SENATE JUDICIARY COMMITTEE PUBLIC HEARING

Civil Legal Representation of the Indigent:
Have We Achieved Equal Access To Justice?

Thursday, May 23, 2013

Philadelphia Bar Association, 11th Floor
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Proceedings stenographically recorded
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Pleas.

BEFORE:

SENATOR STEWART J. GREENLEAF
SENATOR MICHAEL J. STACK
ZACK HOOVER, FOR SENATOR DAYLIN LEACH
SENATOR GREENLEAF: Okay. We'll open the Senate Judiciary Committee meeting on the hearing in regard to civil legal representation of indigent civil litigants.

I would also like to welcome everyone to the Senate Judiciary Committee second public hearing on this subject. The first one was in Harrisburg, and this is the second. The third will be in Allegheny County.

There are many people who go into our courts these days that are unrepresented because of the financial issues that they face. That's an issue that obviously is very detrimental to them. It's because they don't have the representation that they need, they don't know the law, they don't know the things that they need to do in order to protect their rights. Some of them can't go into the courtroom and don't know how to get there even on a pro se basis.

Classic example is abuse actions or issues involving children where one spouse is trying to stop the other one from seeing their children, which is detrimental to the children, and then of course it's detrimental to the court.
because the judge has to then, instead of being an impartial arbiter, is the person that has to then start doing things to try to help the others, and establishing justice in the courtroom which is another requirement and goal that they're seeking and it's not a situation -- it causes a disruption in the process.

And then of course the impact on the system itself, the slowing down of the cases, the backlogs. It takes a lot longer to handle a case when there's no representation.

Nearly 1.9 million Pennsylvanians financially qualify for legal aid nationally, but one in two individuals who qualify for or seek assistance from Legal Aid programs are turned away because of lack of resources. At least 80 percent of the legal needs of the poor go unmet.

We appreciate the Philadelphia Bar Association for hosting us and for their advocacy in this area and for the many others that will be here today as witnesses that will be talking about this issue and bring forth a process in which we can set forth what happens in the courtroom when this happens.
We all, whether we are individuals that are affected by this or those that are not but should be concerned about the judicial system and making sure that this issue is corrected.

We're very honored today to have with us the Chief Justice of the Pennsylvania Supreme Court, the Honorable Ronald D. Castille. And he will be our first witness.

Chief Justice, thank you very much for being here today, and I know you're concerned over this issue and we appreciate your advocacy and your presence and your testimony.

Thank you.

CHIEF JUSTICE CASTILLE: Thank you, Senator Greenleaf, and good morning.

On behalf of the Supreme Court I would like to commend this effort by the Philadelphia Bar Association, the Pennsylvania Bar Association, the Allegheny County Bar Association and the Senate Judiciary Committee for starting this effort to address the often critical need for civil legal representation in some important situations affecting the personal well-being of many of Pennsylvania's citizens and their families.
The unfortunate and often tragic fact is that many Pennsylvanians face formidable legal situations in our civil courts where those citizens may face dire consequences as a result of a civil legal matter that can greatly impact their lives or their futures.

The vast majority of those citizens are left to fend for themselves in an unfamiliar courtroom without legal representation simply because they cannot afford to hire an attorney to represent them.

Our Constitution guarantees the right of a citizen to represent himself or herself before the courts of Pennsylvania if they so desire. But the question is at what cost? Realistically, how can a person effectively defend himself or herself in the face of an often complicated legal challenge, in a usually unfamiliar and daunting environment of a courtroom, before a judge sitting there in a black robe?

How can that person effectively assert his or her legal rights without a skilled advocate learned in the law who will assert those rights for them in the court system? And what consequences
can flow from self-representation?

This combined effort by the legislature and organized attorney associations will explore what has often been called or referred to as civil Gideon, a reference to the U.S. Supreme Court case that mandated court-appointed attorneys to represent the indigent facing criminal charges and possible incarceration by the state.

Of course the greatest obstacle for securing the promise of justice in our civil legal courts is funding. One important source of funding is Pennsylvania's Access to Justice Act which provides for civil legal representation for indigent individuals through a fee levied on certain court filings.

And as you say, Senator Greenleaf, the needs for legal representation in these cases far outstrip the available funding from any source or from all sources.

A recent report in the Pennsylvania's Access to Justice Act estimates that, as you said, that one of every two indigent persons who apply for legal aid in Pennsylvania is turned away for lack of resources to handle their matter.
Let me just discuss or point out a few of the sources of income to help these individuals. The Access to Justice Act fees for fiscal year 2011 and 2012 total $9.0 million dedicated strictly to legal services.

Pennsylvania's attorneys, through the interest earned on their trust accounts, known as IOLTA, that's pretty familiar to everyone, contributed another $3.2 million for indigent legal services in 2012.

But that, unfortunately, was a decline from 2007, a decline of 74 percent, and that's strictly because of the near-zero interest rates paid by qualified banks on these accounts.

And by comparison in 2007, before we faced the recession, these IOLTA funds, revenue totaled $12.2 million available for legal services.

Pennsylvania's attorneys I always say are stepping up to the plate. Pennsylvania's attorneys contribute to Legal Aid programs through a reallocation of $35 from the $200 attorney registration fee mandated for the practice of law in Pennsylvania. That comes from -- we originally
allocated $25 per attorney, and because of the situation in the last few years we've allocated another $10 per year. So each attorney is now paying $35 a year strictly to go to legal services and administered by our IOLTA organization.

And the Pennsylvania budget itself allocates $2.5 million for legal services statewide. The Federal Legal Services Corporation allocates federal funding directly to state legal aid programs, but the economic situation again is putting downward pressure on Congress to reduce or even to eliminate that source of funding. And the fact is LSC grant funding has been cut about 15 percent over the past two years.

Even with these revenue streams state funding is about half the funding level from when Pennsylvania first started to support legal services when adjusted for inflation. It is estimated in the Access to Justice report that only one in five low income Pennsylvanians having a critical civil legal problem is likely to get legal help from any source. And this is so despite the fact that Pennsylvania's attorneys in 2011 performed approximately 116,000 hours of pro bono
Another issue with these revenue streams is that, because they are assembled from a patchwork of different sources, they are unpredictable and they are often unavailable, and they vary from county to county.

Some funding sources have to be reauthorized by the state or by federal legislation. Some, like the IOLTA accounts, are subject to external forces affecting interest rates payable by financial institutions, and some are dependent on federal funding.

Some counties have wonderful pro bono programs directed towards legal representation in certain types of cases, while others have no programs at all.

As a Commonwealth we should be treating civil legal services for indigent individuals and families as an important government service, like roads, like police service, like the courts. There should be a dedicated certain line item with equal application to every county for citizens facing serious civil legal situations.

And as I said before, you cannot solve
this situation with fees. The more you raise fees, the more the courts become less available to those individuals who need the services. So it's a circular problem.

The situation that I described above for indigent legal services today, it applies to -- I'm sorry, it applies to individuals who qualify for indigent legal services today. But the question is, what about those persons who are one accident or one illness away from qualifying? Or those who simply cannot afford the services of an attorney?

In today's economy there are most likely a great number of nonindigent persons and families who are just as in need of legal representation in critical civil legal situations. How do those individuals realize the promise of justice in our courts as they self represent?

As Chief Justice I hope that this joint legislative legal effort will explore these questions and provide recommended solutions. The need is clearly not insignificant.

The question of achieving civil justice for those unable to afford the services of
an attorney in our courts is timely, and it is critical to the many Pennsylvanians who find themselves in a crisis where achieving justice in our legal system cannot and should not be compromised.

So I and my court look forward to your findings and we wish you well, and this is a timely topic. And congratulations to all individuals who are presenting here and we look forward to your report.

Thank you, Senator.

SENATOR GREENLEAF: Thank you, Chief Justice. Thank you again for being here today. I know you have a busy schedule and I know this is high on your agenda.

I have a couple questions for you, if don't mind.

CHIEF JUSTICE CASTILLE: Sure.

SENATOR GREENLEAF: The one is your comment about, the suggestions of how we try to address this issue. And in the third hearing we're going to concentrate on that. So I was interested in your comments in regard to a line item in the budget.
As you know, Pennsylvania's budget has been static for the last four or five years. I'm sure you know because I know you've done heroic financial things with the court system. Every time I see a report there's something that you try to save money on in the courts and you've done a wonderful job in that regard.

The filing fees, or the fees, you don't think that that's one of the solutions. We're trying to determine what is the solution for this. For example a fee on, a filing fee, for example, of a dollar or, I don't know, maybe you can give us more input on that.

CHIEF JUSTICE CASTILLE: As a court system we've taken efforts to live within the budget constraints and we're fully aware of the economic situation that the legislature faces and the governor faces. We have had good support from the legislature for the court system, to keep it running.

The one thing I'm most proud of is in the last four years in these difficult times, because of the economic situation, we've been able to use our judges effectively, senior judges
mostly. We have not had to close one courtroom for one day for this last four years.

SENATOR GREENLEAF: And I know your funding has been cut significantly.

CHIEF JUSTICE CASTILLE: Since I've been on the court I think we've only had -- since I've been the chief we've only had two out of six years where our funding was increased, so it was either flat funded, which is a decrease for us.

But one of the things we realize and one of the things that I'm against is filing fees. Unfortunately where can we go now?

I support them now and our court supports filing fees. But these courts are a core part of our government and they should be funded by tax dollars or revenue dollars. That's why I say we should have a dedicated line item in the budget, not from filing fees, because the more filing fees you pile on the less availability of the courts are to other individuals.

So I don't think you can find your way out of this with filing fees, because I don't know what the estimates of the costs of what you are looking at or what you're going to finally
determine would be, but I imagine it's going to be a lot more than the filing fees.

And there are some situations where individuals are, lawyers are appointed for them, criminal of course. But in cases affecting the parental, the parentage or taking away a child's parents or taking the child away from the parents, those are funded through the counties generally, not as filing fees but as the cost of supporting the courts.

SENATOR GREENLEAF: Can you discuss a little bit for us in regard to the Gideon issue and, as it applies to civil, and why we as citizens of Pennsylvania should be concerned about this, that we have people coming into our courtroom -- I've heard some areas of the practice there are substantial, over 50 percent of the people coming in with -- maybe two will help me, I guess, I don't know -- that people are coming into the courts without counsel, very substantial, over 50 percent. And what's the impact to the courts in regard to that?

For example, the litigant, he or she, themselves, what's the impact to them when they
walk into the courtroom? Is justice being done with them?

CHIEF JUSTICE CASTILLE: Well, it doesn't impact the Supreme Court itself at all.

SENATOR GREENLEAF: Right.

CHIEF JUSTICE CASTILLE: You could argue pro se in front of us. I think in the last 20 years I've been there I think one person argued pro se, and he was an attorney, but I think some of the -- he didn't do that well, by the way.

I won't mention a name.

SENATOR GREENLEAF: What's the phrase, if you have an attorney that's yourself you have a fool for an attorney, something like that.

CHIEF JUSTICE CASTILLE: I think some of the judges here could probably be more --

SENATOR GREENLEAF: Common Pleas Court judges are probably more experienced in that. So you don't see them at the Supreme Court or the other appellate courts, they don't make it that far because that's a very complicated process.

CHIEF JUSTICE CASTILLE: That's very complicated. But some of these cases can affect the citizens, as I'm sure you'll hear from some of
the people testifying, they take their houses away
or their children and things like that, perhaps
putting somebody on the street without a home.

SENATOR GREENLEAF: You are the Chief
Justice so you have jurisdiction over the Common
Pleas Court judges. What is your observation with
regard to what this does to a judge? They're there
and they have sometimes two unrepresented litigants
or one, which is even worse because you have an
attorney representing one.

I mean are they supposed to be -- on
one side they're supposed to be impartial and the
other side they're trying to have justice done and
they're trying to help these people through this
process. Any observations about that?

CHIEF JUSTICE CASTILLE: I'm certain
that that situation happens all the time. When I
was an Assistant DA some of these individuals would
represent themselves because they didn't want the
public defender, which always was a big mistake.
But the public defender is an example of legal
services paid for by the executive branch.

Generally, I'm sure Judge Worthington
will tell you that it slows up the works. Some of
these judges have tremendous caseloads I know of. And when you get litigants in there who are not learned in the law, don't know their rights, it would more than likely slow down the wheels of justice. And the question is can justice be done in those types of cases? And I hope that's why we get some -- I hope those are some of the answers or some of the questions that I hope we learn.

SENATOR GREENLEAF: It adds expense to the judicial system, that is wasted money, basically, taking judicial time, that sort of thing.

CHIEF JUSTICE CASTILLE: I know the courts in, I think it's Pima County, which is Arizona, the courts there have a pretty extensive help system for individuals coming in and you can actually go in the kiosk and file your papers there and they're all legally correct, and that helps also. So those might be some of the answers that you can explore in Phoenix. Phoenix is the actual city, and they have bilingual too.

SENATOR GREENLEAF: That's a good point. I think it's important for us to provide the financial resources, but there may be other
things that we can do where -- I always think the
last resort should be going into a courtroom.
There should be so many diversionary programs that
we should offer.

I mean the bar association won't like
this idea so much, but that even attorneys --
someone who can't afford an attorney could go in
there and have it resolved in a nonadversarial
way. Some of the things, it needs an adversarial
process, some things may not.

Well, thank you so much for being here
today, Chief. Nice to see you again.

CHAIF JUSTICE CASTILLE: Thank you,
Senator, and good luck.

SENATOR GREENLEAF: Okay. Our next
witness is Kathleen Wilkinson, Esquire, Chancellor
of the Philadelphia Bar Association.

Thank you so much for being here
today.

KATHLEEN WILKINSON: Thank you,
Senator Greenleaf.

Good morning, and on behalf of the
Philadelphia Bar Association I want to thank you
and welcome you to our bar home here at the
Philadelphia Bar Association, 11th Floor Conference Center.

SENATOR GREENLEAF: Thank you for hosting us.

KATHLEEN WILKINSON: My pleasure. And as you know, my name is Kathleen Wilkinson. I'm a partner of Wilson Elser Moskowitz Edelman & Dicker LLP, and I am the Chancellor of the Philadelphia Bar Association, which is the oldest association of lawyers in the United States.

I thank the Chief Justice for his opening remarks about the civil justice gap in Pennsylvania. I'm honored to be here today to continue the conversation about the crisis of the unmet needs for civil legal services in Pennsylvania.

The Philadelphia Bar Association has a long history of promoting access to justice. We have been serving low-income people and we have been partnering with legal services organizations as well as the courts and key stakeholders to always launch successful initiatives that have made a profound difference in Pennsylvania as well as throughout the nation.
The Philadelphia Bar Association
served as a cosponsor of the 2006 American Bar
Association Resolution 112, which urges states and
local jurisdictions to provide counsel to serve the
unmet needs in the civil arena for the indigent in
areas where basic human needs are at stake.

The association has unquestionably
been a leader in implementing the ABA resolution.
In 2009 then Chancellor Sayde Ladov appointed a
Civil Gideon and Access to Justice Task Force, and
the Philadelphia Bar Association officially
declared that representation by counsel should
exist as a matter of right and at public expense to
low-income individuals in the categories of
adversarial proceedings where basic human needs are
at stake, which includes areas such as shelter,
safety, child custody, health, sustenance.

The task force was charged with
developing and implementing strategies to address
the civil gap, which we call a crisis, and improve
access to justice in the short term, as well as
working towards implementing a civil right to
counsel for low-income people in these cases where
basic human needs are at stake.
Among other accomplishments the task force envisioned and developed the Philadelphia Landlord/Tenant Help Line, and you will hear more about that today. That is a court-based independent collaborative project that was launched in January 2012 with the Municipal Court leadership of Philadelphia, and with the cooperation and assistance of the SeniorLAW Project, the Philadelphia Legal Assistance, Community Legal Services, and other key task force members.

You will hear more today about this project that improves access to justice for low-income tenants when you hear from Michele Cohen, the supervising attorney at the help center.

We have also built public awareness of the problems faced by unrepresented individuals and the economic as well as the social benefits to the entire community that flow from providing free legal advice to low-income people in these areas of critical need.

The Philadelphia Bar Association has developed an online resource, which is on its bar association website page, called the Civil Gideon...
Corner. And that provides information about the civil right to counsel, the critical activities of our task force. And you can access that information at philadelphiabar.org.

We have also sponsored numerous educational forums on this topic. Task force members have also prepared articles, including a cover story entitled Money Well Spent, which was published in the Fall 2012 edition of The Philadelphia Lawyer, which is our own magazine here at the Philadelphia Bar Association, a copy of which is attached to my comments here today.

That article was authored by Penn Law School Professor Lou Rulli, and task force member as well. He reports not only on the economic impact of the lack of enough aid for civil justice, but also of the benefit to society that would be yielded by having greater access to civil justice. It's not only the economic need but it's also the right thing to do.

In addition, he talks about the Pennsylvania Interest on Lawyers Trust Account, IOLTA, with which you are already familiar, Senator Greenleaf. The study, which was dated April 2012,
found that for every dollar of aid in Pennsylvania, $11 in quantifiable economic benefit and savings were realized for all Pennsylvanians.

According to the study 33 million was spent on civil legal services in Pennsylvania in 2011, which yielded 594 million in income and savings for Pennsylvanians, and also supported 2,643 jobs. Again, a copy of the IOLTA report is attached to my testimony today.

In 2011 the task force of the Philadelphia Bar Association started to explore additional statewide strategies to address the ongoing civil justice gap. Our efforts to secure public hearings on the crisis began in late 2011 when the Philadelphia Bar Association invited New York City's Chief Judge, Jonathan Lippman, who spoke about the powerful effect of public hearings on raising public awareness and finding solutions for the civil justice gap.

We have been taking similar steps now in Pennsylvania by supporting and focusing on public hearings, such as we are having here today. In 2012 the task force created a statewide strategies work group which began forming a
statewide coalition of the key stakeholders to work collaboratively in exploring the strategies to use to explore access to justice.

In 2013 we finalized the formation of the statewide coalition and we are now named the Civil Legal Justice Coalition, which today is a partnership with the Pennsylvania Bar Association, the Allegheny County Bar Association, of course the Philadelphia Bar Association, and other key stakeholders throughout the Commonwealth.

Our coalition has been gaining momentum. We are extraordinarily grateful that not only has Senator Greenleaf been an ally in bringing your own vision and compassion and energy to this very, very important problem, we are very pleased to announce that today our own Chief Justice, Ronald Castille, has agreed to serve as the honorary chair of this coalition.

