are in dire need of that partnership with state government to support our efforts. This is an investment that the state must continue to make.

On behalf of the Legal Project and our clients I urge you to work with the Governor to at the very least restore the \$4.6 Department of State, \$2 million LSAF and \$1.85 million in domestic violence funding to the budget for the provision of civil legal services to ensure that we are able to continue to provide these essential services to those who need them. Thank you.