

**STATEMENT**  
**OF**  
**JACK ROSENTHAL**  
**PRESIDENT OF THE NEW YORK TIMES COMPANY**  
**FOUNDATION**

**ON**  
**IOLA AND THE FUTURE OF**  
**CIVIL LEGAL SERVICES IN NEW YORK STATE**

**BEFORE:**

**THE NEW YORK STATE SENATE COMMITTEE ON CRIME**  
**VICTIMS, CRIME AND CORRECTION,**  
**THE NEW YORK STATE SENATE JUDICIARY COMMITTEE,**  
**THE NEW YORK STATE SENATE COMMITTEE ON CODES,**  
**&**  
**THE NEW YORK STATE SENATE COMMITTEE ON VETERANS**  
**AND MILITARY AFFAIRS**

**SUBMITTED**  
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**PRESIDENT OF THE NEW YORK TIMES COMPANY FOUNDATION**  
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Ladies and Gentlemen of the Senate, my name is Jack Rosenthal. For the past 10 years, I have been President of The New York Times Company Foundation, a philanthropic organization that has provided grants to non-profit institutions and administered several programs for the benefit of New Yorkers in need. Before that, I was a reporter, editor and executive at The New York Times since 1969, heading the Times editorial board and later The New York Times Magazine. I am just now beginning a new position as the first Senior Fellow of The Atlantic Philanthropies, a foundation that supports domestic and foreign non-profit institutions.

I submit these remarks because I know from experience how important it is that the Legislature maintain its funding of civil legal services in New York State. Access to free legal services is invaluable to the underserved New Yorkers who are the beneficiaries of safety net programs like ours. Without the assistance provided by dedicated legal services attorneys, these individuals and families in distress would have a much harder time obtaining the public services and benefits to which they are entitled. IOLA grants and private donations cannot support the civil legal services organizations on their own; only the Legislature can provide the steady funding necessary to sustain access to free civil legal services.

- **Civil Legal Services Attorneys Play a Vital Role in Connecting New Yorkers in Need to Public Services and Benefits.**

For 98 years, we have sponsored The New York Times Neediest Cases Fund to solicit donations from readers. In that time, we have collected nearly \$250 million. We have distributed these funds to troubled children, families and elders through seven participating social welfare agencies. Frequently, these agencies require the assistance of civil legal services attorneys.

A momentous example came in the wake of September 11 when the Foundation learned just how crucial civil legal services can be to the lives of thousands of distressed families. The day after the disaster, the Foundation initiated a special campaign to help the families of the victims. The New York Times 9/11 Neediest Fund quickly raised \$62 million. These funds were immediately put to use in solving a cascade of emergency issues, such as:

- Ø How could the families of victims secure the death certificates they had to have in order to qualify for public and private assistance?
- Ø How, in the meantime, could they forestall eviction by landlords ignorant of their plight?
- Ø How could the undocumented aliens who assisted in the clean-up, often with little or no protective gear, seek medical care without risking deportation?

- Ø How could Medicare and Medicaid beneficiaries be compensated for treatment when all of their records had been vaporized in the collapse of 7 World Trade Center?

With the encouragement of our 9/11 Neediest Fund, the Legal Aid Society of New York and Legal Services-NYC joined forces to create a special September 11 “poor victims law firm” to work with the Neediest Cases agencies.

Since then, attorneys from Legal Services-NYC and the Legal Aid Society have helped thousands of individuals. Among other things, the attorneys have advised people of their rights; made calls and written letters on their behalf; assisted with applications for benefits; represented people before courts and administrative tribunals; conducted numerous training sessions on issues like unemployment and social security benefits; and provided mentoring to attorneys from the private bar and community advocates.

- **Civil Legal Services Attorneys Are Able to Respond Quickly and With Creativity to Urgent Issues that Affect Underserved Communities.**

Perhaps the best illustration of the civil legal services attorneys’ creative response in the aftermath of September 11 was with regard to Medicaid. The computer lines that ran under Ground Zero were destroyed, leaving the New York City Medicaid office unable to communicate with its New York State counterpart. As a result, New Yorkers who were in need of immediate medical attention had no way to apply for assistance. To complicate matters, in New York State, the paperwork needed to establish eligibility for Medicaid can run up to 20 pages.

Almost overnight, legal services attorneys helped public officials devise a new, specialized system called Disaster Medicaid. Applicants needed to fill out only a one-page form in order to become eligible for same-day service. As a result, the New York City Medicaid office was able to process thousands of applications a week.

More recently, civil legal services attorneys have worked with The New York Times Company Foundation in responding to the subprime mortgage crisis. In February 2008, The New York Times Neediest Cases Fund launched a special program for families affected by the crisis. The Subprime Neediest Cases Fund provides grants to those in need of emergency assistance. Beyond that, families in danger of foreclosure and eviction frequently need advocates.

Legal services attorneys are the advocates that poor families need. In addition to helping families understand their loan obligations and negotiating with lenders, legal services attorneys are adept at identifying issues and finding creative solutions. They know the range of loan modification programs and alternative mortgage structures that help families regain control over their debts and stay in their homes. But it does not take a sudden disaster to inspire legal services attorneys to spring into action. The extraordinary emergency responses of legal services providers like the Legal Aid Society and Legal Services-NYC to the subprime mortgage crisis and in the wake of September 11 reflect what these agencies do on a daily basis.

- **The Quick and Creative Responses to the Needs of Underserved New Yorkers Will Disappear Without a Sustained Source of Funding for Civil Legal Services Providers.**

All over the state, legal services organizations are looking at projected shortfalls in revenues. The drastic decrease in the amount of IOLA money available, combined with a reduction in the number of charitable contributions, has left many of them severely underfunded. If the Legislature does not continue to fund civil legal services providers, these organizations will have to cut attorneys and staff. In this time of increased demand for legal services, that would be a tragedy for our neighbors, and for the State, which receives a substantial indirect benefit from the work of legal services providers.

Although many philanthropic organizations, The New York Times Company Foundation included, support the work of legal services organizations through grants and donations, we cannot be looked to as the legal services lifeboat. Last year, the Foundation, along with the New York Community Trust, was able to supply emergency funds to several legal services organizations to offset the loss of IOLA support; but the current economic climate has forced the Foundation to suspend its grant making activities. Our current situation offers dismaying evidence that private donors cannot provide the stable source of funding necessary for civil legal services organizations. Even in the best of times, charitable contributions only account for a small part of the revenue for civil legal services organizations.

- **New York State Must Take the Lead in Our Collective Efforts to Bring Critical Legal Services to Those in Our Communities Who Need Them.**

By taking decisive action now, and growing your commitment to the funding of civil legal services, the Legislature can send a strong message to the people of New York State that high quality legal services are vital; must be given as much support as possible from anyone who is in a position to contribute; and that the Senate is dedicated to leading the way. By renewing your commitment to the funding of civil legal services, you will be encouraging private donors to join in the efforts and supplement your funding. Most important, you will demonstrate to the attorneys who do this important work that their efforts have not gone unrecognized, and that they have the full backing of the State.

The legal needs created by the present enduring recession exemplify the types of long-term problems that civil legal services providers aim to address. Neither IOLA nor private philanthropy can rescue the essential legal services needed by the underserved. That requires a steady flow of state funding. Your support is necessary to maintain justice and service for all those who most need both.

Thank you.

Respectfully submitted,

Jack Rosenthal  
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