The Chief Justice has consistently advocated for public funding for legal services and has encouraged the private bar to do everything that we can to support this effort. You have heard examples of that today in his opening remarks. We are so honored that he has joined this critical
Today's hearing will provide a snapshot of the economic and social benefits that favor increased access to civil legal services, as well as it will focus on the harms that occur to the individuals involved, the community at large, as well as the courts when these critical needs are unmet.

We will also hear about some very innovative but interim solutions to address this unmet need for civil legal services. After this hearing the coalition plans to hold a series of statewide meetings to explore additional strategies to address these critical problems, and we will come up and consider recommendations as well as possible creative solutions and strategies to improve access to justice and access to the courts by the indigent in these civil matters.

We need to focus on developing a solution to support and increase public funding to support the hiring of more civil legal services staff to represent low-income individuals and families in these critical cases involving basic human needs which are unmet.
We will continue to focus on these efforts at our next hearing and the coalition will be pleased to work with you further when we conduct the next hearing in Pittsburgh.

I thank you for your extraordinary effort in addressing these critical needs and for giving us the opportunity to address this committee on this issue of vital importance to the lawyers, to the legal community, to our citizens of Pennsylvania.

Thank you so much.

SENATOR GREENLEAF: Thank you very much for being here today and for your hosting of our meeting here today and for your support and advocacy of this issue and the job that you do, well done, for the Philadelphia Bar Association.

But a question. Maybe we should expand a little bit on what's happened with IOLTA. There are efforts, there has been effort by the bar to, and the legal profession and the courts to fund this, this program through, the IOLTA program that was adopted by the legislature. I was there when it was adopted. But it's based on interest, is it not? And you can tell us what's happened. We all
know what's happened about interest and the ability
to obtain that interest and how it's plummeted in
regard to the amount of money that you can receive
from deposited funds in our banks.

   I don't know if you can maybe explain
that a little bit. Or maybe what you can do is,
certainly it's been one of the major sources of
revenue that we receive.

   KATHLEEN WILKINSON: That is correct.
   We did hear some testimony when were in Harrisburg
from Andy Susko, the chair of the IOLTA Board. But
it's true, you cannot rely on interest alone to
fulfill these unmet needs.

   We heard from the Chief, other
sources, through filing fees and other sources
based on whatever he can do to increase what we pay
as lawyers to be licensed in the Commonwealth of
Pennsylvania. But there's only so much that the
judicial branch and the private bar can do.

   SENATOR GREENLEAF: That's my point.
   The point is that --

   KATHLEEN WILKINSON: I agree. The
legislature has to do more.

   SENATOR GREENLEAF: It's not been
relying on the taxpayers. It's been really mostly, a lot of the money has been coming through these other sources, through some type of contribution or access to attorneys fees which produce interest, et cetera.

KATHLEEN WILKINSON: And all of that is through the judicial branch, because attorneys are subject, we fall under the umbrella of the judicial branch. So all of those efforts really are through the judicial branch, both from what the Chief Justice has done and what the private bars, what the lawyers do, as well as all the pro bono work that we do personally.

SENATOR GREENLEAF: I think it's also important to emphasize that this isn't representation for everything. It's only for basic human needs.

KATHLEEN WILKINSON: That's correct.

SENATOR GREENLEAF: And I think you mentioned that in your testimony and it was mentioned a number of times in Harrisburg.

And because these basic human needs are issues that will have, have an impact on society if they're not resolved, on children and on
people that are committing abuse, and it can escalate into serious crime if steps are not taken. And list a couple examples, if you can elaborate on that.

KATHLEEN WILKINSON: That's exactly right. And even though we have over 30 public interest organizations that fall within the Philadelphia Bar Association umbrella, many of whom you will hear from today, they cannot fill all the unmet needs. It's just not possible.

SENATOR GREENLEAF: We're never going to be able to do that anyway.

KATHLEEN WILKINSON: You're not going to be able to do that, number one. And number two, many citizens aren't even aware of where they can find counsel. So they may not even turn to one of those public interest organizations and don't know where to go.

In the Harrisburg hearing you heard of an individual who was about to lose his home, and there was a warrant on the door and he happened to see a phone number and called that aid organization who helped him. Some people don't know where to turn.
I think it's also a question of getting the word out. But if you get the word out, where do they turn? Because there's not enough public interest lawyers, there's not enough pro bono hours that could be spent, and there's not enough funding to support this.

So if people go into court on their own, or don't show up in court at all, which either/or occurs, then they're not getting true access to justice. Yet on the 50th anniversary of Gideon vs. Wainright which did establish the right to counsel for the indigent in criminal matters, loss of liberty, loss of life, we do not recognize that same right, and we should, because if your home is about to be taken away from you, if your children are going to be removed, if you can't -- if you don't know and can't find a way to get insurance coverage for your injury or your illness --

SENATOR GREENLEAF: Or protect yourself.

KATHLEEN WILKINSON: -- or protect yourself, or you have no food and you have nowhere to turn to, you don't know where to go, you're
going to be on the streets, you're going to create an additional burden on society.

It's not only the right thing to do, there's an economic benefit as well.

SENATOR GREENLEAF: It's the smart thing to do.

KATHLEEN WILKINSON: It is the smart thing to do, because then you help these people, you lift them up, they become productive members of the society.

You're going to hear more stories here today, as you did in Harrisburg, very inspirational stories, people like you and me, that but for the Grace of God something happened and they fell on hard times and they didn't have a place to go but for the fact they found out about a legal aid organization. That's not true in most cases, as you've already heard.

One out of five people find help. What about the other four out of five? What's happening to them and is that good for Pennsylvania? I don't think so.

SENATOR GREENLEAF: Thank you so much for being here today and your testimony.
KATHLEEN WILKINSON: You're welcome.

SENATOR GREENLEAF: Okay. The next witness is Damon Clay, a client of Community Legal Services, accompanied by Sam Brooks, staff attorney at Community Legal Services.

Gentlemen, please come forward and have a seat. We don't have lot of room there.

DAMON CLAY: Hello. My name is Damon Clay. I'm a United States Army veteran.

SENATOR GREENLEAF: Pull your mic closer. I've had that problem too.

DAMON CLAY: I'm a United States Army veteran. I'm here to tell my story. I served for the United States Army from 1982 to 1985. In 1983 we was at a training exercise, what they called Reforger in Germany, West Germany. My task was to set up mini gas stations which consist of hot refueling helicopters. Petroleum supply specialist, that's what I was doing.

During the training exercise my gear was with an advanced party who was supposed to have been out there two days before I got out there. However, I was on the helicopter. It takes us 15 minutes to get out there.
When I got out there we set up the hot refueling station, and after we finished setting it up we had to shovel snow to get it out the way; the snow was knee deep. After setting it up -- my gear was supposed to have been out there. However, it never made it. So I had to take the pup tent, put it together with my roommate, he had one half at the time and I had the other half.

By my gear not getting out there, I had three field jackets. I had to use the field jackets, one of them as a sleeping bag -- two of them as a sleeping bag I had to lay out there. When they finally found me it was 36 hours later. When they found me I was suffering from frostbite and hypotension. I almost froze to death. I was medevaced to the rear. I almost died.

When I was medevaced they kept me in the hospital for numerous days. Once they released me in '85 I had got out. I was awarded compensation through the military. At the time was $120 a month.

After that, years up and down, it'd go up. I found jobs, I couldn't keep jobs because of the frostbite, I couldn't work outside.
Most people wouldn't hire me because I
needed to be outside -- inside. I kept going back
to the VA and trying to get things increased by
myself, and I was getting turned away. I got
turned away so many times I got really frustrated.

SENATOR GREENLEAF: And why were you
turned away?

DAMON CLAY: They needed more
evidence, and the only evidence I could give them
at the time was the evidence I already submitted,
which was through the military. I got turned
away.

When I got turned away they told me to
go to the VA Hospital and try to get one of the
doctors to sign a form stating that my condition
got, was getting better.

It wasn't getting better. I was
telling them it got worse. My frostbite was
bothering me and I couldn't work. My feet, they
had tightened up. To this day my feet will just
give out sometimes in the cold weather and I just
fall, they just give out on its own.

So they increased -- they decreased
me. I was getting $770 at the time. They dropped
me from $770 per month. They dropped me from $770 per month to $360. Out of the $360 I had to pay rent, electric and the gas. And I was forced to go on welfare and get food stamps.

By me going to the VA Hospital I was talking to fellow soldiers and I heard about Community Legal Service. I got turned away from lawyers, paid lawyers, they wouldn't take my case. I tried to handle it myself, I couldn't do it. I didn't know the paperwork, I'm not a lawyer, so I was getting turned away.

SENATOR GREENLEAF: And what case was that?

DAMON CLAY: That was for increasing my disability.

SAM BROOKS: No. He's got a disability pension that was cut in half in 2010.

SENATOR GREENLEAF: Military.

SAM BROOKS: Yes. Military, service-connected disability pension.

SENATOR GREENLEAF: I'm sorry. You're doing fine. I'm sorry to interrupt you.

DAMON CLAY: So July -- no, December 2010 they cut it down to 360. By me going to the
veterans -- I mean the hospital I found out about Legal Aid. I went to Legal Aid and that's where I met Sam Brooks.

He went over my case, he looked at my papers and he decided to take the case. I was happy about that. As a result I had to -- he looked at it, he said I needed extensive counseling for other things. So sent me to, back to the VA Hospital where I met Jim Grassi (phonetic) through Sam Brooks. Jim Grassi is a counselor who deals with frostbite, PTSD. I was diagnosed with PTSD in 2000. I didn't know much about it. But going to Jim Grassi, they said I needed to get help.

So I was inpatient. I was went inpatient at Montrose in New York for 45 days to get help for PTSD. While I was there Sam Brooks put in for increase of my benefits, and after 45 days I was released on behalf of Sam Brooks and the Community Legal Service.

Two weeks after that my benefits increased from $360, it went to $1400 per month. By me getting help from the PTSD that I didn't know I had, if I didn't go to Legal Aid I'd still be walking around without even knowing about PTSD, and
I did get help through Legal Aid.

As a result of that they increased it from $1400 per month to $2900 per month because of the PTSD. And I didn't know I had it until I went to the Legal Aid and they sent me to get more help.

And as a result of that I'm still getting help and I still help other veterans that don't even know about Legal Aid.

SENATOR GREENLEAF: Thank you very much for being here today and telling your story. If there had not been that help to you, where would you be today?

DAMON CLAY: I really don't know because every lawyer I went to, nobody would handle that case at all.

SENATOR GREENLEAF: You couldn't work? You couldn't get a job for the reasons you stated?

DAMON CLAY: I had numerous jobs. I couldn't work due to frostbite and PTSD. I suffer from PTSD. I get flashbacks, anxiety and nightmares. My triggers is helicopters. At one time I didn't go outside at all.
SENATOR GREENLEAF: So now you're doing okay.

DAMON CLAY: Now I'm doing okay.

SENATOR GREENLEAF: But you wouldn't be doing okay if you hadn't gotten that assistance.

DAMON CLAY: No, I wouldn't. It took years. Everybody was turning me away.

SENATOR GREENLEAF: We also want to thank you for your service.

DAMON CLAY: Thank you.

SENATOR GREENLEAF: And you served your country and were injured in your service and you should be adequately compensated, and we're pleased that that happened to you but for Legal Services.

Senator, do you have a question?

SENATOR STACK: Thank you for being with us, sir.

DAMON CLAY: Thank you.

SENATOR STACK: Thank you for your service.

DAMON CLAY: Thank you.

SENATOR GREENLEAF: Any comments? You guys did a good job for him.
SAM BROOKS: Well, Damon puts a lot on us but he's an amazing man and he stepped up to the plate and took those steps and we just guided him, and we're very proud of him, and he's certainly a success story. He helps people today. And it's just a 180 degree turn for him. And we're very, very happy that we were able to help him.

SENATOR GREENLEAF: There wasn't a lot of help there for a while there.

SAM BROOKS: When Damon came into my office he didn't believe that we took the case. His shoulders were slumped over, he was about to live off $360 a month, which who can do that?

And I saw him the other day after all this has worked out and you can see he's got glasses, he's proud, and he's a different man. That's not just all us, it's Damon that did the work, and VA helped him as well. But it's a great story for him.

SENATOR GREENLEAF: Thank you for your courage and thank you for coming here, because that took courage too, to come here today to tell your story, but you're going to help a lot of other people, so thank you for being here today.
DAMON CLAY: Thank you.

SENATOR GREENLEAF: Thank you very much, Mr. Clay.

SAM BROOKS: Thank you, Senator.

SENATOR GREENLEAF: Okay. The next witness is the Honorable Margherita Patti-Worthington, President Judge, Court of Common Pleas, Monroe County.

Judge, thank you so much for being here today and coming here from Monroe County, not that it's that far, but it's still a drive.

JUDGE WORTHINGTON: It's a little bit of a hike.

SENATOR GREENLEAF: But thank you for your dedication to this and being here to present your perspective on all of this.

JUDGE WORTHINGTON: Thank you, Senators, for inviting me.

SENATOR GREENLEAF: We also welcome Senator Stack is here today, a loyal member to the committee who is always here.

SENATOR STACK: For you, Chairman, anything.

SENATOR GREENLEAF: Okay. I'll
remember that.

SENATOR STACK: The issues that the committee deals with are always very substantive, if sometimes a little below the radar, but those are the kinds that are often the most important and have the biggest impact. So I want to commend Chairman Greenleaf for his courage and his focus.

And we always learn something productive, something new, and I think we're able to implement it in Harrisburg, and I think that's all we want in the legislature, is to have all the information that we can possibly have at our disposal.

And God knows, if there are underdogs, and there sure are a lot of them, that we're responsive and we'll respond in the right way. So thanks again, Chairman.

SENATOR GREENLEAF: Thank you again for being here, Senator. Judge.

JUDGE WORTHINGTON: Thank you very much, Senator Greenleaf and Senator Stack, whom I haven't had the pleasure of meeting, but it's nice to see you, and Mr. Hoover.

Thank you for inviting me. As you
know, my name is Maggie Worthington. I'm the President Judge of the 43rd Judicial District which encompasses Monroe County.

And I also come before you as a member of the IOLTA board. I'm in my fifth year as a member of that board, which I believe, Senator Greenleaf, you know does excellent work and receives the funding that then in turn funds legal services in the Commonwealth, as well as funding the law school clinical programs within Pennsylvania.

You may be familiar with our county, Monroe County, which has experienced great growing pains in the last 15, 20 years or so. The boom of the '80s with the plot, you know, buy the quarter acre and a home for 39.9 has now resulted in a large bust and huge economic issues for the people and the community at large.

I'd like to talk to you a little bit from my testimony that I submitted in writing, but also I have some additional comments to make if I may.

I've been on the bench for 13 years. I just recently became the president judge of our
court in January of 2012, and I have been in the legal profession for a total of 28 years.

Prior to becoming a judge I worked in private practice and in state and federal court, was a part-time public defender and also did work for legal services in a program at the time known as Judicare, which is no longer in existence, but it was an excellent program, but was cut due to funding. And that was actually back in the end of the 1980s, early 1990s.

SENATOR GREENLEAF: What kind of cases did they take?

JUDGE WORTHINGTON: They were civil legal cases, in most cases they were landlord-tenant, custody types of cases and the contract attorneys agreed to take a very, very, very reduced fee. And so when the legal services organization had an overflow of clients in particular areas they would come out to the community with the attorneys who agreed to do so, and we would take those cases.

So I thought it was an excellent program, but again the funding for that was cut and so that was done away with.
SENATOR GREENLEAF: That also matches the human necessity or needs issue, the substantial needs, because you're talking about housing, whether they have a place to live.

JUDGE WORTHINGTON: Yes.

SENATOR GREENLEAF: Or whether they have their children. I don't know how far you went with those issues, but probably custody is the major issue, solving those was important for the children.

JUDGE WORTHINGTON: And it was the major issue, Senator, yes. And so with that experience in mind I've had this ability over the last 28 years of my life to observe and be actively involved in what happens to people who cannot afford counsel in the civil process, both from the perspective as a lawyer first, then as a judge, and now as the president judge, being the person who is in charge of the administration of our court system.

So I'd like to make a couple of observations in that respect. Since I do a lot of speaking in the community and to schools, I would observe that, first of all, there is a lack of
understanding of the court system itself, both
among people who are formally educated and those
who may have even less formal education.

So if I see that lack of understanding
among those who have a formal education, who I
would expect to understand the Court of Common
Pleas and the appellate courts, those who have even
less education really come into the system and are
completely lost, just don't understand at all. And
it's extremely difficult for them to even be able
to get beyond the initial where do I go? How do I
file this? What is required? And then what
happens? There's just such little understanding of
that.

One of the vital issues relating to
basic human needs are decided in the Courts of
Common Pleas. And we are a formal court. We are
run by rules, the rules of evidence, the rules of
civil procedure, the law. That's what we have to
follow. We are a court of record.

And so when people come into that
court those rules apply equally to those who are
represented and to those who are not. Also, as
judges we have ethical obligations. I can't, as
the finder of fact in a case, be an advocate for someone who is unrepresented.

And so you walk that very fine line many times. You want to make sure that you allow access to justice, but there has to be a fundamental fairness to both sides. And it's a bit different when both sides are unrepresented, however sometimes one side is represented and the other is not.

And the perception of the person who is represented many times is, well, why is this judge bending over backwards for the unrepresented litigant when I'm paying a fortune here for my lawyer and it appears... even though that may not be the case, there could be that appearance. And that appearance alone or that perception alone really undermines the integrity of the judicial process.

And that is one of the reasons, I also believe it's so important to be able to have people who are represented and not representing themselves in court.

Court staff, and now that I'm in charge of all of that, court staff is really placed
in an untenable position. They are often times the very first people that the unrepresented litigant comes across. And so the expectation is, well, you work for the court; tell me how to do this.

Of course they can't give legal advice. And as a result of that there is often, you have anxious and confused litigants coming in to people whom they believe should be helpful, and essentially being told I really can't help you because I can't give you legal advice.

And in the Common Pleas courts we are -- I don't want to beat this dead horse. I think my county commissioners probably hear it enough. But we're understaffed and we're working in crowded physical space, so all of that contributes to the perception that no one is helping the people who come in to try and gain access to the system.

How does having the attorney assist the litigant and the court? Well, at the very get-go, when paperwork is being filed to enable people to come into court, the self-represented litigant, they are filing things that are almost incomprehensible.
Lawyers have years of training, then they have to sit for a rigorous bar examination in order to come in and follow those rules. The self-represented litigant doesn't understand how to even get the paperwork or what to put in the paperwork. This causes great delay, because if the paperwork is not right, and as a court you're trying to decipher what is meant by those writings, and not only what is meant by the writings but then what is the relief being sought some of the time.

