



February 16, 2022

Honorable Janet DiFiore, New York State Chief Judge
NYS Unified Court System - NYC Office
Office of Court Administration
25 Beaver Street - Room 852
New York, NY 10004

Honorable Judge DiFiore:

We write to express our concern that the pace of eviction cases moving forward in New York City Housing Courts is far surpassing the capacity of the legal services community and therefore undermining Right to Counsel's (RTC) impact and justice for tenants facing eviction. The Right to Counsel NYC Coalition is a coalition of tenant organizing groups, legal service organizations, educators, and housing advocacy organizations which advocates for a fair and just implementation of the city's RTC law.

As you may know, legal services organizations are not immune from the unprecedented labor shortage facing the nation and RTC attorneys have a massive accumulation of eviction cases due to the pandemic. With the expiration of the eviction protections and cases moving forward at faster rates, this creates a significant problem. In the Bronx, for example, judges used to hear one case every 30 minutes in the RTC intake part; now it's two cases every 15 minutes. This means that cases are being assigned at rates that far exceed the capacity of the legal services organizations, which will ultimately lead to tenants not getting the quality representation needed to effectively litigate their cases. Some organizations have declined to do intakes simply because they have no attorneys to whom they can assign the cases. Across organizations, attorneys are taking on unprecedented caseloads; some attorneys have upwards of 60-80 cases. This is not only unsustainable for the attorneys and an additional driver of the labor shortage and RTC attorney attrition, but it is incredibly unjust for tenants facing eviction, who deserve attorneys with sufficient time and resources to defend themselves and their homes.

Unfortunately, while judges clearly have discretion to give longer adjournments to create the time needed for organizations to create the necessary capacity, they are doing the opposite and giving very short adjournments, in some cases as little as one to two weeks. [The legal arguments](#) for multiple and prolonged adjournments for the purposes of Right to Counsel assignment, both in terms of NYC's Right to Counsel law and also as a matter of due process, are clear.

As we wrote in a [recent op-ed](#), we believe the solution is clear. ***Move only the cases where tenants are represented forward and adjourn all the rest until the legal services organizations have capacity to take more cases.*** These adjournments happen in other courts, like family court, where there is a Right to Counsel. There is a legal basis for judges to grant repeat adjournments for the assignment of counsel and due process requires it, plus judges have a broad discretion to adjourn cases as they see fit. Thanks to the Housing Stability



Tenant Protection Act, housing court judges have much greater ability to adjourn cases. We are calling on your office to issue an administrative order to this effect.

We are calling on your office to take the necessary action to ensure that tenants have the justice they deserve and that the Right to Counsel Law guarantees. We would welcome a meeting with you to discuss solutions and a way forward.

Please contact Susanna Blankley, Coalition Coordinator, for any questions and to schedule a meeting at susanna@righttocounselnyc.org, 917-691-0544.

Sincerely,

The Right to Counsel NYC Coalition Steering Committee

Cc: Senator Brad Holyman, Chair of the New York State Senate Judiciary Committee;
Assemblymember Charles Lavine, Chair of the New York State Assembly Judiciary Committee;
Hon. Lawrence K. Marks, Chief Administrative Judge of the Courts of New York; Hon. Carolyn Walker-Diallo, Administrative Judge of the Civil Court of the City of New York; Hon. George Silver, Deputy Chief Administrative Judge for the New York City Courts; Hon. Jean Schneider, Citywide Supervising Judge, NYC Housing Courts