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**Written Testimony by Access Justice Brooklyn
Before the New York City Council Committee on Consumer and Worker Protection**

March 19, 2026

Chair Epstein and Members of the Committee:

Access Justice Brooklyn respectfully submits this testimony to call the Council's attention to the need for additional resources to effectively operate limited-scope programs for pro se consumer defendants in Brooklyn Civil Court. Access Justice Brooklyn has provided high-quality, pro bono legal services and education to the Brooklyn community for more than three decades, helping ensure a more accessible legal system and equitable borough, and our services benefit thousands of Brooklyn residents each year.

New York City's Civil Courts have jurisdiction over monetary claims of up to \$50,000, such as credit card debt, auto loans, medical debt, student loans, and rental arrears. To assist defendants in these matters, two limited-scope legal services programs operate across the New York City Civil Court system: the Consumer Legal Advice and Resource Office (CLARO) programs, and the Volunteer Lawyer for the Day (VLFD) programs. Not-for-profit legal services organizations staff these programs in each borough, largely in partnership with law schools to increase the programs' capacity.

In Brooklyn, Access Justice Brooklyn operates both the CLARO and VLFD programs, where we have seen a significant, sustained increase in the number of consumer defendants seeking help since the COVID-19 pandemic. As many as 70 to 80 people come to the weekly, walk-in CLARO clinic on a given day, and most of those individuals also seek assistance on the date of their court appearance through VLFD. According to our data, Access Justice Brooklyn handled nearly 3,200 matters at CLARO and VLFD in calendar year 2019 and more than 4,400 matters in calendar year 2025 – an increase of nearly 40 percent, reliant on the same level of staff resources. This also exceeds the number of cases seen through these programs at other borough courts.

This high volume at CLARO and VLFD results in part from the extraordinarily high number of consumer credit cases filed at Brooklyn Civil Court, which regularly sees over 300 weekly appearances in the pro se part alone, as well as strong support for the program by the court, other legal services providers, and even the plaintiff's bar. The overwhelming request for CLARO and VLFD services also mirrors larger trends: rates of credit card delinquency have risen steadily since early 2022, peaking again last quarter¹ – giving us reason to assume continued and even increased need for legal help in these cases.

As the designated provider operating these programs in Brooklyn Civil Court, Access Justice Brooklyn sees and helps current and former Brooklyn residents with most of these cases – from credit card debt

¹ Federal Reserve Bank of New York. *Quarterly Report on Household Debt and Credit*. February 2026.
https://www.newyorkfed.org/medialibrary/interactives/householdcredit/data/pdf/HHDC_2025Q4

to medical debt to auto loans; attempts to collect on exempt income such as Social Security payments, often affecting older adults; and cases filed when the statute of limitations has expired. Assistance at CLARO and/or VLFD can therefore be highly useful to defendants, including but not limited to: demonstrating that their income and assets are exempt from collection under state and federal law; helping submit claims of medical or financial hardship and requests for discontinuances from plaintiffs; and assisting in rebutting affidavits of service to overturn default judgments resulting from improper service of process.

Without CLARO and VLFD, pro se consumers are largely left unaware of such options for their defense: a standard CLARO service involves helping consumers amend their answers to include their true defenses, and explaining their rights under local, state and federal consumer protection laws. For example, under the newly passed Stopping Harassment and Intimidation and Ensuring Lawful Debt (SHIELD) Collection Rule, consumers will have expanded protections and stronger rights to dispute alleged debt. However, the efficacy of this Rule relies on consumer awareness of those rights or how to assert them; assistance at CLARO is a primary means by which consumers are made aware of such options for their defense.

The increased demand for assistance in Brooklyn Civil Court far exceeds CLARO program capacity, resulting in long wait times for assistance. While consumers begin to arrive hours before the clinic begins, we cannot guarantee our ability to meet with every person – and often, after five hours of appointments, there are still people whom we do not have capacity to assist. On a given day, Access Justice Brooklyn attorneys can see approximately 20 people at CLARO, depending on the number and complexity of each consumer’s issues, and the remaining people are assisted by volunteer lawyers and law students under our supervision. As a result, the program is highly reliant on volunteer availability; during a week when these volunteers are unable to assist at CLARO, we may only be able to meet with about 30 percent of consumers seeking help, illustrating a substantive gap in resources necessary to operate the program consistently and effectively.