Just to try and decipher that takes a great amount of time and sometimes things are denied and sent back. Again, you have to walk that fine line. I can't send it back with a written dissertation on how they need to do it properly, but you want to be able to direct people somewhere where they can receive some help.

Also in the preliminary stages of litigation of course there is discovery. And hopefully, as, Senator, you had mentioned before, some kind of a diversionary program or some ability for people to get together and try to settle the dispute in a way that helps the unrepresented litigant. That is difficult when people don't have
counsel.

First of all, they don't even understand discovery or the process. Second, it's difficult for someone who is -- either two unrepresented litigants to get together and resolve the issue without a third party present, or on one side when you have counsel and the other you don't, getting those resolutions just doesn't seem to work very well. So that's at the beginning part.

If the case then -- and that causes more of these cases to actually come to trial or to hearing, because they don't get resolved early on. Once they're at that level then the court faces again that dilemma of how do I balance this? How do I make sure justice is being done?

I've been told by the lawyers in our county that I have a lot of patience. I don't know if that's a back-handed compliment or not.

SENATOR GREENLEAF: That's a good quality. That's what judges should have, is patience and judicial temperament. So that's a good quality.

JUDGE WORTHINGTON: But I think sometimes from the standpoint of being in court
with one person who is unrepresented and one who has counsel, it does take at least three times the amount of time that it would normally take in a case.

SENATOR GREENLEAF: And that backs up other cases.

JUDGE WORTHINGTON: And that backs up other cases, yes. So that's why I said that. So what kind of issues am I seeing in the Court of Common Pleas? You know, statistics are difficult to gather on this. So perhaps from Legal Services they can give you the numbers of people they see and how many. But in the court itself there's been no mechanism on the civil end to really track that.

So I tried to -- what I'm going to tell you is kind of anecdotal and what best I can gather from the computer systems that we use. And by the way, they're different in each judicial district on the civil end, so you would not get any kind of a consistent statistics across the Commonwealth on the civil end.

But we have a custody conciliation program, and that's the very first thing that
happens after you're able to get your paperwork in, and it's for a conciliator. So it's sort of a mediation program where hopefully people can reach a resolution. And we do have many litigants go into that pro se.

Over the last 17 months 57 percent of the litigants in that program were pro se. And that represented about 1800 individuals who did not have the benefit of counsel.

SENATOR GREENLEAF: Over what period of time?

JUDGE WORTHINGTON: The last 17 months. That was what we were able to do. We have, and I am trying to find you a couple of other statistics. We have a mortgage foreclosure diversion program that I instituted after some discussion at that time with the then-president judge -- got that going. And this is our third year of that program. And we were not keeping pro se statistics in that program.

However, one of my court staff went back and physically hand counted over the last several months. So we had 236 cases scheduled between January and April of this year. And in the
236 scheduled cases 183 people represented themselves against the banks.

SENATOR GREENLEAF: That's one or more litigants being unrepresented?

JUDGE WORTHINGTON: Correct. Yes.

And we tried to gather some information for you on the civil side of the court through the prothonotary's office. And the best I could come up with for you in terms of categories, approximately 23 percent on civil appeals were pro se, about 45 percent in consumer credit type cases, credit card debt and the like were pro se, approximately 47 and a half percent in mortgage foreclosure.

SENATOR GREENLEAF: That's somewhat of a complicated process I would suppose, particularly on mortgages, to come up with a defense on some of those issues.

JUDGE WORTHINGTON: It is a complicated process. And that's one of the reasons we instituted the diversion program. It was mostly because many of us found --

(Telephone Interruption.)

SENATOR GREENLEAF: Excuse me. I
JUDGE WORTHINGTON: Many of us found that as we were sitting, let's say on a motion for summary judgment, and we'd have an individual come in who had never had an opportunity to speak with anyone from a bank. They would call the 800 number and get transferred from person to person. I think Judge Rizzo is coming to testify. She began the program here in Philadelphia and I'm sure will be able to speak more eloquently than I can about that.

But suffice it to say it was important to give people an ability to meet face to face and try to modify their mortgages and stay in their homes. And there's a trickle-down effect that that has, not only for the individual but for the community at large. But still, we have those numbers of unrepresented people who are in our courts.

Finally, I just want to make a comment regarding the Legal Services lawyers. In my opinion and as I have seen them coming into our courts to try to do very much with very little in terms of resources, these are people who are
committed. I believe they have a calling, as many people have a calling to their professions. They're not making money at this, they're not getting rich at this, and they do a fantastic job.

As a court we try to supplement what is done by Legal Services. Some districts have a good culture of pro bono within their district and some do not. Since I became president judge in 2012 I've been trying to institute a better culture of pro bono among our local bar association. And I'll tell you some of the things we try to do to supplement.

We have the mortgage foreclosure diversion program, we have custody conciliation, we have just started, we're one of the pilot counties on MDJ veteran's court, to try to see if we can assist those folks when they come in at the MDJ level as opposed to having, when they may arrive at the Common Pleas Court.

We are putting together a self-help library in our library, and I just started a court website the beginning of this year. And we are going to have all of our self-help forms and links on that website, including PA law help. The
Pennsylvania Bar Association, Dave Trevaskis, has been extremely helpful in working with our county bar association and the court in trying to institute some of these things.

We also have instituted, and I did this several years ago when I was in Family Court -- now I sit in criminal court, but I have had an opportunity to see all of these things over the past 13 years. But we had instituted a truancy program to try to help children and their parents keeping them in school as opposed to coming in through the courts for truancy.

And so those are some of the things we can do on the court end. But regardless of how much we do, it's still not enough without, and I agree, and we've been so fortunate to have Chief Justice Castille as our leader on this because he is so committed to this cause.

But it's still not enough without that line item being funded across the Commonwealth to assist Legal Services, and in conjunction with pro bono and various programs and services that the courts on the local level are able to provide.

As an IOLTA board member I just wanted
to bring to the attention of the panel that the Chief Justice instituted a cy pres rule that now allows IOLTA to receive 50 percent of class action residuals to, as a way, a tool to try and supplement that grant money that then goes. And the pro hac vice monies for attorneys are going to the Pennsylvania Bar Foundation who monitors that fund to assist in repaying student loans of those individuals who are committed to working for public, public service lawyers, to help them repay those enormous student loans they have and to help them stay committed. Although their incomes may be less, they will get some assistance in doing that.

So thank you very, very much for your time and allowing me to testify.

SENATOR GREENLEAF: Thank you for being here today, and thank you also for accumulating that data. It was very, very helpful. You didn't have to do that, taking the time to do that because it's a very important statistic for us to start to try to accumulate.

And also on the IOLTA issue, even if you have more money you're not getting an awful lot of interest, it's not going to produce -- if it was
in the days when they were giving a significant
amount of interest it would be one thing, but
that's an issue, a problem.

How much has that fund reduced, what's
producing income?

JUDGE WORTHINGTON: I wish I had
brought those numbers. I think the Chief Justice
had them. I think it was about 70 percent less in
the money. Was I right? Seventy-four percent
less.

And so on that board we are trying to
find unique ways and trying to be creative in ways
that perhaps we can.

SENATOR GREENLEAF: Is that money
available to invest? Not the IOLTA funds, because
that's attorney fees, or escrow money, but the
monies you have coming in, can you invest that
money?

JUDGE WORTHINGTON: There is
discussion now as to policy on that.

SENATOR GREENLEAF: The other issue is
that this is an adversarial proceeding that we're
supposed to be having.

JUDGE WORTHINGTON: Right.
SENATOR GREENLEAF: The whole basis of our system is it's adversarial. So the concept is from that adversarial approach the facts are fine tuned and brought out and all sides of the issue are explored.

You can't do that when you have one or both not represented, the whole system --

JUDGE WORTHINGTON: No.

SENATOR GREENLEAF: -- is out the window at that point.

JUDGE WORTHINGTON: And that's a great point, Senator Greenleaf, and I think I made it in my written testimony and maybe I skirted over it. But when it comes to what evidence to present, what are the facts that are necessary to make a decision, sometimes, and we get this complaint sometimes from jurors. They say well, how come we didn't know this fact? We have to tell them that's not relevant under the law. But sometimes in the real world and in common sense people want to know those things.

So when you have a self-represented litigant they may be telling you things that they believe are important to their case but may not be
the evidence that needs to be presented in any particular case.

SENATOR GREENLEAF: Senator?

SENATOR STACK: Thanks for being with us, Judge. And I might have missed this, some of the statistics you talked about with the unrepresented clients in the bank cases, the mortgage foreclosures, what was the rate of success for the unrepresented clients? Did you compile that? I'm sure it's not very impressive.

JUDGE WORTHINGTON: I don't have that. Well, this is what's interesting. And those cases, those conciliation cases are presided over by court-appointed lawyers who act as conciliators.

I have been fortunate in being able to convince, on the county level, the county commissioners to give us some funding for those conciliators, because we thought from a community perspective this would be a worthwhile program to have.

So our conciliators are actually pretty good at getting the unrepresented litigant and the bank's lawyer to communicate. Because
that's the purpose of that.

And we have housing counselors also who come in and assist the unrepresented litigant in trying to come up with a loan modification or -- and the foreclosure proceedings are stayed during the course of that conciliation process.

SENATOR STACK: And then I guess we run into this issue a lot in these challenging economic times where when we're making budget decisions, a lot of folks will say we simply can't afford this particular item or that. We often get to the point where we say we can't afford not to.

And you referred to a number of other issues that are an offshoot when folks are not represented, and that would be more crime when people are ending up in dire straits.

When someone loses their house, obviously that's going to create all kinds of other problems.

JUDGE WORTHINGTON: Our theft has gone up considerably on the criminal end in our district. And sadly, the theft many times is someone stealing food. And so that is exactly some of the repercussions.
Custody is another issue. And as the Chief Justice alluded to, when it comes to termination of parental rights and dependency proceedings, we're mandated of course to appoint counsel in those proceedings.

But there are other -- landlord-tenant is a big one, people getting evicted. And if they don't understand how to perhaps file the appeal and stay the eviction and do those things it becomes problematic, and so people lose their homes. And they have children.

I had a case in truancy court where the family came in and we discussed why the child was absent. Well, they didn't have a home and so they had no address to give the school district and therefore no bus stop to pick the child up. But the parents did not know how to address that issue and get things moving.

What happened was eventually the father found employment at a local resort. The owner was kind enough to say come and live in a room at the resort. And once we got that straightened out and they had an address, the child was back in school and went forward from there.
SENATOR GREENLEAF: That's good things you're doing.

JUDGE WORTHINGTON: Thank you very much.

SENATOR GREENLEAF: Thank you for being here, Judge.

The next witness is Dolores Barnes, SeniorLAW Center client, accompanied by Wendy Bookler, managing attorney at SeniorLAW Center. I know that these witnesses have some job constraints, so we want to hear from them.

Hello. How you doing?

DOLORES BARNES: I'm all right. Good morning.

My name is Dolores Barnes and I live in West Philadelphia, 51 North Udall Street. I was born in New York and I came to Philadelphia in 1953 to help my aunt, in which the home I'm living in now.

So when she passed, the house was just sitting there accumulating taxes, which I could not afford to pay at the time, so I moved in to keep the city from taking it because it was paid for. But when I moved in it was a lot of things had to
be done, and on my income, which was $180 take home.

But by the time I got home I had to pay 20 of that for my ride that would pick me up and take me back because I had to be at work at 6 and leaving at the house at 4:30 in the morning, not too good. So out of $160 it wasn't too much I could do.

When I moved in I had to put a roof on the house and a roof on the porch and other things. But I kept up with the taxes until I just couldn't do it any more. And then I had made arrangements with the city to pay $25 a month. But in '05 I had an aneurysm. So I was in the hospital for four months and two weeks at the -- no, four weeks at the hospital and two weeks at the Moss Rehab.

So I was trying to see, you know, to get back on track. They wouldn't do it. They told me that route was gone. It was ridiculous. So they told me I had to pay between 2 and $300 to be able to get on the, to catch it up and pay that every month, and I couldn't afford that.

I retired in 1999. So I'm on Social
Security, and I was doing all right until that aneurysm in '05. So I was at Cortlandt Manor with my caretakers visiting someone, and it was a lady there from SeniorLAW, and she was telling the patients and the relatives what to do because some relatives might try to take their homes or whatnot. And there was one lady there from SeniorLAW, so I spoke with her.

And she gave me the information and I called and Joanna took my case. So we worked out a form where I could pay the coming tax, incoming tax and the back tax. So I was on agreements. I pay $192 a month. My Social Security is 912. But I manage.

And so I just want to let you know if it wasn't for SeniorLAW I wouldn't be living at 51 North Udall Street. And the people across the street, they became my caretakers, so I'm able to get around when they take me. Because after I had my aneurysm I don't get around too well, and I have to have someone with me, because I can't even step off the curb by myself.

But SeniorLAW has really, really helped me, and I would recommend them to anyone.
with problems, because no one would help me if it hadn't been for SeniorLAW. I couldn't even get on the grievance, they wouldn't help me there. And I tried to get the home, but they told me since my aunt had passed and the house wasn't in my name I couldn't get help from nowhere until they helped me, and I really appreciate it. And I would tell anybody about SeniorLAW. They really were very helpful.

SENATOR GREENLEAF: Good.

DOLORES BARNES: And that's why I'm here today.

SENATOR GREENLEAF: Well, I'm glad you are because your story is very important and hopefully it will help other people.

DOLORES BARNES: Yes, I hope so too, because they're the reason why I still live at 51 North Udall Street.

SENATOR GREENLEAF: Where would you be living if it wasn't for them?

DOLORES BARNES: I don't know, I really wouldn't.

SENATOR GREENLEAF: But you would have lost your home.
DOLORES BARNES: I would have. And like I say, the house was paid for, and I didn't want the city to take it. So I moved in, because people will break into empty homes and take the carpet and stuff out.

But I manage to do the little things that I had to do important, like the roof was leaking. And I made arrangements to pay so much a month until I paid the roof off. And then I had a problem with the sewer. And that was going to cost me 13,000, which I didn't have. But they found out it wasn't the trap, it was something else. But I had to pay for that.

And for some reason people will, some of them will give you a chance to make agreements. It was hard out of $160, because I still had to pay water, electric and gas and phone and buy food. And since I had the aneurysm I got medicine I have to take and I'm a diabetic now. So I have to take up with my medicine; I can't skip.

But I'm really appreciative with SeniorLAW, and I wish it was other groups that would help. So that's my story.

SENATOR GREENLEAF: Okay. Well, thank
you so much because this is very important to hear
what you have to say because these are the things
that we're concerned about. We want to make sure
that people don't lose their homes.

DOLORES BARNES: City Hall wouldn't
help me, no one would help me because the house was
not in my name. So now they're going to help me
try get the house in my name, because I have no
children, they're deceased, and my two siblings,
they're deceased. So I'm the only one left and I'm
79.

So it's kind of hard, people have
their own problems. And the lady and her husband,
they're my neighbors, they're the ones came in and
they take me places. And everywhere they go I go.
But they're very nice.

SENATOR GREENLEAF: How long have you
lived in the home?

DOLORES BARNES: I lived in the home,
my aunt passed in 1980, in September, and I moved
in in October and tried to do the best I could. So
I got the roof fixed and I got the pavement fixed,
I got the roof on my porch fixed, and other little
things that was in the house. You know, the walls
weren't any good.

And I tried to help my aunt but she didn't want me to do that. So when she passed, when I moved in, that was on me then. But I managed, but it was hard. And now that I had the aneurysm it's worse because I can't, I don't have any balance, and I can't step off the curb by myself. And I am diabetic and I have to have my medicine, and other little health problems that I'm going through.

But at 79 I think I'm doing well with the help of SeniorLAW.

SENATOR GREENLEAF: You're doing fine. God bless you for being here today.

Senator?

SENATOR STACK: Thank you for being here with us, Ms. Barnes. How did you find out about SeniorLAW?

DOLORES BARNES: It was a person at Cortlandt Manor like, and she was telling people about the differences in relatives trying to take the patients' home. And so I spoke with her and she said, oh, I'll help you, and she gave me the name and the address and phone number and I called
SeniorLAW. And that's how I got involved with them. And Joanne was really, really helpful.

SENATOR STACK: I have only one last question: Are those folks at SeniorLAW any good?

(Laughter.)

DOLORES BARNES: Yes, they are wonderful.

SENATOR STACK: Thank you, ma'am.

DOLORES BARNES: They really, you know, they would call me and tell me, all right, Miss Barnes, we going to do this or we going to do that, and I said okay. But I didn't have too much to do because they did all the work and I'm thankful for them.

SENATOR GREENLEAF: Okay. Thank you so much. Thank you for being here today. Thank you for your services.

WENDY BOOKLER: It's our pleasure. Thank you for helping to keep them going.

SENATOR GREENLEAF: Absolutely.

DOLORES BARNES: Anybody that need help, see them.

(Laughter.)

WENDY BOOKLER: Only if you're a
senior.

DOLORES BARNES: Well, I'm a senior.

Seventy-nine.

SENATOR GREENLEAF: Okay. Our next witness is Gabriel Ononuga, a client of Philadelphia Landlord/Tenant Legal Help Center, accompanied by Michele Cohen, supervising attorney of the Philadelphia Landlord/Tenant Help Center.

Thank you, both of you, for being here today and thank you for being here today and telling your story. Maybe you can pull the table a little bit closer, or pull your chair up a little closer because we're having a hard time hearing people.

GABRIEL ONONUGA: My name is Gabriel Ononuga. I'm 56 years old. I work with a loss prevention security company from 11 to 7. I've been living at 547 East Walnut Lane, rented a room for $500 since 2012.

Unfortunately, by the early December ending I realized that landlord came to my room and stole my bracelet, and I was very devastated. As a result of that I decided to report him to the district attorney's office.
In retaliation he decided he's going to evict me by going to the landlord-tenant and filing for eviction through a different name entirely. So fortunately I came back from work, because I work from 11:00 p.m. to 7 a.m. and I saw a letter on my floor with the judgment of eviction, and it wasn't my name, as a matter of fact, and I'm the only person living on the second floor.

However, I looked at it and I decided it's better for me to make an attempt, because with the judgment given to him it says that name and all occupants. And I do realize with "all occupants" written on that judgment given to him, if sheriffs come to that place I'm going to be the one evicted with "all occupants."

So I decided what is the next step for me to do? Because since I've been working, really, I've seen a lot of homeless people on the street and I'm very sure not by their own mistake some of them are homeless, some because of lack of legal representation, maybe because of the same thing that's about to happen to me. But I refused to be homeless.

