



Feerick Center
for Social Justice



OVERVIEW OF THE CLARO PROGRAM

THE CIVIL LEGAL ADVICE AND RESOURCE OFFICE (“CLARO”) is a limited, legal advice project for unrepresented debtor-defendants.¹ CLARO is an innovative and collaborative effort, staffed and run by bar associations, legal services providers, and local law schools and colleges. CLARO responds to the needs of unrepresented debtors sued by their creditors in New York City Civil Court by advising litigants on self-representation strategies. Programs such as CLARO are part of a greater national pro se movement in legal services. CLARO seeks to maximize limited legal resources for low-income individuals through limited, legal advice to unrepresented litigants on creditor/debtor issues.

CLARO currently operates in all five boroughs. A Westchester CLARO Program launched in 2012 and Buffalo CLARO in January 2013. Bar associations and area academic institutions help administer the program.²

CLARO’s Mission. CLARO seeks to maximize limited legal resources for low-income individuals by advising unrepresented *pro se* litigants in creditor/debtor issues. New York City Civil Court debt collection filings increased exponentially during the past decade. Consumer debt filings in that court nearly tripled from 2000³ to 2008, climbing in that year to nearly 300,000.⁴ Since 2008, filings have

¹ CLARO programs operate under the auspices of the New York State Unified Court System’s Access to Justice Program.

² The Bronx CLARO Project is staffed by Fordham Law School’s Feerick Center for Social Justice with the assistance of the Bronx County Bar Association, Legal Services NYC – Bronx, the New York City Bar Association, and the NYU Law School’s Debtors’ Rights Project. The Brooklyn CLARO project is staffed by the Brooklyn Bar Association Volunteer Lawyers Project and Brooklyn Law School. The Manhattan CLARO Project is a partnership of the New York County Lawyers’ Association, Fordham Law School, and Manhattan Legal Services. The Fordham Law School participants include the Feerick Center for Social Justice, Lincoln Square Legal Services (the Law School’s clinic), and the Public Interest Resource Center’s Consumer Law Advocates. The Queens CLARO project is staffed by the Queens County Bar Association, Pace Law School, and St. John’s University School of Law. Staten Island CLARO is sponsored by the Richmond County Bar Association, the Staten Island Women’s Bar Association, and Wagner College. A Staten Island CLARO Steering Committee comprised of local practitioners and legal services attorneys helps administer the Program.

³ Jim Dwyer, *In Civil Court, Under Debt*, N.Y. TIMES, Oct. 10, 2008, at A19.

⁴ Justice Fern A. Fisher, Deputy Chief Administrative Judge, New York City Courts, Presentation to the Civil Court Committee of the New York City Bar (Mar. 16, 2009). *See also* THE CIVIL COURT OF THE CITY OF NEW YORK, A DECADE OF CHANGE AND CHALLENGE IN THE “PEOPLE’S COURT” 11 1997-2006, <http://www.courts.state.ny.us/courts/nyc/civil/pdfs/10year.pdf> (reporting increased consumer credit filings); MFY LEGAL SERVICES, JUSTICE DISSERVED: A PRELIMINARY ANALYSIS OF THE EXCEPTIONALLY LOW APPEARANCE RATE BY DEFENDANTS IN LAWSUITS FILED IN THE CIVIL COURT OF THE CITY OF NEW YORK 2-3 (June 3, 2008), http://www.mfy.org/Justice_Disserved.pdf [“Justice Disserved”].

steadily declined but a huge backlog of default judgments remain.⁵ Despite historically high numbers of filings, too few legal service providers in New York City represent or assist debtor-defendants. Elderly persons, single mothers, persons with low-level English proficiency, low-income and other working poor people, and domestic violence survivors are forced to represent themselves *pro se* against collection agency attorneys who understand the Civil Court debt collection process much better and enjoy far greater bargaining power.

CLARO attempts to remedy this situation. Rather than attempt representation of just a handful of debtor-defendants, CLARO maximizes the limited resources available by offering litigants assistance through a free walk-in clinic that provides them with limited legal advice on how to best represent themselves *pro se*.

The CLARO Team. The typical CLARO team consists of two to four volunteer attorneys, one session administrator, one or two law school or college students, and a consumer law expert. The atmosphere of CLARO meetings is both professional and informal. The meeting focuses on both providing information to the *pro se* litigants and demystifying the legal process. CLARO aims to alleviate some of the anxiety experienced by the *pro se* litigant by providing useful and clear guidance.

How A CLARO Session Operates. Currently, Bronx, Manhattan, and Queens CLARO offer once weekly sessions, Brooklyn CLARO provides twice weekly sessions, and Staten Island CLARO provides twice monthly sessions. The administrator greets each litigant and asks him or her to briefly explain his or her legal issue. If the litigant is involved in a creditor/debtor case in court, a volunteer student helps the litigant to fill out two brief forms: a short questionnaire and a form explaining the limited scope of the legal services being offered by CLARO staff.

1. Limited Scope of Legal Services Acknowledgment and Understanding

The form explains the limited scope of the legal services being offered at the CLARO session (i.e., that volunteer lawyers provide legal advice for that session only and will not represent the litigant in the case).

2. Civil Legal Advice and Resource Office Questionnaire

This is a confidential survey form designed to provide contact information, statistical information, and information about the litigant's legal problem. This information aids in assessment of the needs of litigants and the services provided by the CLARO program.

Time permitting, the law students sit in during the CLARO consultations. As necessary, litigants may receive appropriate referrals.

For more information please visit: www.claronyc.org

⁵ According to data from the New York City Civil Court, in 2012, creditors filed 96,460 debt collection actions. The default rate (rate at which defendants did not file an answer) was 53%.