Further, while many cases can be straightforward, individuals often request assistance to vacate default judgments granted on the basis of defective or improper service, a problem that this body and the courts have been fighting for decades. Many individuals also need help fighting motions for judgment – individualized, complicated issues that require more time to resolve than the time available at CLARO. This assistance also does not account for complicated defenses, such as those that arise in landlord-tenant cases and that then apply in rental arrears actions, or the problem of coerced debt experienced by survivors of intimate partner violence – an issue for which there are now stronger protections, through passage of the coerced debt bill recently signed by Governor Hochul (A.3038-A / S.1353-B).

Consumer debt is often the result of broader, systemic challenges to economic security. During the pandemic, expanded benefits and stimulus payments allowed families to save money; however, this trend has reversed since the lapse of such programs. Nearly 30 percent of people report that they cannot afford an unexpected cost of over \$400,² and nearly half of New York City households report struggling to meet housing, food, and medical expenses.³ Credit cards often represent a tantalizing, but

² Empower. *The Safety Net*. 2025. <https://www.empower.com/the-currency/money/safety-net-emergency-savings-research>

³ The Fund for the City of New York & United Way of New York City. *Overlooked & Undercounted: Struggling to Make Ends Meet in New York City*. 2023. <https://unitedwaynyc.docsend.com/view/dh9h3h7q9478bzf9>

ultimately destructive means of meeting such costs. According to the Robin Hood Foundation's Poverty Tracker Report, the number of New Yorkers living in poverty is higher now than in the last decade, attributable to the constriction of the social safety net and high costs of housing and other basic needs, and many others are experiencing material hardship.⁴ As a result, it stands to reason that a summons and complaint alleging a claim of rental arrears, or a debt buyer's claim to an unpaid credit card bill, announces to a New Yorker that they need to consider running a tab on their utilities bill or reducing grocery costs in order to pay these debts.

Outside of its general impact on families' financial stability, consumer debt also deepens issues of racial equity and carries significant adverse consequences for mental health. Over half of Americans carrying credit card balances have reported that they experienced anxiety about their financial situation, and several studies have found that individuals carrying debt are three times more likely to experience mental health challenges than those without debt.⁵ As borrowers in communities of color are more likely to be contacted by debt buyers than borrowers in predominantly White neighborhoods,⁶ this dynamic also heightens the mental health impact of debt on these communities.

Despite New York State's increased investment in civil legal services over the last two decades, the rate of representation in New York City Civil Court has remained persistently low. In 2008, approximately 1% of defendants appeared with full-representation counsel, and as of 2022, the percentage of defendants with counsel remained at less than 3%. As most consumer defendants are people with low incomes, access to private counsel represents a prohibitive expense, making the Civil Court's pro se programs their only source of legal assistance. The CLARO and VLFD programs therefore represent crucial resources for consumers without representation, and the status of these programs in Brooklyn Civil Court illustrates that the need for assistance has outpaced the level of capacity that funding currently supports. These programs have largely maintained their level of impact through the generous support of volunteers and through the efforts of our staff to meet with as many people as possible despite time and resource constraints.

To improve our capacity to address these challenges, and to better serve Brooklyn residents facing overwhelming debt, Access Justice Brooklyn requests the Council's support for our Speaker's Initiative request in the FY 2027 Budget. This funding would also allow us to expand beyond limited-scope defense and provide full representation to consumer litigants, including in coerced debt matters for survivors of domestic violence. Further, it would enable us to bring cases against bad-faith debt buyers and hard-money lenders, combating predatory behavior that unduly burdens so many New Yorkers.

We invite the Committee to visit our CLARO clinic, held every Thursday in Brooklyn Civil Court, to witness the demonstrated need for additional resources and capacity to effectively serve consumers. For further information about this issue, as well as Access Justice Brooklyn's request in the FY 2027 Budget, please contact Lilia Toson, President & CEO, at lilia@accessjusticebk.org.

⁴ Robin Hood Foundation and Columbia University's Center on Poverty and Social Policy. *The State of Poverty and Disadvantage in New York City*, Vol. 8. March 2026. <https://robinhood.org/news/2026-annual-poverty-tracker-report-release/>

⁵ Wiltshire JC et al. "Problems paying medical bills and mental health symptoms post-Affordable Care Act." *AIMS Public Health*. 2020. doi: 10.3934/publichealth.2020023. PMID: 32617355; PMCID: PMC7327393

⁶ FINRA Foundation. *Financial Capability in the United States*, 6th Edition. July 2025. <https://finrafoundation.org/sites/finrafoundation/files/2025-07/NFCS-Report-Sixth-Edition-July-2025.pdf>