So I decided I'm going to seek for a
new lawyer. Unfortunately, I was contemplating what is the next step? Because I don't know what exactly to do, because I never been in that kind of predicament before. So based on the letter that was sent to the building I look at the second page indicating landlord-tenant legal assistance.

So I went straight down to 1339 Chestnut Street for the landlord-tenant legal assistance. And luckily for me, may God bless America and may God bless (indistinguishable) and may God bless Miss Michele. I was very devastated.

So I went in there and I wrote my name down just to be able to see what kind of legal counseling I can receive to avoid that type of eviction. So fortunately my request was accepted by her and I told her everything that I needed, what was really happening.

And surprisingly, that is why I believe in this country. It's always good to be represented. One day you have no income or you are poor or you are rich, because sometimes though when somebody is taken to court with no representation, sometimes it can lead to a catastrophic situation.
if you have nobody to represent you.

However, anyway, so I went to Miss Michele and I told her everything that was going on, because it wasn't my name that the landlord went to court for an eviction for other occupants. So I explained to her in a way she will understand that it wasn't me, as a matter of fact, but he was trying his best to get me evicted merely on the fact I reported him to the DA for what he has done to me.

So luckily for me Miss Michele look at the situation and looked at it, then we decided we're going to plea -- for what is it?

MICHELE COHEN: A petition.

GABRIEL ONONUGA: A petition to enter so I can be given my own due process.

MICHELE COHEN: A petition to intervene.

GABRIEL ONONUGA: To intervene, so I can be given my own time to go to court and tell the judge my own side of the story. However, thank God it was granted that we went to court and I presented my case to the judge, which actually by then he decided he's going to have his own lawyer
to represent him.

But being the fact that the judge has already seen what was going on, luckily for me the judge removed eviction "plus all occupants," meaning that I'm not going to be evicted, pending the time of the true hearing, that the judge will give me the time to explain myself, why I should or I shouldn't be evicted. So a new date was given to us. Then we went to court for that hearing.

So the fact of the matter I want to say is this though. You know, sometimes -- it's always good to have a good legal representation. And without funding this particular landlord-tenant legal assistance is going to be very, very hard for a lot of innocent people.

And personally I feel sorry for a lot of being homeless. Not all of them are very lazy or they on drugs. Like me, I'm a hard-working person. I work 50 hours a week. I'm a law profession officer, 11 to 7.

Could you imagine without my representation by landlord-tenant legal assistant and Miss Michele, of course I would be another statistic.
MICHELE COHEN: Tell him the second part, what he did.

GABRIEL ONONUGA: Okay. The second part, what he did was, okay, when we went to court, right, so the lawyer, his lawyer knew exactly what was going to be the outcome of the situation. But unfortunately I thought my case was already closed. So we started to try to reopen my case for the next court hearing.

Then his lawyer told me what exactly, what time do I exactly you would like to move out from the house? And I decided as a matter of fact I want to have peace of mind. With all this going back and forth I'm not really feeling very well, so it's better for me to move out at the end of this month, which is this month, the end of this month.

So verbally or orally we decided okay, I'm going to move out, because I've paid him up to date, I've got all my receipt up to date and I presented that receipt to his lawyer and we agree.

So all of a sudden as soon as I sign the agreement, what does he do?

MICHELE COHEN: He signed it electronically. You don't receive a copy. You
sign it electronically.

GABRIEL ONONUGA: So all of a sudden as I signed it electronically I realized it was a money judgment.

SENATOR GREENLEAF: He didn't explain that to you?

GABRIEL ONONUGA: No, he didn't explain that to me, you know.

SENATOR GREENLEAF: How much was it?

GABRIEL ONONUGA: Actually the amount was 2,500, but I've already paid it up to this particular month, because I have my receipt. I took my receipt with me when I went to court.

So I decided, you know, one thing do, it's always good really to, to be a law abiding citizen. So I went back to Miss Michele and tell her exactly what is my next step. And she advised me as a matter of fact it's better for me to move out, you know, without no problem.

You know, I know you as a senator, you know, you been trying to develop stuff for the city and the State of Pennsylvania. And I wish you can continue to advocate for this particular landlord-tenant legal assistance for more funding. Because
as you know, personally speaking I believe this is the best country in the world. It's been good to me, and may God continue to bless America and God continue to bless you guys.

I hope this country and you as a person will continue to recognize this particular Philadelphia Bar Association and landlord-tenant legal assistance, for them to be able to help low income person like me to avoid being wrongly evicted or being homeless. (Indistinguishable.)

This how I go to work every night.

Can you imagine being homeless and not being able to take a shower? Psychologically as a woman that is a no, to give you low self esteem.

SENATOR GREENLEAF: So without your assistance you think you would be homeless?

GABRIEL ONONUGA: I would have been homeless without the assistance, there's no doubt about it. Because the process was very fast, you know. So with the assistance Miss -- actually Michele was able to prolong.

When you end up with plea it takes a while for the judge to evaluate the criteria. So that you give me time and the process to come to
court and resurrect myself.

SENATOR GREENLEAF: And then what else would have happened to you if you were homeless? What other consequences would have happened?

GABRIEL ONONUGA: I think psychologically, I would have been affected psychologically, and it would have affected me too, it would have affected my morale. Because being in Nigeria, you know, (indistinguishable) as a man you're supposed to prepare for yourself and your family.

And being homeless, you don't have -- that is homeless, you have no place to live yourself, except by your own restriction, you're not taking a shower at the proper time. Like now, just coming from work, imagine me coming from work, you know, not being able to take a shower before going to work in the evening.

SENATOR GREENLEAF: It would have jeopardized your employment?

GABRIEL ONONUGA: It could have jeopardized my job, there's no doubt about it, because when you start smelling what is that telling the people next to you? I would be dealing
with the public. As a law professional I'm dealing with person in the different stores to prevent stealing of merchandise. So imagine standing next to or talking to a customer, smelling, of course they're going to have to call your boss, you know, I think something has to be done.

So thank God for the landlord-tenant legal assistance for preventing me from losing my job and losing my self esteem. That's all. That's just part of my story I need to tell you.

MICHELE COHEN: Hi. I'm your next witness. My name is Michele Cohen.

SENATOR GREENLEAF: Good morning.

MICHELE COHEN: I'm the supervising attorney of the Philadelphia Landlord/Tenant Legal Help Center. This is a pilot project that was started in January of 2012 because the legal service community in Philadelphia could not handle the volume of cases.

There are 30,000 eviction cases filed each year in Philadelphia Landlord-Tenant Court. Eighty-five percent of the landlords are represented, because if you can afford a lawyer you come into court with a lawyer. Only three to five
percent of the tenants are represented. A clear imbalance. But that's just the beginning of the story.

The other part of the story is all the tenants that have problems with their landlord, and there's no representation to stop the landlords from doing the things that they want to do.
There's no check, there's no accountability because the tenant's not going to come and object with a lawyer. So it creates a climate where the landlords have total control.

SENATOR GREENLEAF: What are they doing? What is happening in this process when you say they want to do what they want to do.

MICHELE COHEN: Okay. Well, let's start with a tremendous amount of tenants that are illegally locked out. So let's take my first client at the help center in January 2012.

A blind man, a woman, three young kids. They had the audacity to ask their landlord to fix the sole toilet. They were without a toilet for two months. They had to keep going up to the neighbor's house.

Finally they withheld the rent, like
they were legally allowed to do. The landlords we see are the bottom feeders, the ones that don't have licenses, they don't register with the city, they don't pay taxes, they don't keep the places in habitable condition.

So instead of going through the court system, which is legally required in Philadelphia, they just lock them out. What does that mean to be locked out?

That means oh, my God, I got to call like my neighbors or my friends. Well, you don't have your battery charger, you don't have your medicine, kids can't go to school without their school uniforms and their books, people can't go to work. This is devastating.

Could you imagine if you went home today and you were locked out of your place? And our clients don't have credit cards. They don't go in and check in at a nice hotel and call their lawyer to come fix the problem.

Thirty thousand eviction cases a year. The Civil Gideon Task Force, along with the Philadelphia Bar Association, SeniorLAW Center, Community Legal Services, the private bar got
together and created this help center that is run actually by the SeniorLAW Center to try to deal with this overflow problem with the tenants that are not being represented.

But it's a baby step, because the clinic is open five hours a week, that's all, that's all the staff. I'm the sole employee. I work 30 hours a week, or I'm supposed to work 30 hours a week. It's open five hours a week. So people sign up, they come to me. And it's great.

The needs of tenants is a continuum. Some just need to know their rights and responsibilities, so someone can just tell them how to handle problems.

Some I tell them, listen, you owe the rent, and it avoids a problem. Some need help with preparing documents. But most need full representation, and that means representation in court.

That's what's missing. That is the big problem. So I can advise tenants over and over again not to sign these agreements, and I'll talk about that in a second. Many of them go to court and they're so intimidated. I don't go to court
with people, it's not the project. The project is more of a triage pilot project.

So just this week I had a client who -- not everybody is like Gabriel, able to articulate and has a presence and has some confidence. The majority of our clients are disabled in some way, some cognitively, some medically, some mental health. Many are uneducated, some can't read.

So they come to me and I provide a list of arguments. And this one woman came to me and I took her receipts, I took the landlord ledger and I reconciled them. And she could not understand the numbers at all. And when I figured them out, instead of owing $3,000 she was actually owed $500. I put this together to the landlord's attorney on an Excel spreadsheet and I sent him an e-mail.

I said she's cognitively impaired, she had a brain injury, cognitively impaired. She got to court, she signed an agreement for $4,000. So she has to pay, on $800 a month she's got to pay this $4,000. She's going to be homeless, and she's going to be homeless.
And what is she going to do when she's homeless? She's going to look for a shelter to house her at the city expense or the state expense, I'm not sure who funds the shelters. And then she's going to have this eviction on her record. So where is she going to get housing?

She's not going to get credit, she's not going to get housing. She's going to be in a perpetual spiral downward.

Let's talk about what happens at the Municipal Court. Municipal Court, 30,000 eviction cases, about half the tenants show up. They're taken into a room by the landlord attorney, it's in a back room, where they sit at a desk where there is a computer given by the Municipal Court for the attorneys. And the attorney negotiates with the tenant. But what does that mean?

Okay. When do you want to get out?

Well, I don't want to get out. I didn't pay, you know, I didn't pay my rent. We -- I don't want to hear it. I'll give you 21 days. Everybody has 21 days. And sign this agreement, like Gabriel did on a computer screen. You look at the computer screen, you don't get a
hard copy, you sign it. You never see a judge.

Only five percent of the cases ever get before a judge. So where's the justice? So your question before, is justice being done? My answer is no. I see it every day. There's horror stories upon horror stories.

Part of the process when you enter into these agreements, when you satisfy the agreement a document has to be filed. Tenants don't know that. When the document is not filed it goes on your Trans Union Credit Report, it also goes on your landlord report. So when you go to apply for a job the judgment is there. When you go to find new housing, the judgment is there.

So it just keeps spiraling the problem. Tenants don't know. And landlords aren't doing what they're supposed to. These people have permanent effects on their lives.

SENATOR GREENLEAF: I want to clear the record here too, is that this is, like the example of this lady, she was owed money, not owing the landlord money. And these cases, we're not talking about someone who has never paid any rent or --
MICHELE COHEN: It happens every day, multiple times a day.

SENATOR GREENLEAF: What does?

MICHELE COHEN: Where people sign agreements, or they give up possession with no place to live, even though they have a lease that lets them live there another six months.

SENATOR GREENLEAF: They don't honor the lease?

MICHELE COHEN: They're so intimidated. You get there, you know, you have an attorney, he's in a suit, he's at a computer, he knows all the courtroom staff. It is so incredible.

This man, who is educated, who works, he signed an agreement unwillingly for $2,500 when he's completely paid. It's a horror story, but it's a horror story I see every single day, multiple times a day, and this is the typical pattern.

Let's talk about the client who-withholds their money under the habitability laws. What happens? The landlord files an action against them for nonpayment of rent, gets a judgment, the
guy gets evicted.

The clients don't know how to come in and say the lease says this, you know, the rent is this, I withheld this, this is where the money is being held separately and these are the problems.

They don't know to call L&I, they don't know to come in with pictures and witnesses. They need an attorney to do that. The first year of our operation I saw a thousand families, that's in five hours a week. Now, we make appointments for other times, but the walk-ins, I saw a thousand families. Think about that. Turned away people starting the second week. It's the old adage, if you build it they will come. People are desperate.

We have a telephone line where people can call in, people that work or can't come in those five hours, and it's closed more than it's open. On the days that it's open we get ten calls a day. It does not affect my walk-ins. My walk-in numbers don't change. Community Legal Services, SeniorLAW Center's numbers don't change.

Gerry McHugh and the American Trial Lawyers were terrific and they provided us with
seed money for the project. Funding is tenuous at best.

We can't rely on generous people like Gerry McHugh to fund our legal services in Philadelphia. I want to leave you with another recent case.

During heat season a client was living, a mother with her two children, up to date on their rent, the heating pipe broke. She asked the landlord three times in one week to fix it. The way he solved the problem? He went and called the Department of Human Services, reported her for housing her kids in a place without heat.

She had to move to a shelter, even though she was fully paid on her rent, because she was afraid they would take away her children. And they will take away your children if you don't house your children in habitable places.

How do we deal with these landlords? Because there's not enough legal services they know they can just get away with it. It's a climate problem.

SENATOR GREENLEAF: That's not a good story.
MICHELE COHEN: I can give you thousands of those stories.

SENATOR GREENLEAF: But it's something that needs to be known, and I'm glad you were here. I thank both for being here and telling your story and telling the overview of it, because that answers some of the questions and comments made previously about how this is functioning and what happens to people. Senator.

SENATOR STACK: Thank you both for being here. Can you supply this committee with a list of problematic landlords that are beneath the radar, don't file the appropriate paperwork, that prey on people?

MICHELE COHEN: I can give you the ones that I've seen. But there's thousands of them. There's some repeat offenders that I see, but there are thousands.

In the City of Philadelphia these bottom feeders as I call them -- I know that's not polite but they are, they're bottom feeders. They prey on the vulnerable. They don't license the property because they don't want to pay taxes and they don't want to follow the rules.
I could supply a list of the ones that I've seen.

SENATOR STACK: That will be fine.

MICHELE COHEN: Community Legal Services can probably supply triple the list, and I can keep a running list.

SENATOR STACK: Good.

MICHELE COHEN: Actually, one way to raise money is to fine these people and give it to Legal Services.

SENATOR STACK: There you go.

SENATOR GREENLEAF: Thank you so much for being here today.

Our next is witness is Joe Miller, a client of Legal Aid of Southeastern Pennsylvania, accompanied by Deborah Steeves, Esquire, staff attorney for Legal Aid of Southeastern Pennsylvania, West Chester office.

Thank you so much for being here today, Mr. Miller, and we would like to hear from you.

JOE MILLER: Good morning.

SENATOR GREENLEAF: Good morning.

JOE MILLER: Our oldest son, Ted, is
autistic. He has a form of autism that's known as Asperger's Syndrome, and it made it impossible for him to care for himself. But it doesn't always show in traditional disabled ways.

We didn't always know that Mike had Asperger's. We just knew that, from an early age, something was really, really wrong with our son. We tried everything we could to help him. They couldn't handle Ted at school so we home schooled him. When we had the money, we tried to get medical help for him. Without health insurance it was a financial disaster.

First they tried one medicine at $500, and three weeks later they say oh, that isn't working, they try something else at $300.

At that time Ted could not be left alone. Only one of us could work, and we lived on the edge of bankruptcy. If it wasn't for the financial help from a relative we would probably literally not have even been able to afford groceries at times.

This went on for the last decade until finally physically, emotionally and financially exhausted we decided we could no longer go on on
our own. When Ted reached 24 we turned to the only place we could think of, County Assistance. County Assistance was chaotic like no other organization we had ever experienced. Documents were submitted only to be lost. Five times we submitted the same half dozen papers at one point, and every time the result was the same, a letter from County Assistance saying that Ted's request had been denied because we had failed to submit the required documents.

We were desperate and just about to give up when we noticed a small item in the denial letter about Legal Aid of Southeastern Pennsylvania. We took a chance and we called.

The one thing that I remember best about meeting Legal Aid Attorney Deb Steeves was that we had finally met somebody who not only listened to us but understood our desperate situation. And it wasn't long before, to our amazement, we suddenly got attention at County Assistance. It was Deb working behind the scenes who was doing what we could never ever have done ourselves. It was an incredible difference.

Soon Ted had both cash assistance that
allowed him some independence, but most importantly he had medical assistance. When this ran out it was Deb Steeves and Legal Aid of Southeastern Pennsylvania that was again there for us, helping us negotiate the Social Security Disability appeals process that got Ted medical help.

This not only freed us from the crushing financial burden of trying to carry all of his bills, medical and otherwise, but it got him the help that he desperately needed but we could not afford.

Today things are not what you would call easy, but they're definitely on an upward curve. The same young man who was when we first came to Legal Aid of Southeastern Pennsylvania essentially non-functional, I'm proud to say today, this day, graduates from Community College with an associate's degree in criminal justice. While taking classes he's been holding part-time weekend jobs --

(Applause.)

JOE MILLER: -- decreasing his reliance on Social Security Disability. There are those are scorn such assistance, but this is a
story where it is truly an investment, one that is already paying off.

Instead of being a burden, Ted contributes. It's about lives changed and an entire family given another chance, and it would not have been possible had it not been for Deb Steeves and Legal Aid of Southeastern Pennsylvania.

Thanks to all of you who advocate for and do this work.

SENATOR GREENLEAF: Well, thank you for being here today and telling us another story. This is another angle to all of this, how multifaceted the benefits of these services are to all different types of people, all different walks of lives. That's a wonderful story with a happy ending.

JOE MILLER: Yes.

SENATOR GREENLEAF: And we thank you for coming here today and hope your story will help other people. Go ahead. I'm sorry.

JOE MILLER: I told Deb Steeves I don't usually come into Philadelphia, but for her here I am.
SENATOR GREENLEAF: I know the traffic is not too good.

JOE MILLER: It was not too good getting in, no.

SENATOR GREENLEAF: Any way you try to get in here it's not good.

Thank you so much for being here today. I would assume without that assistance you would be in the same predicament you were before, maybe worse.

JOE MILLER: The chilling thing to me is I'm almost 60 now, and the thing that always really truly frightened me is thinking where is Mike going to be when we're gone? Mike would have been a burden somewhere, so.

DEBORAH STEEVES: Perhaps more than even a burden, when you read about some of the terroristic things that happened, for example, the Newtown incident, it turns out that that young man was an Asperger diagnosis. So the help that they can get earlier on through medical assistance, through support, prevents those kind of tragedies in the future.

SENATOR GREENLEAF: Absolutely. Many,
many faceted consequences to something like this.

Thank you so much for being here today.

    JOE MILLER: Thank you for hearing us.

    SENATOR GREENLEAF: Our next witness is Denise and Anthony Bellita, clients of Legal Aid of Southeastern Pennsylvania, accompanied by Kesha James, Esquire, staff attorney for Legal Aid of Southeastern Pennsylvania, Norristown Office.

    DENISE BELLITA: That's a great pronunciation. We get a lot of different ones.

    SENATOR GREENLEAF: We try. Thank you so much for being here today.

    DENISE BELLITA: Thank you for inviting us.

    SENATOR GREENLEAF: Why don't you pull your seat up a little bit for us. We want to hear you, everybody wants to hear what you have to say.

    SENATOR STACK: Do you see that gentleman? He's a court reporter. If he doesn't look frustrated you're doing okay.

    DENISE BELLITA: I came to tell my story how Legal Aid helped me. I have lived in Bridgeport since 1983. We got married and my in-laws had bought the house from my brother-in-
law, and in 1990 we decided to get the house put in our names because it was still in our in-laws, in my in-laws' name.

And I have four kids. I work for Costco and my husband is now retired. He retired in '08 from PennDOT. And in 2006 we refinanced with, you know, having stuff to have fixed in the house, and it was a very high interest rate because we don't have great credit, so the interest rate was like, it was 10 and a half, and then we got it down to like 9.8.

And I had a heart attack in 2010 and so I was on disability for like six weeks, and then we had some unexpected bills like the hospital bill and the medications that I had to take, and we fell behind.

But with my 401 that I had at work, I was able to pay the amount that we fell behind. I had gotten a letter that they were going to foreclose on my house. And so I took the loan out and -- I took the loan out and I submitted my payment with the -- what is that?

KESHA JAMES: Act 91 notice.

DENISE BELLITA: Act 91 notice that
had the amount on it that I owed. And I actually
submitted more than the amount, just so they
wouldn't say, well, this wasn't the right amount.
And two weeks later they had rejected my payment,
and I called the mortgage company.

And every time I'd call I get upset
because they were, you know, you owe us more. I
said but this is what the letter said. And then I
would call someone else and they would say well,
you know, there's more legal fees.

I said but I've done this before, I
had it happen once before and I sent the money in
and they accepted it and I went back on my regular
payments.

And so this went on for months,
calling them, getting upset. And finally they sent
me the letter that they were going to foreclose,
the big, yeah, the complaint. And I was afraid.
And on it there was a thing about Legal Aid.

And I thought well, that would be good
for me because I can't really afford a lawyer, my
husband is on a fixed income, I have four kids.
You know, I work at Costco but it's not, you know,
I'm not a high priced -- I don't make a lot of
money.

So we went to Southeastern and we met with Kesha. And we showed her the proof that I had the letter, the check, the certified check that we sent to them and she said that we had a case. Had it not been for her I don't know what I would have done because I felt like I was fighting a losing battle. They had all the answers and I had nothing and I was just frustrated.

So she filed and we got a modification. But the modification was still at like a 9.8, which is still very high. And they had added in the $5,000 in lawyer fees and the amount that we were behind in, so our payments went up another $200. Now they're up to 1,375.

So she's filed for them to try and lower, get us another modification and lower the interest rate to 5 percent or maybe even 3 percent, and then we would be happy with that. If not, then money in order to help, you know, compensate. It's still in litigation.

KESHA JAMES: That's right.

DENISE BELLITA: We're still waiting for them respond. They said in a review for a
modification, but I haven't really heard anything from them. But without her I would probably be homeless because I had nowhere to turn. I didn't know what to do. I've never had to have a lawyer so I didn't know what to do.

And like I said, I was fighting a losing battle with the banks. And now they keep changing banks. I went from American Home Mortgage, then we had Wells Fargo, and now they transferred the bank over to Aquin. So it's hard to keep up with anybody. And I've had to fill out numerous amount of modifications. They denied us for other ones. They said that we made too much. And then they did their own modification.

And like I said, it was still high. And we're hoping that they can help us. If not, she's going to have to do something. I know she will because I have a lot of confidence in her.

Thank God for Legal Aid though, because my husband doesn't make that much on a fixed income and I still have three of my girls at home, one of which is handicapped. So it's hard to make ends meet sometimes.

KESHA JAMES: I just want to add that
I think this case --

SENATOR GREENLEAF: Sure. Can you move to microphone?

KESHA JAMES: Yes, I think this case really exemplifies why it's so critical that Legal Aid handle foreclosure cases. I mean here's a couple that pulled money out of their 401(k) to reinstate their mortgage, as they're entitled to under the HEMAP statute. And the mortgage company just blatantly disregarded that and tried to charge them over $1300 in fees and costs which they weren't entitled to do. They couldn't charge them in excess of $50.

They had no way to know this, really, or to fight this without getting an attorney to help them. Had they had to use those funds to pay a private attorney that would have been their reinstatement money. It's just really counterintuitive to have to pay an attorney to handle issues relating to money and payment of money.

So this was really a case that showed how important it is to be able to have that access to legal representation and support from the
homeowners' perspective.

SENATOR GREENLEAF: And right now, of course during this process rather than being on the street you can stay in your home.

DENISE BELLITA: Yes, we're still in our home.

SENATOR GREENLEAF: For them to stay.

KESHA JAMES: Yes. And this case is actually still in litigation. We're trying to get the best case scenario for them, although under the HEMAP statute Legal Aid is entitled to collect attorneys fees. It's a pretty blatant violation and we have clear evidence of it. They've even admitted to it in discovery. So it's really a great case.

We're hoping to get them a much, much lower mortgage payment. And if not that, compensation for the extra $5,000 they capitalized into their really bad modification, and the amount that that is going to cost them over the next 24 years with that amortization.

DENISE BELLITA: Right. Plus we had to pay for the modification itself.

KESHA JAMES: And opposing counsel is
working with us. We're hoping to get them a really
great outcome on this thing.

SENATOR GREENLEAF: So you'll be able
to stay in your home.

DENISE BELLITA: And, you know, we've
been there since 1983, all of my kids were raised
there. Most of them were born there, not born at
the house but, you know, thank God. But yeah,
they've all grown up in the house.

SENATOR GREENLEAF: Where would you
have gone?

DENISE BELLITA: I have no idea. His
parents are gone, my mom and dad have passed away.
I don't really have any -- I don't have any credit
cards or anything to get a motel or a hotel, so I
probably would have been maybe one of the homeless
people on the street. I have no idea where I would
have went with my kids.

SENATOR GREENLEAF: Thank you so much
for your service and thank you for the telling us
your story here. Senator?

SENATOR STACK: Thank you.

DENISE BELLITA: Thank you.

SENATOR GREENLEAF: Thank you so
much. You're going to help a lot of other people.

    DENISE BELLITA: Hope so.

    SENATOR GREENLEAF: The next witness is the Honorable Annette Rizzo, Philadelphia Court of Common Pleas Trial Division.

    Next is J.R. Fine of Women Against Abuse Legal Center, presented by Deborah Culhane, staff attorney, Women Against Abuse.

    JUDGE RIZZO: I believe Judge Murphy is going to be testifying next.

    SENATOR GREENLEAF: Oh, okay.

    JUDGE RIZZO: I cede to my colleague.

    SENATOR GREENLEAF: Judge Murphy, thank you for being here today. Good morning.

    JUDGE MURPHY: Good morning, Senator Greenleaf, Senator Stack.

    SENATOR GREENLEAF: And it's really, really heartening to have the judiciary coming here voluntarily to tell the stories, it must be very compelling, because you're seeing it happening in your courtrooms, and to have this amount of participation by the judiciary is very, very heartening.

    JUDGE MURPHY: Thank you. Of course
you say that before you hear the comments of myself
and my colleague, Judge Rizzo. But if you say it
at the end that will be even better.

SENATOR GREENLEAF: Your involvement
is very important to us, because you're there,
you're watching what's happening. No one else is
there on a daily basis seeing what's happening.
You are. We want your input, whatever it is, good
or bad.

JUDGE MURPHY: Thank you. By way of
introduction my name is Margaret Murphy and I have
been a member of the Philadelphia bar for 35
years. It has been my good fortune to spend the
last 28 years of my career in Family Court, in
Philadelphia Family Court, specifically in the
Domestic Relations Section.

I have served 12 years on the Court of
Common Pleas assigned to the Domestic Relations
Section in Family Court, and the last seven I have
been the supervising judge of the Domestic
Relations Section. Prior to that for 16 years I
was an employee of Family Court, 12 years as a
Master in Support, Master in Divorce, Chief of the
Masters Unit, and four years as the Deputy Court
Administrator of Family Court on the domestic relations side.

So my perspective is a combination of being a lifelong Philadelphian who has served as a master and administrator, a judge, and now as the supervising judge.

My pitch for you is clearly for Family Court cases, along with all of the other cases that are being discussed here today, but most specifically in the child custody area.

In domestic relations we do four case types: We do divorces, we do domestic violence, we do child support, support for spouses and alimony, and also child custody.

There is, in my opinion, no more sensitive or personal issue that anyone can face than access to their child. In child custody cases we decide where a child lives, where a child goes to school, what doctor a child may or may not see, psychological treatment, medical treatment, vacations, just about everything.

We decide cases involving parents who are contentious with each other and volatile. And we also decide cases regarding grandparents and
other family members.

Now, in my setting, I'm coming from Philadelphia, I'm a proud Philadelphian, and of course despite being a proud Philadelphian I recognize that we do have some drawbacks to the population that we serve.

We are one of the largest poor cities in the United States. We have a higher crime rate than other areas contiguous to us. We have a higher unemployment rate in the city than we do statewide. We have barriers to employment with respect to people who have limited education and also have criminal histories. And we have a shortage of appropriate homes, which also impacts on a person's ability to parent.

All of this comes into play when we're supposed to determine what is in the best interest of the child.

Now, in addition to that, we have a high population of individuals who have language barriers, they have physical and mental impairments. And all of this comes together in a high volume situation where individuals are flooding our court system, trying to walk away with
a custody decision regarding their child.

   It is usual that nobody is
referred, not Mom, not Dad, certainly not the
child, and it is just a step away, in so many
instances, from a dependency case.

   In the dependent cases everybody's
represented. And the difference is the dependent
court may determine that the child is safe with one
parent, and therefore the case is a domestic
relations case.

   But all of the safety issues that were
present did not go away, they're just transferred
to domestic relations. And then the domestic
relations court is charged with determining whether
or not that other parent or that other individual,
who may be perceived as a threat or risk of harm to
the child, should or should not have access to the
child. And how do we do that?

   We do that in a courtroom with a
mother and with a father and sometimes with the
child present, and little else. And I think that
is --

   SENATOR GREENLEAF: And without any
attorneys?
JUDGE MURPHY: There's no one there.

So how good is the judge in asking questions? Our judges are darn good and they're very dedicated. However, you sometimes don't know what's the relevant information.

I will not repeat what the other judges have already addressed, and I know that you're very aware of the fact that we are a court that applies the rules of evidence, the rules of procedure, et cetera. And the more and more the review is of proposed judicial conduct rules, the more and more you will see that the court should not go from beyond the bounds of what is introduced into evidence. And I see that as an unrealistic approach when you deal with a person who, for example, may say I want to move to Maryland with my child, and you ask that person where do you want to move? And they will tell you the address. And they will tell you I want to take my child to this school.

And you say to them how many children are in the school? And they have no idea. So what happens? Do you deny the petition and say out the door, go file again and good luck next time, or do
you try and find out from them, through your court staff, what school, where is the school, did you MapQuest it? How do you do these things?

And so the next thing you know your little tiny case becomes a big monster of a case. Do you want to do justice or do you want to get the case done? And that's what it's all about. And so the judge is always juggling several hats.

You have the cases where you have individuals, one side is represented, one side is not represented. So you have the perception that the litigant may have, real or imagined, that they did not get a fair shake.

You then stretch the rules of evidence for the person who is not represented. And the person who has gone and borrowed money to get an attorney has an attorney who is strenuously objecting, and where do you go with that?

Who hires that attorney for that individual? It's normally not them, it's normally a grandparent. And why do they hire that attorney? Is it because they are trying to make sure they win?

The question Senator Stack asked I
thought was actually the most interesting I've heard in a long time. What is the rate of success?

Well, in a child custody case that's quite a question. I don't know how I'd answer that. We're striving for the best interest of the child on the given circumstances that we face. And the given circumstances are what they are.

If the parent has a drinking problem, if the parent is a drug addict, if the parent does not have good housing, that's their circumstance. What is the other parent's circumstance? And what is the best interest that we can apply and find and determine for the child?

But ask any litigant what's the rate of success. And trust me when I tell you, if that litigant does not get exactly what they want, the rate of success is zero.

So what do I, the litigant, want? I want sole legal, sole physical, and not much else sometimes from that other parent who doesn't deserve to breathe, no less see the child. Okay?

So that's part A.

Now what happens when that parent
doesn't get all of the above? Well, the first thing in my capacity as supervising judge is I am the complaint department. I receive all the complaints, on the phone, e-mails, writing, in any form imaginable, ex-parte contacts routinely.

What do you do with them? I can't even begin to try and address a response to that, because no matter what you do that's wrong as well. Do you forward it to the other side? Don't you forward it? It goes from there.

Do they understand that they cannot contact you and say I hated that judge I got, I hated that decision, and now get me another judge or I'm going to hate you too.

It is not a popular job. It is a job I love because this is a job where you can do so much good for kids and for people. So it's the most important job I think in the courts, with all due respect to my colleagues who I think do a wonderful job themselves. But this is my passion. However, it's not an easy route.

The system is constantly clogged, and it's clogged because you will have individuals who will not file an appeal, they just don't file an
appeal. What they do is they just walk right down
to our intake department, file another motion and
begin the process again.

    Keep in mind, the length and breadth
of a child custody case is normally about 16
years. While we have jurisdiction to 18, if you
get a good contentious group you can be sure you
will be at it for 16 years. So you wonder why
there can be some repeated filings. But for every
filing there's an answer, there's another filing.
So each contempt is a response of contempt.

    And that's why when I submitted my
written testimony I submitted for you the
statistics. The statistics are overwhelming.
They're just overwhelming.

    Now, we've done so much in Philly to
try and assist. We have an intake unit, we have
forms on the Internet, the Bar Association has been
wonderful working with us. I'm a proud member of
the Civil Gideon Task Force of the Bar
Association.

    We're engaged and we work together in
a partnership. Our family lawyers are incredible
with the pro bono work that they do. They don't
get paid a lot to begin with. If you're a family lawyer you're a good egg in my book. You're not out to make a million dollars, you're out to do just what I do at a different level.

And not only do they take more pro bono cases than they ever should, they also are peers and they give guidance to attorneys who come from a different line of the law.

So when you have a civil attorney who is gracious enough to take a pro bono case, and when I say a civil attorney, it's not that family lawyers aren't civil, but we have our moments.

Anyway, the point is you need someone to guide them because they're really not proficient in this area of the law. And you have to be, you have to be.

The legal aid that the providers, they go so far beyond what they could reasonably be expected to do. They do a stellar job. They do so many pleadings because they can't take the case, so they do the pleading.

How discouraging that is for a judge to get the pleading and then get the case and the evidence can't come close to matching what's set
forth in the pleading and there's no attorney there
to actually plead the case for that particular
litigant. That's when you struggle with what is
your rate of success, did you get the facts?

And keep in mind, nobody reads about
the litigants or the lawyers if a child's placed in
harm's way by a judge. That judge has to sleep at
night. So if that judge makes a mistake and gives
that child to a person the other side said is
posing a risk of harm and something happens, that
judge has to live with that, and all that's before
the judge is nothing, nothing.

Additionally, there are no reruns with
children, and I say that to every parent who comes
before me, there are no reruns. I can't give you
back tomorrow. To me, children are the most
important blessing you ever get from God.

However, if I deny you access because
I'm just not sure, I can never return to you that
birthday, that Father's Day or that Mother's Day,
and I need to live with that. That's problematic.

One question I know that you've
repeatedly asked is the statistics regarding who's
represented, who isn't. So just taking the last
1,327 cases that we heard in April, I will note for you that there were 706 custody events before judges, and of that number 208 had one attorney at least, not both attorneys. That proportion is 29.5 percent, which is much less than that, because it's not two-sided cases, it's normally one attorney. So it's much less than that.

And here's another crucial, crucial fact. We have custody masters hearings and conferences. We had 623 of them last month that we tabulated. Only 97 people came with one or more attorneys. That is 15.6 percent. And keep in mind, just one normally.

That being said, if you take an overall figure you can come up with 23 percent had one or maybe two attorneys. So it's much less than 20 percent are represented.

What is crucial about that is in our cases, unlike in any other case type, when you enter your appearance it's for that event. That person may not be able to hire you for the relisting. So they don't bring them to the conference where we could settle the case, so the cases are all clogged up and just keep extending.
So therefore, my pitch for you is one,
I want to thank you very, very much for the
patience of listening to all the litigants, all the
court personnel, the judicial personnel, and I want
to say to you that every dollar you've ever, ever
given, funded or apportioned for Legal Aid is a
dollar well spent.

And if you're feeling generous, you
know, spend a little more, that would be a great
thing. And since -- I think we all have interests,
and I will be the first to say that if you don't
have housing you may lose your child. If you don't
have an income through Social Security, SSI
benefits or whatever, you may lose your child. So
every case type is important.

But my colleagues here from the family
law would shoot me if I said custody isn't the most
important, so I have to go with that and I would
say to you if you can give us like a couple extra
bucks we would really appreciate it.

Thank you very much.

(Applause.)

SENATOR STACK: Judge Murphy, I'm both
very happy and both very sad, happy that I could
hear your testimony and sad that I'm going to have to miss Judge Rizzo's.

But listen, I said earlier, your Honor, and you said this very well, isn't this an issue where we can't afford not to fund more Legal Aid? And you just emphasized some very important points.

And we understand. I hear it from my mother, I hear it from many relatives who work in the field, you do one of the most challenging jobs out there. It's heart wrenching. And I think you've brought up a really relevant point about the judge who has to think, put their head on the pillow at night and think about the consequences of these cases. So we thank you for everything you're doing.

I don't want to be presumptuous, but I feel very comfortable that Senator Greenleaf on the Republican side, and I on the Democratic side and others, that anyone who has common sense realizes we have to do a better job of funding. So we're going to do that.

JUDGE MURPHY: Thank you. Thanks very much.
SENATOR GREENLEAF: Thank you for being here today. Thank you.

Okay. The next witness is the Honorable Annette Rizzo, Philadelphia Court of Common Pleas, Civil Division.

JUDGE RIZZO: Excuse me, Senator, I have a comment for you. I'm issuing a court order that you absolutely read every single word of my testimony, since you have to leave.

SENATOR STACK: I'm going to read it while I'm driving.

JUDGE RIZZO: That's a violation.

SENATOR STACK: But I won't be driving.

JUDGE RIZZO: All right.

SENATOR STACK: Thank you, Judge.

JUDGE RIZZO: Thank you. Thank you, Senator, and as well Mr. Hoover on behalf of Senator Leach. I'm so grateful that you're here.

To the world you may be one person, but to one person you may be the world. If you think about the testimony we received today, how impactful, how astounding it is to hear these testimonials of individual clients with their
attorneys representing what the differences made in their lives and the communities by just having that representation.

So I am Judge Annette Rizzo. I've actually been on the bench almost 15 years in the City and County of Philadelphia. I've been an attorney at bar in Pennsylvania for about 30 years, and I truly do appreciate the opportunity to lend my voice to this chorus of so many to highlight for you what the impact is on the delivery of legal services in our civil justice system.

There clearly is an ever-widening gap of services. We understand that. And the power and the posse, I say, that sits behind me reflect many members of the public interest bar and the Philadelphia legal community and outlying areas who really live testimony every day in their service to this great area and this great Commonwealth. And for that I am ever grateful. I know you are as well.

I experience firsthand, as do my colleagues throughout this Commonwealth, the challenges of adjudicating cases with self-represented litigants. The inherent judicial
duties of leveling the playing field, of assuring that due process and opportunity to be heard are being met for all parties before the court. It presents absolutely unique challenges when there are pro se litigants. And I think my colleague, Judge Worthington, has well referenced that, as well as Judge Murphy, this whole balancing act, this tight rope we must walk, in terms of being and presenting a level playing field for all constituents and all litigants before us.

My sort of little stake in the world is really with respect to the mortgage foreclosure diversion program in Philadelphia.

Since 2008 we have established it, it's been functioning. In fact, in a few weeks we will be presenting a marker of five years in existence. We were one of the first in the country, and clearly the first in the Commonwealth, and actually have had the opportunity to tell the Philadelphia story even at the White House.

We have been touted as a national model, not because I say it or in Philadelphia we say it, but because others have said it of us. And I've had the chance to actually speak to that
throughout not just this country but actually in Europe, about the aspects of mediation and conciliation we brought to the people of Philadelphia.

I'm not going to go through all the modeling of it, other than to say it's a conciliation conference which brings the opportunity for that face-to-face encounter between a lender servicing lawyer and the actual homeowner who is at risk.

And I have to tell you, throughout our process, when we bring people in, through a hotline and then in a face-to-face conciliation setting, there are certain touch points where the assistance of legal counsel has been paramount.

The first off is when they get filed a claim, foreclosure, they get an easy-to-read notice that says Call Philly Save Your Hotline -- Call Your Home Philly Hotline. When they get that call it's to a hotline monitored by the Philadelphia Legal Assistance office. And their trained legal assistants as well as lawyers actually triage in-depth the cases in order to shoot these particular homeowners to certain housing counselors
if there are special needs of seniors, if there's language issues, et cetera, to get their case teed up for the conciliation conference.

This is vital. And 60 percent of the 24,000 cases which have come through our system have accessed this hotline. It is vital and it's the first touch point of the need for Legal Services to right the ship and make sure that these people do not remain homeless.

Once coming into the program they are assisted by wonderful housing counselors which we have throughout Philadelphia. There's about 28 agencies in that regard. We also have the opportunity, particularly when there are thorny cases, that attorneys actually represent, either from PLA, Philadelphia Legal Assistance, or Community Legal Services.

We also have the wonderful support of Philadelphia VIP, Volunteers for the Indigent Program, who have staffed over the five years with over 600 attorneys volunteering time in limited representation to assist homeowners.

Now, what really is at stake is that, and I know I'm throwing alphabet soup at you as
well as numbers, but numbers are important. And I would ask, Senator, to actually supplement my written testimony with some of these numbers and reports, because from the get-go in 2008 when we opened our doors, we have been tracked by way of data. And this data has actually been seminal to discussions that I have had with others who are setting up programs, not only here in the Commonwealth but also across the country.

I'm proud to say in that regard, under Chief Justice Castille and other judges, Judge Harhut sits on our committee, as well as Sam Milkes and others. We do have a state committee and a coalition to set up diversion programs throughout the Commonwealth.

Twenty-one other programs exist, and our mission is actually to advocate that we have programs established in other needed areas.

SENNATOR GREENLEAF: Aren't you the first one?

JUDGE RIZZO: We were the first. And in fact we have, with Judge Worthington, I'll be honest with you, we took a bleeding map of Pennsylvania and we saw where we were bleeding with
foreclosures and we went to those jurisdictions and said we will help you set up a diversion program to help yourselves.

And I have to say Judge Worthington was very amenable to that, as well as her PJ at that time, as well as in Pike County, which really was taking quite a hit.

So the issues are different, but homelessness is a constant that we have to fight, regardless of the jurisdictional or geographic area, suburban, country or otherwise.

That being said, once in our program you come into the setting, these volunteer lawyers have really shown remarkable results, offering $3 million worth of pro bono legal services. I'm going to repeat that: $3 million over five years.

And the cases that they've touched are only five percent, however, a portion of that, of the 95 percent of self-represented litigants who come through this program.

SENATOR GREENLEAF: So it's 95 percent?

JUDGE RIZZO: Ninety-five come unrepresented. Wow. They get assisted by housing
counselors. But we see great results of the portion of cases which are thorny at best, that really make a difference when an attorney gets involved and sees it to the end, a resolution being a modification, some being actually litigated or some type of relief for these people, reinstatement, whatever it is to really sustain their home.

Wow. Pretty powerful indeed. So of the cases that have come through --

SENATOR GREENLEAF: It was like that case that we had in front of us with the elderly couple.

JUDGE RIZZO: Absolutely.

SENATOR GREENLEAF: They were having hopefully a favorable result from their Legal Aid attorney's advocacy for them.

JUDGE RIZZO: That's right. But just of the one case they take, you can see there are countless which can't be taken, so therein lies the issue.

The diversion program is a wonderful court annex program and it has shown remarkable results. It is, however, a foundation where
there's only been limited representation, and by
that I mean the attorneys tap in to try to get the
resolution and may have to tap out because of the
stressors, and all of them that you've heard
today.

But what would be the impact of having
attorneys really assigned to all these cases? This
is a very difficult area of the law, it's boutique
in nature. And so just knowing the regs and the
fact that the new consumer financial protection
bureau is setting up more servicing regulations,
it's very difficult for attorneys who practice in
the field to keep up, let alone those who step in
on a volunteer or limited basis.

So the need is insatiable. I never
give up hope, however, that with efforts such as
this that we see the need for it because the impact
is so great.

Here's a stat I look for. We've seen
pretty great success with our program, about 35
percent have found resolution. Of that, 80 percent
do not redefault. That's the critical factor.
That's the one I'm looking for.

So that when an individual is
stabilized in the home, that means there's stabilization on that block in Philadelphia, community and the city at large.

And you can understand, I know I don't have to share with you, you hear so much in other fora, how the impact is so great, not just socially but of course economically. We want to keep our city vibrant, and this is part of it, to keep people out of homelessness and stabilized on a long-term basis in their communities.

So with that said I just need to touch on the fact that, having served on the bench almost 14 years, the other part of my civil docket has dealt with other cases, complex civil jury cases, but through the years I've also had to oversee other civil cases with no attorney attached. And I can tell you it's a pretty difficult task for a judge.

I'm going to echo the sentiment and incorporate by reference what Judge Murphy and Judge Worthington had shared. It is really difficult, because the cases not only involve legal issues, they involve the bundling of attendant issues for those particular litigants. Family
struggles, pressing financial issues, ongoing medical and sometimes mental health issues, unstable housing and more.

So we must stretch the bounds of our judicial roles to explain the proceedings and the assertions raised by opposing parties, as well as the rulings, and then the ultimate consequences of the rulings.

For judges these are delicate balancing acts in the face of all parties standing equally before the court. So clearly the attachment of counsel in civil cases where basic human needs are at risk would alleviate these concerns, and we understand all that.

The recent surge in the number of pro se litigants entering the court system has really required a retooling not only of the delivery of the justice system in the generic, of the judges in their various courtrooms, but also with respect to court administration.

We actually have present in our National Judicial College certain trainings for judges to deal with the very fact that there are more self-represented litigants in our system.
We are looking to finding more streamlined procedures and the availability of easy-to-read legal documents; help desks, and you saw the impact of what our landlord-tenant help desk has done with that wonderful testimony; language services, all acts acknowledging that adjustments must be made within the courts to address the overwhelming legal needs of our underprivileged as well as our new immigration populations.

We as the judiciary are guided by the mandate of the Supreme Court case, the seminal case in 2011 Turner v. Rogers which suggests that the court is being tasked to add additional safeguards to the process when pro se or self-represented litigants are involved, and we must understand that.

But clearly the demonstrated fix that more counsel would be available to these unattended and unaddressed needs of these particular pro se litigants.

As Chief Justice Lippman of New York stated, and I think it's a great quote, and I think our Chancellor referred to it as well, he's sort of
our guru in this case, civil legal aid to the poor
is a basic responsibility of state government,
every bit as important as other fundamental
priorities of a civilized society. Wow. Powerful,
powerful statement.

So in closing, in face of diminished
 budgets, the need for legal services has really
grown by inverse proportion. We as the judiciary
are for so many the last gatekeeper before their
lives are completely broken apart, loss of family,
housing and other necessary services.

For those individuals at risk, their
families and our communities at large, we really
need to have a call to arms, Gideon's trumpet must
sound, to provide necessary legal counsel for all
those most in need.

And as I end all my statements which I make, here and abroad, I say May the force be with
all of us.

Thank for your time.

SENATOR GREENLEAF: Thank you, Judge.

Before you leave I have a couple questions for you
if you don't mind.

JUDGE RIZZO: Surely.
SENATOR GREENLEAF: First is you used the phrase "recent surge of unrepresented litigants." You've been on the bench long enough to see when that started, and what is the cause of it?

JUDGE RIZZO: Well, that's a really interesting thought, but I'm going to tell you what has happened. Part of it dealt with 2008, the financial meltdown of the housing market, and that begets other issues, wherein there's been bleed-over into other areas with respect to just general consumer financial issues.

Uptick of the use of credit cards when really there's not a basis for it. The loosening of guidelines which has even permitted some credit that has expanded and been available frankly to people who may not have an ability, from an underwriting perspective, to really carry this debt in the face of catastrophic loss of just life, and I think we heard some of that testimony.

Unexpected illness is something that has occurred with respect to certain family members not being available to really support family units. And of course unemployment.
So all these, sort of this web of just the social and economic breakdown begets a misuse of credit, a misuse of putting ourselves into situations which are overburdening.

Here's where the rub comes in. Some of these cases may been of small intent, and I think that these litigants cannot find attorneys who frankly would take the case for what is at stake. Because again, burgeoning need, insatiable need, unmet by attorneys who just will not step up to take these cases.

This is for another discussion in terms of the use of the class action structure to actually right some wrongs and bring some relief. That's for a separate hearing nonetheless.

In the absence of that being available for a lot of these smaller cases, what we're seeing is them just not coming to court, or of course these litigants coming to court to try to sort of maneuver this whole gauntlet of legal procedures and rules, as mentioned by my colleagues and others, and trying to be heard, just trying to be heard, just the basic due process right we're all entitled to, which from the court's frustration, I
know the individual judges who sense it, we feel is not being met. And how does that leave us?

We're all trying to do our oath, we're all trying to do our duty, and we do the best we can.

SENATOR GREENLEAF: That's the obvious. You're all concerned about it and troubled by it, so we appreciate your being here. And one other question, since you're the last jurist here, and maybe you would know whether any of these cases are taken up on appeal, because you're notified of that if there's appeal taken.

JUDGE RIZZO: Yes.

SENATOR GREENLEAF: You're notified. You have to write an opinion.

JUDGE RIZZO: Yes, that's right.

SENATOR GREENLEAF: Are these unrepresented cases going up on appeal, or do they just go, as the previous judge said, they just go back and file another petition in the Common Pleas court?

JUDGE RIZZO: Well, it's interesting, because again I was speaking of touch points. So for people who are self-represented and file some
things and they get some orders back, some are, should we say now in the chute. So they really do try to seek the help of certain court administrators on their own to do research, or just feel the need to write in their plain speak, not necessarily to form of rules and regulations, and start to do filings, which ultimately are then viewed to be preservation of an appeal and then taken to the next level.

And so I have, on multiple occasions, had to write opinions in these cases where there is actually self-represented litigants, which begets another issue, of course, of how the impact has been on the appellate courts in terms of trying to funnel through this.

And I think my colleague, Judge Murphy, may speak more to the Family Court issue. I never sat or practiced in that area. But I can tell you from my perspective, though not overburdening they definitely are there and cause, shall we say, the need for greater attention and more effort to try to craft a record that would absolutely capture on paper for the upper court for proper review. And then of course what comes from
that is yet to be determined.

So I think it's a systemic impact to your point, and I think something that we have not raised to this point. So I think that's as well to be noted.

Senator Greenleaf: Thank you so much for being here.

Judge Rizzo: Yes. Ever grateful for the time. I would like to supplement my record and also welcome you to visit our diversion program, which is in, actually as we speak it's in session every Thursday, so we'll have that outreach.

Senator Greenleaf: I noticed the reports when you first opened that court and the system and the process and I thought it was well thought of and a very needed process, that we had so many foreclosures coming through because of the economy, and a step forward to try to reconcile those issues, because I think there was some other testimony here, that 80 percent of them that do continue to pay and maintain their homes, so they're not out of their homes.

If it was like five percent it would be a problem, but it's not. It's a very high
percentage that continue to hold onto their home. And I think the banks are recognizing that too when you see there are other parts of the nation where they just have these open, empty homes and they're not being maintained because there's homeowner there, they lose all equity in the house.

JUDGE RIZZO: Yes.

SENATOR GREENLEAF: They would be better off keeping the people in the home rather than taking bulldozers and taking down whole neighborhoods, as we've seen on the news.

JUDGE RIZZO: It's a devastating effect, but here, as I always say, our historic Northeastern city, we need to preserve our neighborhoods.

SENATOR GREENLEAF: Right.

JUDGE RIZZO: And so we have seen that in the sand states with even another process before we get to foreclosure, the McMansions and all the developments. But at one home in one block it can really have a devastating effect.

So we actually have that data, how our program has impacted all areas of the city, and even by demographics. We're particularly heavy on
helping seniors, because that's what our demographics show.

SENATOR GREENLEAF: I would love to see that.

JUDGE RIZZO: And the complexity of the estate issues which come to bear, that we must sort out. But of course the need of counsel would be ultimate.

So we're ever grateful for the support we get in our program from PLA, CLS and the volunteer lawyers. So that would be for another discussion, which we welcome.

SENATOR GREENLEAF: Thank you.

JUDGE RIZZO: You're welcome. We may keep you here forever, Senator.

SENATOR GREENLEAF: I'm here regularly.

JUDGE RIZZO: I know, but do a walk about of our court systems, because we all salute your attention.

SENATOR GREENLEAF: Absolutely. There's a lot of good stories that come out of -- the people that don't know what the courts are doing and how important they are.
JUDGE RIZZO: Yes. I might just have
one thing, just to state, the coalition we have has
really opened our eyes up and actually done a lot
of sharing. And Judge Reibman heads that effort in
terms of what we're doing in terms of our diversion
in that committee. So it's all good.

SENATOR GREENLEAF: That's so
important, to have that communication. Good
programs. The courts are the ones to start the
specialty courts. It wasn't us, it wasn't the
legislature, it was the courts. And they're very,
very effective in the criminal law section. And of
course this foreclosure process that you have, it's
very important to get it out to the rest of the
state. So thank you.

JUDGE RIZZO: Thank you as well.

SENATOR GREENLEAF: Okay. Our next
witness is Sister Mary Scullion, Executive Director
of Project H.O.M.E.

Sister, thank you so much for being
here today. We appreciate your being here today.
And we know your work for the people in poverty and
in need for many, many years. My wife saw you on
the witness list and she was very excited about it
and was very complimentary and knowing about your work that you've been involved in for many, many decades.

My wife has an aunt who is in a nursing home as well, so we know the good work that they do. So thank so much for being here today. It's something that you're involved with. We would like to hear from you.

SISTER MARY SCULLION: Thank you very much, Senator. It's really an honor to be here, and we thank you for being here, for your interest in these issues that impact so many lives of Pennsylvanians across our state.

And at Project H.O.M.E. we're incredibly grateful for every single attorney, the many groups you heard of today, and more, that receive support from the state for their work.

We see that it not only saves lives, and it literally does, and families, but it also saves the state a lot of money, because the resources and the prevention work that these unbelievable attorneys do in cities, in Philadelphia and beyond, just has such a great economic impact across our state.
So we hope that you do more investment in the great work that these organizations do. And at Project H.O.M.E. we're very fortunate to really work very intimately with three organizations that the state supports, Community Legal Services, Regional Housing Legal Services, and the Homeless Advocacy Project. So that's where our experience comes in.

So as you know, or as you probably know, that the number of people that experience homelessness in the state is growing. Ten percent of the people that experience homelessness live actually on the street, so it's the most visible population. But actually the fastest growing number of people that are homeless are mothers and kids.

Tonight in the City of Philadelphia there's 3,000 shelter beds, of those 3,000 shelter beds 1,000 are filled with kids. So that's something that we can do so much better on as a community.

Homelessness is a complex and multifaceted problem that involves extreme poverty. And for many people, and I'm most familiar with the
people that live on the street. In addition to extreme poverty many of these folks have serious mental health, behavioral health issues as well as physical problems.

And many of these people have lived on the streets for many years. But it's not just the physical deterioration of homelessness and the extreme poverty, but also the emotional stress that's put on people by not having a home. A home is such a fundamental gift in everybody's lives; it really should be a basic human right.

But empowering people to get off the street requires dealing with many interrelated issues and in many cases legal problems, and that's why the support that you give to legal services around the state is so critically, critically important.

SENATOR GREENLEAF: You see the other end. We had testimony here today where people are fighting to hold onto their homes. But you see people who are homeless. How many of them have, as a result of losing their home and possibly losing their home because of lack of legal support and advice?
SISTER MARY SCULLION: And I would say that I don't actually have concrete numbers, but many, many people, and again I cite the work of Community Legal Services, I think that's the organization that's the single most important organization to prevent homelessness.

So it's just so vitally important to our community, with utility bills, housing issues, just so, so important. For people that actually live on the streets or in shelters, it's also very much extreme poverty. I mean, you know, with the general assistance cutoffs that went through this year, people have absolutely no income.

Well, if you have absolutely no income, what are you going to do for a place to live?

SENATOR GREENLEAF: So it would be fair to say that by preventing this homelessness there's a lot of economic benefit to society generally?

SISTER MARY SCULLION: Tremendous, tremendous economic benefit. I'm going to give you another example that's very, very powerful, I think. That is our prisons are our largest mental
health hospitals. Our prisons are our largest mental health hospitals. That is a cha-ching, cha-ching, cha-ching.

And this last year the prison population went up with healthcare and the impact of healthcare in our Commonwealth, and that's why we really hope that Governor Corbett goes for the expansion of Medicaid, again a vitally important thing for our state with huge economic implications and benefits.

SENATOR GREENLEAF: He was very helpful in helping us get prison reform passed the last two sessions of the legislature, so he was very, very helpful in that regard.

So again there are some similarities between what we're talking about today --

SISTER MARY SCULLION: Correct.

SENATOR GREENLEAF: -- and just bad policy --

SISTER MARY SCULLION: Exactly.

SENATOR GREENLEAF: -- that results in incarceration of a lot of people that we didn't have to incarcerate. We're trying to change that to have more rehabilitation more than -- it's the
same situation here.

SISTER MARY SCULLION: Exactly.

SENATOR GREENLEAF: If we intervene here and stop this compulsory homelessness with, even the banks will be better off if they kept them in their homes.

SISTER MARY SCULLION: Everybody is better off with people in their homes. We actually did a report, it's called Saving Lives, Saving Money, and I'd be happy to forward that to you, where we show the economic benefits of, it's cheaper for the state to house people than to have people being homeless. So we have that laid out pretty well.

SENATOR GREENLEAF: Please do. I would love to see it.

SISTER MARY SCULLION: That's easy to do. The other thing I would like to say is when a person is homeless they lose everything. So often there's no ID, you can't get your ID, you can't get your benefits, healthcare, you lose --

SENATOR GREENLEAF: You have no address.

SISTER MARY SCULLION: Exactly.
There's so many -- it's such a heavy downward spiral for homelessness, and that's where the Homeless Advocacy Project is so critical in helping folks just do the most basic services and needs so that they can access the benefits and the help that they want.

And then on a more systemic level, Regional Housing Legal Services works with organizations like Project H.O.M.E. and organizations like Project H.O.M.E. all over the state to build and provide housing, along with Pennsylvania Housing Finance Agency. We have the highest respect for Brian Hudson and the Pennsylvania Housing Agency.

They fought to get HEMAP back, and Judge Rizzo and you were just commenting on the importance of the HEMAP program. And so, and Regional Housing also helps organizations that build housing, so that people with special needs, especially people who are seriously mentally ill and people who are actively addicted can begin that journey home and get not only the housing but also the support services that are needed.

SENATOR GREENLEAF: I'm glad you
mentioned that agency, HEMAP, because they --

SISTER MARY SCULLION: Critical.

SENATOR GREENLEAF: -- have a number
of constituents and have kept them in their homes
and are now back in --

SISTER MARY SCULLION: Absolutely.

And we're so glad that you supported that coming
back into the budget in the state. You make such
strategic decisions that impact people's lives in
such profound ways, and that's why we're so
grateful for your interest in educating yourself
and the Commonwealth on the real pressing issues
that are facing our state.

SENATOR GREENLEAF: They can have real
impact on people's lives. But if you don't care
about these people's lives then care about our
society in general, because that has an impact on
their neighborhood and on their family ultimately
and on the legal and financial consequences that
come with homelessness.

SISTER MARY SCULLION: Exactly. So I
know that there's a lot of people that you want to
hear from today, so I don't want to keep going on
and on.
SENATOR GREENLEAF: I'm sorry. I won't interrupt you any more.

SISTER MARY SCULLION: No. No.

That's it. I think you really actually asked some of the most strategic questions, and I think that's all I really have to say.

SENATOR GREENLEAF: Thank you so much and thank you for your ministry.

SISTER MARY SCULLION: Couldn't do it without the Commonwealth, so I appreciate all your support and leadership. Thank you very much.

SENATOR GREENLEAF: Okay. Thank you.

Okay. The next witness is, J.R., a client of Women Against Abuse Legal Center, presented by Deborah Culhane, staff attorney, Women Against Abuse. Hello.

DEBORAH CULHANE: Hello.

SENATOR GREENLEAF: Thank you for being here today.

DEBORAH CULHANE: Thank you for having me. So my name is Deborah Culhane. I am the senior staff attorney at Women Against Abuse Legal Center. That's a domestic violence agency here in Philadelphia. I've been at the legal center for
ten years.

I'm here today to present the testimony of my client, who I will call J.R. She could not be here today because she's very fearful of her ex-partner, the father of her son, that he might retaliate against her, having heard her testimony, if he does hear it.

So with your permission I would like to read my client's statement and then I'll be available for questions and I have a fewer other points.

SENATOR GREENLEAF: Please do.

DEBORAH CULHANE: Thank you. So my client said: The picture I had of going into court was not what happened at all. When I went in for my first protection from abuse, PFA hearing against my son's father, I was petrified and didn't know anything about it except for what the judge and the woman in the waiting room told me.

No one had ever told me to bring my witnesses and I didn't know I could subpoena witnesses. These were people who had witnessed the abuse that I experienced, and I didn't know to have them available.
At the hearing my son's father had an attorney but I didn't. After the hearing, at the end of the hearing the judge dismissed my case and said she didn't believe what I said. I also filed for a protection order for my son against his father. That was scheduled for another day in front of a different judge.

As far as protecting my son, I wouldn't have known what to do at all. I was just told to get an attorney. Don't fill out a form online or anything like that, just get an attorney.

I knew nothing about the law except that attorneys are appointed for you. And if not, if you can't afford one, contact Legal Aid. I kept calling and I kept calling and calling. Even the people around me, my family and friends, knew that without an attorney I wouldn't be able to see the light of day.

I was already afraid because my son's father had told me that he had connections and all he had to do was walk in and walk out of court to get what he wanted and there was no way to circumvent him. That's the reason I stayed with
him for so long. I was afraid I would lose my son. I knew I would have an uphill battle.

When I met my son's father he said he was a former Philadelphia police officer who was wounded on duty. He showed me a wound that he said was from a bullet. He had this elaborate lie for something that had never happened and he told it to me for years. It was a picture he had painted of himself.

It wasn't until I met my attorney for my son's PFA case that I found out he was never a cop. It wasn't true. I didn't know that there was a way to find out that that was not true.

At the PFA hearing for my son it was different because my attorney asked all the right questions and she knew when to say "Objection" to questions that were irrelevant. Her questions helped me to explain why I believed what I believed about him being an officer, for example. Her questions helped me to explain the details of how my son's father had been violent towards my son and why I was afraid for my son.

The judge granted a PFA for my son and told me she believed everything I said, but she
still had questions about whether my son's father
should be granted supervised visitation.

My attorney had to file more paperwork
to request an additional hearing about custody and
to make more legal arguments and to prepare my case
that I could appeal if necessary.

The judge allowed us to have an
additional hearing. During that hearing the
attorney for my son's father objected to me
testifying about the abuse that I had suffered.
But my attorney quoted some laws to allow me to
testify and explained how my abuse caused me to be
afraid to take my son to the hospital at one
point.

I know it made a big difference for me
to be allowed to testify about these things. At
the end of the trial the judge granted the PFA
again, but only gave my son's father supervised
visitation. She explained that she didn't want him
near us other than at the supervised court nursery
and that he is not to know where we live.

Without an attorney I wouldn't even
have known that I could keep my address
confidential. Also, the first time I heard that
you need to write down the date and time of when
you've been abused was from my attorney.

Being a victim no one ever tells you
that you're supposed to write down the date and
time. Nobody knows that. It's not in Lifetime
movies. It's not written in those pamphlets they
give out at the hospital, they just say "Get out."
But once you get out then what?

I had blocked a lot of things out to
survive the eight years I had to deal with him. I
had to write down what he wanted for dinner. If I
asked him a second time I'd get punched in the
face. But these are not the things the court
wanted to see. The court wanted to know the date
and time he hit you. They need to have billboards
that tell victims of abuse to write down the exact
date and time.

There are a lot of things like this
that no one tells you, that you don't know about
going to court, and it's not what you expect. You
can't rely on what friends and family tell you,
even if they have experienced it, because their
case might be different from yours.

There's a lot I learned for the first
time when I had an attorney. If I didn't have an
attorney I think I would have had a nervous
breakdown.

SENATOR GREENLEAF: Okay. This is
the, I think one of the first, or one of the issues
that we should be, I think, paying some attention
to, because this is certainly a basic human need,
because we're talking about physical abuse,
threats. Sometimes we see people who are violating
the order and shooting, and we just say that
recently in the news that that happened.

So these are life-and-death issues
that we're talking about here. And maybe you can
explain the process a little bit for people who are
not familiar with the protection of abuse action.

DEBORAH CULHANE: Yes. One of the
first things I would say, and I think what this
case highlights, the constant refrain that we've
seen in our cases is that this client had two
completely opposite results.

Going in for her first case, which is
a protection order she filed for herself, she
didn't have an attorney, she tried to do the best
she could with her case, she had a full hearing in
front of a judge and the case was dismissed, the temporary order she had received was vacated and that was a decision that stood. There was no way to in fact have a do over, something like that, right? On the cases dismissed the order is vacated, there's no second chance unless there's a situation where further abuse happens.

Then she contacts our office, we were able to get involved with the case. Same client, a very similar fact pattern, but now the case has shifted to the protection order she filed for her son. When she was able to have me represent her, present her testimony in a more coherent fashion, have evidence, be able to anticipate the judge's questions, make legal argument, make all the correct objections, and just have somebody by her side that she could tell her story even while she's having to stand essentially next to her abuser on the other side, the result was the complete opposite. And that's what we see over and over again in our cases.

I recently also had a custody case with very serious abuse toward the mother. And in that case the client had been to court several
times before I got involved with the case. She had three children. The parties were granted shared custody so that with the three children each parent would have one week, so one week for mother, one week for father, despite the fact that the father had a serious history of drug dealing, a serious criminal history, being violent toward mother and unstable housing.

When I was able to take the case I was able to file the right motions, I filed for a home investigation, asked the judge to grant supervised visitation, presented evidence about the father's criminal history, his drug dealing, his current housing situation, the fact that he had violated the client's protection order. And the result was the complete opposite.

The client was granted primary custody with supervised visitation for father because the judge now had all of the evidence and understood the serious nature of the case. And the fact that father was still threatening mother, even though it had been at that point a couple of years since they separated and there was still an ongoing risk to the children.
So to your point, what we see in these cases is that if there's not an attorney involved often, and if there's not early intervention and if the judge doesn't have all of the correct information to be able to intervene, the cases escalate.

Unfortunately, sometimes the orders are violated, if they're even granted, and then it can escalate to very serious criminal cases, felony criminal cases.

SENATOR GREENLEAF: We can't talk about this particular case, but what's the fact, maybe you can describe the fact issues associated with these cases. It's not just yelling at each other.

DEBORAH CULHANE: No. In order for a PFA, protection from abuse order, to be granted in Pennsylvania it basically has to be physical abuse, sexual abuse, or threats of doing those things. And the threats have to be substantial enough for a reasonable person to believe that they will be carried out.

And most of the clients that we see at Women Against Abuse, I see probably a hundred
clients a year, there's no question that they meet that threshold. They're way over that threshold.

SENATOR GREENLEAF: Using guns, knives?

DEBORAH CULHANE: We see all manner of weapons, we see both long guns and short guns, we see various other weapons, often household items are used. We see abusers trying to run over clients with their cars. We see abusers getting other family members involved, having other people, unfortunately, physically attack our clients. And so we see the whole gamut of those.

What I've seen over the ten years that the I've been at Women Against Abuse is that the cases are getting more and more complex, the level of violence is getting more and more serious. And at the same the resources for clients to seek help are getting less. So it's really a multifaceted problem.

SENATOR GREENLEAF: With these issues being unresolved in the family, what's the impact on the children?

DEBORAH CULHANE: The impact that we see, and again having been there for ten years, and
I concentrate my practice now mostly on custody cases. The reason I do it is that in the foreseeable future what I see is that if we are not able to intervene in these cases, those children themselves will grow up to be either abusers or victims, and that's what we see.

When I take the cases, often is that the children are severely impacted either by witnessing abuse to their mother or to their parent, or by experiencing abuse directly to themselves, and often it's both.

And if those, if we're unable to get correct services, these children have trauma, they have PTSD, they have behavioral health problems, they often are suicidal, they are in and out of mental health facilities themselves. I have children who are 302'd, which is involuntarily committed.

I have a child right now who was involuntarily committed nine times in six months, she's been on the street, she's run away, she's tried to hurt herself, hurt her other family members, hurt my client, hurt her mother, hurt her brother.
And so the reason I do these cases is because if we can make an investment now it will pay off later, not just for my clients who are the adults, but for those children, and that is critical.

SENATOR GREENLEAF: If we let them just hang out there, without resolving this particular issue, this, what you call basic human need, we're not talking about taking the whole matrimonial issue on and dealing with that, we're dealing with this specific issue.

DEBORAH CULHANE: We're dealing with the right, a basic human right to be free from abuse, whether you're a child or an adult. And often if we don't intervene, particularly in the custody cases, those children will have to have substantial ongoing contact with an abusive parent, because the court doesn't have before them all the evidence to say that that's not a good idea at this time at least, and there are ongoing negative impacts for the children.

SENATOR GREENLEAF: And to society generally.

DEBORAH CULHANE: That's right.
SENATOR GREENLEAF: If you're not concerned about the family then be concerned about society generally.

DEBORAH CULHANE: That's right.

SENATOR GREENLEAF: They live in the community and that violence does not stay within the family.

DEBORAH CULHANE: Absolutely. It spills out onto the street and it manifests itself in many other ways, say nothing of which the very low standard would be that we want these children to be functioning members of society, actively contributing.

Unfortunately, what we see sometime is the other end of the spectrum where we're having children that are themselves having criminal activity at younger and younger ages and again becoming perpetrators of violence themselves.

SENATOR GREENLEAF: It's about to go on without it being addressed legally.

DEBORAH CULHANE: Absolutely.

SENATOR GREENLEAF: -- have attorneys who then we can save them, but if it drags on --

DEBORAH CULHANE: That's right. And
often these cases are much too complicated for any pro se litigant. Even though we have a lot of clients who are relatively capable, they're very complicated in terms of gathering evidence, subpoenaing witnesses, explaining things to the court, answering questions, putting the whole case together.

And unfortunately a lot of our clients aren't able to do that, to say nothing of the fact, as has been mentioned, we have many clients who have limited English, clients who are coming from foreign countries that have extremely different legal systems than the one that we have. They have no idea what to expect. And the fact that they're coming from civil law countries, not common law countries.

We also have clients who may be native born or foreign born who simply don't read English or don't read it well. And all of that just creates a recipe for disaster when they don't have attorneys.

SENATOR GREENLEAF: Thank you for what you do, and this is another aspect of legal services that we need to have adequate funding.
DEBORAH CULHANE: Thank you. It's been my pleasure to be here. And I would just refer you to our written testimony. We have, in addition to the client story that I read, we have three other clients whose testimony is included to show the critical need for these services for domestic violence victims.

SENATOR GREENLEAF: Thank you.

DEBORAH CULHANE: Thank you.

SENATOR GREENLEAF: The next witness is Dabney Miller, Associate Director of Women's Law Project. Ms. Miller.

DABNEY MILLER: Thank you.

SENATOR GREENLEAF: Thank you much for coming up. I would like to hear from your experiences.

DABNEY MILLER: Sure. Thank you, Senator Greenleaf. I'll try to be extremely brief because I know time is short.

SENATOR GREENLEAF: Thank you.

DABNEY MILLER: I am the Associate Director of the Women's Law Project, which is a nonprofit legal advocacy organization dedicated to creating a more just and equitable society by
advancing the rights of women, and status, throughout their whole lives. Sorry.

SENATOR GREENLEAF: Take your time.

You need some water?

DABNEY MILLER: Yes.

SENATOR GREENLEAF: Just take your time. We want to hear what have you to say, so take a drink of water.

DABNEY MILLER: Okay. I am not a lawyer, I am a social worker, and I have been operating our telephone counseling and consumer education service since I've been on the staff, which started in 1985.

The telephone counseling service is a very limited stop gap, last resort type of service to provide general legal information about the law and about court procedures.

More than half our callers call about family law problems. About two-thirds of them raise custody as an issue, it's a huge problem, I won't repeat why, it's been well said here. A large number of them face domestic violence, most of them don't have lawyers. Over half of them have expressed a direct desire to have a lawyer.
I think the point that I really want to make to you has to do with how these people feel when they come to us, how desperate they are, that they are most -- we live in the poorest city, we have the fourth-hungriest Congressional district in the country. A quarter of all Philadelphia adults cannot read or write, another quarter can't read or write well enough to accurately complete forms.

When they've also been abused, when they have been unable to work and have been cut off from resources and they are desperately trying to create safe futures for themselves and their kids, it's impossible to do without a lawyer.

We can provide information, we can walk them through the processes, we can explain what they can expect, but we can't give them the self-confidence that comes with having the economic resources, not having been beaten down in terms of your self-esteem and knowing that you're well educated and having a sense of entitlement to speak in a forum that's so foreign to you.

So that's really the point that I wanted to make that I think is different from what anybody else has made, is that people are truly
The need is -- we can't even quantify it, it's so difficult for them.

SENATOR GREENLEAF: If we want to turn our society around we need to start where the need is the most, not the top, the people that are most in need, the most in crisis. That's how we turn it around.

DABNEY MILLER: That's right. And we know that we all need to be safe, we all need to have secure shelter, and we all need to have food. And for adults to provide those things for themselves we need the law and the court system to be workable and accessible to them.

SENATOR GREENLEAF: Seems to me it's a good investment.

DABNEY MILLER: I agree completely. Thank you so much.

SENATOR GREENLEAF: Thank you very much for being here today.

The next witness is Katherine Lange, Philadelphia pro se litigant.

KATHERINE LANGE: Good afternoon.

SENATOR GREENLEAF: Well, you've got all your papers ready, that's for sure.
KATHERINE LANGE: Oh, this is only some of it. You should see, I have a room full, that's how bad it is.

SENATOR GREENLEAF: Well, that's good. I'm glad you're here.

KATHERINE LANGE: But thank you so much for listening today, because it's so important. And my family has been impacted tremendously. It's really hard for me because I have five children, I'm a single mom. These are the people behind my story, and they have suffered tremendously.

SENATOR GREENLEAF: How many children?

KATHERINE LANGE: Five, and I'm trying to do this without getting really upset. It's hard.

SENATOR GREENLEAF: That's all right. Take your time. Would you like some water?

KATHERINE LANGE: No. I'm just going to plow through this. I represent the single mom. I represent the mom who is in Family Court all the time, okay?

I'm poor now. I have been in the
system for 20 years. My daughter's 21. I have paid for lawyers in the past; I can't do it any more. This is my docket history right here.

SENATOR GREENLEAF: That's just the dockets?

KATHERINE LANGE: That's just the dockets. I've been in court I don't know how many times. And my frustration is this, I can't afford a lawyer. So we go to court, I'm there unrepresented, I'm up against some high-powered lawyers, political lawyers, and things are squashed. It doesn't help my children.

Thirteen times I've been down there for protection from abuse. My son was hospitalized. He was ambulanced from one hospital to Friends Hospital and spent two weeks there. I couldn't even get the judge to get his hospital records on file. The dad gets custody.

This happens over and over again. Just as recent, the last one, I have full custody of my 16-year-old son and my other children still remain with him. He has been arrested, and countless times I've been down to the court to get a protection from abuse because he's violent.
It's not just the physical damage. My other son was hospitalized suicidal; it's the emotional damage. My daughter was cutting herself, pulling her hair out. No matter what I did, it's so frustrating that these children aren't protected by the courts.

I've tried to go to Legal Aid. I'm working with them now. But I've been with them six months and I've yet to get a physical attorney in court. And they try to give me some advice. I'm pro se. And I objected because a petition was being heard I had no knowledge of and the case was, kept going on. And there's ramifications to that. Trying to go to court --

SENATOR GREENLEAF: I think they have a policy that they don't take -- they take custody but not the other issues associated with the divorce case. I think that's -- maybe that should be changed, but maybe they just don't have the money to do it.

KATHERINE LANGE: Exactly. Exactly. And there are changes needed because women and even men, if they don't have a lawyer and they're down there and due process isn't being served, there's
nothing they can do. I've learned to take appeals, but it's a lengthy process, it's very expensive. I don't have the money to follow up with them.

Also reconsiderations, if the judge denies them that's it. I've learned to try and file recusals, I've done it twice, but the person that gets to rule on the recusal of the case when you have a judge that's not protecting the children is her herself. And so how does that help? There's no objectivity there.

Now I come from a background, just a little bit, where I grew up with a family that, my parents were pretty wealthy. And actually my dad was a judge in Philadelphia. He's been dead 22 years. But after he died I had my family and I'm going through all this.

And it has depleted me of all my finances, it's rendered me emotionally -- every time I have to go to court I get -- I can't sleep the night before and I get paranoid.

The effect it has had has been horrendous. The children need to be protected, and because I don't have an attorney in court I feel like I can't get the evidence there, I can't get
the evidence presented. I'm not allowed to speak.

My son was punched in the face in July and beat up by his dad. He was arrested, but when it came down to the PFA, the protection from abuse hearing, we're not allowed to speak. All the judge said was, this was an unfortunate incident and I'm dismissing the matter.

I said, your Honor, can I get on record here? I would like to ask some questions of my son? And this is repeated abuse. So in those hearings you're supposed to be able to bring up past abuses. No. I was taken out in handcuffs and put down in a holding cell for an hour. I wasn't found in contempt technically, but I wasn't allowed to speak.

His rights were taken away by DHS when we were at 18th and Vine. And I had a court order. He was supposed to have visitation only. Next thing you know I'm dealing with a court order from Family Court just weeks later. That is an inherent problem, that these courts are at the same level.

The only one that should have been able to undo that court order is the other court. But Family Court undid it, and the kids, after all
this counseling that they got, it was all undone. So there are problems that way. But I'm here today to talk about legal help and how it's so important that you are represented in court, especially Family Court, because it does have an effect on the children.

And like Judge Murphy said and other people said here today, it does have a lasting effect. And I'm constantly trying to do damage control.

So thank for listening and I'm hoping that Legal Aid here in Philadelphia gets more help because they're overwhelmed.

SENATOR GREENLEAF: Yes, we know that. I heard originally the statistic was 50 percent in domestic relations, but now I've heard today it's like 90, 95 percent; it can't get much worse. And there are many, many stories like yours. I've heard them.

KATHERINE LANGE: My four kids are so tangled up because, I think if initially it was dealt with appropriately it would take off that caseload and it would just -- a lawyer would be there and it wouldn't keep going and going and
I'm in court for support issues right now. It will be my eighth time down there since 2011; it's not resolved, 2011, 2013. So yes, absolutely I think --

SENATOR GREENLEAF: Actually to everybody, to your husband and to you and the certainly to the children to have this resolved once and for all. People keep litigating because they don't feel justice is being done, that's usually the reason.

So I hope we can change that.

KATHERINE LANGE: It's not that I don't like the outcome, it's dangerous to them, and it's been proven over and over again. Forty-five police reports. I mean how much more is their leniency going to be? And they're going to ignore all of this. And there's an effect on the children. They're hospitalized.

There's so much evidence. DHS I'm trying to get them in as witnesses, no it's squashed. I'm pro se. But I feel if I had a lawyer there they would be able to kind of overstep and talk back to the judge. I have to be in front
of this judge again, so it's really hard for me to
kind of advocate too strongly, you know?
   And you're emotional, it's your own
children, it's hard for you to represent them
properly.

SENATOR GREENLEAF: Absolutely.

KATHERINE LANGE: So I appreciate your
listening.

SENATOR GREENLEAF: Thank you very
much for being here today.

Our next witness is Catherine C. Carr,
Esquire, Executive Director of Community Legal
Services.

CATHERINE CARR: Thank you, Senator.
I'm very pleased to be here. So I'm the director
of CLS, the largest public interest legal aid
organization in Philadelphia, and I realize I'm the
only thing standing been everybody and lunch, so
I'll be short.

SENATOR GREENLEAF: That's okay.

CATHERINE CARR: You've heard from a
lot of people today who have been helped by Legal
Aid, and the prior witness who was unrepresented.
But when we were planning these hearings, to try to
think about getting people in front you who were not represented was really the hardest part, because, frankly, we don't see them. We have enough to do with the people that we do represent that we're not really tracking them and we're not seeking out extra clients.

And that's sort of a little bit of what I want to talk to you about today, which is my job as an Executive Director, with very, very limited resources, is often about trying to figure out who and how we say no to. And that's a very, very painful process. And we're doing it on an ongoing basis.

In 1979 there were 100 attorneys in my office. Now we have 50. We have gotten smaller, we will continue to get smaller. We're trying to figure out a $2 million hole out of a $10 million budget that begins on July 1 in my office. We already downsized, lost 26 people out of our 125 or so staff two years ago, and we may have to do that again.

So we're constantly trying to prioritize and decide what we're not going to do for people and who we're going to turn away, and
that's an extremely painful process. Over the years we've done that in a variety of ways. In some ways we almost hide from people who are potential clients because there is so much need and so few of us.

So years ago we had offices all around the city, now we have two, one downtown and one in North Philly. We limit our intake hours. If you have a landlord-tenant case you can only call us on this day, you can only walk into our office in North Philly three mornings a week. If you have a custody problem you have to go to a clinic at our sister organization, Philadelphia Legal Assistance.

We are just constantly kind of trying to figure out how to protect ourselves from the need which is so tremendous. I'm not proud of that, but it's the reality. You know, you've got 500,000 people, half a million people in Philadelphia who are eligible for our services, we served 15,000 of them last year and we turned many away.

We've made some tough decisions, specific decisions just recently about how to do that. Now if you walk in -- you don't know how
many people in Philadelphia walk into our offices because their utilities are either about to be shut off or are already shut off, so you don't have water, you don't have electricity, your kids can't do their homework.

We now only represent and assist the people who have already had their utilities shut off. So if you walk in with a notice that your utilities are about to be shut off -- and there certainly are things we could do for you -- we don't take that case. We'll give you some written information. Although as Dabney pointed out, then there are lots of people who don't even read, we have many people who under educated or mentally limited, and we can't help them until actually their utilities have been shut off.

We have a welfare, we run a welfare line where people who are trying to get Medicaid or benefits that they're due would call up and we would help them. We closed that down last month because we just don't have the staff. And when the father of the autistic son, he described exactly what kind of thing we're talking about, which is somebody who's dealing with welfare offices which
are particularly understaffed and dysfunctional right now. And now we take eight people who walk into our office a day, and that's all we can help.

So that just -- it's like we're -- the only way I can feel better about it is that we're selecting out some people who illustrate a problem, we help those eight people, and then we try to do systemic work to see if we can't fix the welfare system.

But there are just so many people that we're not able to help. We are rejecting employment cases. And our employment cases are already very limited kinds of cases, people who have barriers to work, credit problems or criminal record problems or maybe criminal records which aren't really their own which are in a database. And there are things we really can do to help these people, but we're turning about 400 people away a year who we can't help with these kinds of things.

Or wage theft, people who haven't been paid by their employer. So we're turning them away. Our elder work, we had to take a whole class of kinds of cases, medical disputes, nursing home disputes, and just say we can't handle them any
more. Two hundred fewer people, elders with real problems that we're turning away.

    We used to do community outreach and community education. Well you know what, you go out and you go talk at churches or talk at neighborhood groups, that results in people who need your services.

    People would love to have our lawyers come places. We can't go because we would ultimately just end up spending all our time doing that and not have the time to represent people.

    So I just wanted to give you a picture of the struggle of saying no to people.

SENATOR GREENLEAF: A thought that occurs to me, that the function of the judicial system and the attorneys is that we actually solve disputes among people. That's part of our democracy. If we fail to do that, then we fail in democracy, because when we fail that then those issues are unresolved and there's a lot of unintended consequences that come about from that, and some of which are criminal activities, some of which are civil violations, unresolved disputes then proliferate in our society, and it becomes
dysfunctional and the system isn't working.

CATHERINE CARR: You're right. I often say we're part of law enforcement, right?

SENATOR GREENLEAF: Right. And what happens is that we're -- there's consequences to society overall, not just to the people whose issues are not resolved or not resolved well. There's consequences to all society.

So we can't sit here and say well, it doesn't affect me, that's their issue, we can't do anything about it or we don't want to do anything about it because it will come on our doorstep sooner or later.

CATHERINE CARR: Yes. And of course we as Americans are so proud of our system of justice, we're really about justice. Every child who says the Pledge of Allegiance talks about justice for all. And yet I think the people you've heard from today and the people in this room who do this kind of work are really aware of the huge, gaping holes in the justice system, and the provision of lawyers is certainly one of them.

Consumer scams, we haven't heard too much about that today, but we can only do a limited
amount of those cases, but the American ingenuity in figuring out how to separate people from their money illegally is amazing. And without the lawyers who can pick that up and help people, often elder people of course, that's just another piece of law enforcement gone awry.

 Mostly I think, as the closing witness here, Senator, I want to thank you so much for your interest, your willingness to have these hearings, to care about both the organizations that do this work, but much more importantly all the people that we do assist and all the more people who we cannot yet assist but some day hopefully we will have the resources to.

 SENATOR GREENLEAF: Thank you. I don't think we've ever had hearings on this issue on a statewide basis. So it's been educational for me and hopefully for the people of Pennsylvania, what the situation is and the truth of it.

 So your witnesses here today were very, very helpful in conveying that message. Thank you very much.

 CATHERINE CARR: We look forward to working with you on solutions. Thank you.
SENATOR GREENLEAF: Thank you very much.

(Applause.)

SENATOR GREENLEAF: I think that completes the list of witnesses that we have here today. There are others that have written and submitted testimony, and if you are interested in doing that you may do that.

Dionna Litvin, Esquire, Assistant Counsel to Merck. These are a list of people who have submitted written testimony.

Colleen F. Coonelly, Esquire, Laurel House, Norristown, Pennsylvania, Adjunct Clinical Professor, Domestic Violence Law Clinic, Temple University, Beasley School of Law.

Molly Callahan, Esquire, Legal Director, Women Against Abuse Center.

James Daly, Client of Community Legal Services.

Adrienne Trice, Client of Philadelphia Legal Assistance.

Pei Hung Zhen, Client of Philadelphia Legal Assistance.

L.S., a client of Women Against Abuse
Center.

Patricia Tarawally, a Client of Philadelphia Landlord/Tenant Legal Help Center.

Alina Patterson, a Client of Community Legal Services.

Harbee Johnson, a Client of Community Legal Services.

Irene Stone, a client of Philadelphia Landlord/Tenant Legal Help Center.

Michelle Evans, a Client of Community Legal Services.

Lisa Frederick, a Client of Face to Face.

A.L., a Client of Women Against Abuse Legal Center.

S.L., a Client of Women Against Abuse Legal Center.

And Terhan Freeman and Helen Whittington and Russell Freeman, Clients of Legal Aid of Southeastern Pennsylvania and Delaware County.

All of these individuals, I think almost all of them have written comments, will be posted on our website for review, if you so
desire.

Yes.

TERESA ISABELLA: Senator, I would like -- I have my own situation which I mentioned to you where my house was stolen, but I really want to comment on some --

SENATOR GREENLEAF: You can come up here and sit.

TERESA ISABELLA: I want to comment on a number of things that I fear that maybe you're not aware of, as a pro se litigant myself in many situations.

I hear this woman who has battled in Family Court. I'm going to tell you right now, see how many times she's been in court? See how big her docket is? I had the same thing.

I threw my husband out of the house because he was cheating. Well, that was the beginning of my demise. And I just found out, now I wonder, gee, why is she going in and out of court? Why are they taking her kids away? Why are they this? Look up Judge Robert Matthews dot-com.

SENATOR GREENLEAF: I don't want to mention individual judges here, or litigants.
TERESA ISABELLA: Oh, I'm sorry.

SENATOR GREENLEAF: I don't think that would be -- you can mention the case and talk about the case.

TERESA ISABELLA: Well, my case, my case was a divorce. I didn't have, I didn't have representation, okay? And I got bantered around. I have, you know, the books, the rules, the this, try to do it the best, best way.

But the thing is, then you have the person with the attorney who's maybe a sleazy attorney, and then you go right down the river.

Also then someone mentioned -- I'm going to mention just a number of general things -- political, lawyers that have political attachments to them. There are many. There are many.

I was worth over $3 million in property, and when I left Family Court I was reduced to fighting for one house, and all of which was money that was put in by myself to buy the properties cash. And just the judge -- can I mention his name that I had?

SENATOR GREENLEAF: No, I prefer you not. It's not to protect anybody, I don't think we
should be talking about the names of the litigants or judges or anything like that, because that's distracting to what we're trying to do.

TERESA ISABELLA: Do you know about Superior Court, that if someone appeals something, I would like to mention in Superior Court you cannot go to the office any more and be able to make a copy of some part of your record. They charge you 50 cents now.

Before if you were IFP, okay, they didn't charge you. What is it with that? How are people who do not have money that are pro se litigants do that?

You mentioned about law firms -- I mean you mentioned about how to raise money. How about these law firms that get these big class action suit cases? What about them? What about them to kick in money when they get millions upon millions upon millions of dollars. And these organizations, okay, do not get the proper funding.

I've been through it, I've been refused by organizations, I'm a little ticked off, but what about, what about possibly having
paralegals be filling in on some of these
situations.

These are thoughts that I came about
by hearing these people who, and myself, who have
been, lost many years of their lives. When I -- my
house was stolen. I'm a senior citizen. I lost
five years and a half of my life. And you know, at
my age, being a senior citizen, what's five and a
half years? A lot of years that I had to fight on
my own without the benefit of help from the city.

It doesn't only start being a pro se
litigant. It starts with the City of Philadelphia,
the judges that are corrupt, the judges that need
to be reviewed, the senior judges that need to go
out.

SENATOR GREENLEAF: Okay.

TERESA ISABELLA: Okay? But I'm just
saying that, you know, when you have a judge that
recuses himself and then renders you, then takes
you back into the courtroom and says okay, your
thing is denied, that's not right.

But when you're by yourself, when
you're a pro se litigant what can you do? It is
imperative that -- I am proud to be an American.
As Ms. Carr said, I'm proud to be an American. I'm proud to be a Republican.

And I want to say what I would like is to please help all of us. I know it's a big task, but please help all of us. I am so happy that you are behind this type of issue. And some of my notes I will put down in writing --

SENATOR GREENLEAF: Please do.

TERESA ISABELLA: -- and submit them to you. I am very sorry, and I don't want to hold you up any more. But I thank you very much, but please, these people and people like me, who don't have the money to pay an attorney, or who got an attorney, then they didn't get the job done right and you had to drop them, then you get a judgment because you paid part of the money and then they bill you for this much more.

This is what happens to these people. That's why they're pro se. Maybe they go to an attorney first, but it's a tough row to hoe with the judges in the City of Philadelphia, and that goes for Family Court also.

SENATOR GREENLEAF: Thank you.

TERESA ISABELLA: And I thank you very
much. My name is Teresa Isabella and I will put
some of the comments that I wrote down in writing
and submit it to your office.

    SENATOR GREENLEAF: Okay. Thank you
so much.

    TERESA ISABELLA: And I thank you for
letting me say those few words.

    SENATOR GREENLEAF: Thank you.

(Hearing concluded at 1:09 p.m.)
CERTIFICATION

I, JAMES DeCRESCEIZNO, a Registered Diplomate Reporter and Notary Public in and for the Commonwealth of Pennsylvania, hereby certify that the foregoing is a true and accurate transcript of the hearing of said witness(es) testified on the date and place herein before set forth.

I FURTHER CERTIFY that I am neither attorney nor counsel for, not related to nor employed by any of the parties to the action in which this hearing was taken; and further that I am not a relative or employee of any attorney or counsel employed in this action, nor am I financially interested in this case.

JAMES DeCRESCEIZNO
Registered Diplomate Reporter
and Notary Public