

## Law Day Remarks

**As prepared for delivery by Attorney General Eric T. Schneiderman on May 1<sup>st</sup>, 2013**

Good afternoon. Thank you Judge Lippman for those wise words, and for hosting us here at the Court of Appeals. All of us here are indebted to you for your tremendous leadership, particularly in the cause of closing the justice gap. The grants that Justice Lippman announced today to deliver indigent defense services to defendants at arraignments further cement his role as a national leader in the movement to ensure equal justice for all by expanding legal services.

I also want to acknowledge Chief Administrative Judge Gail Prudenti, First Deputy Chief Administrative Judge Lawrence Marks, Deputy Chief Administrative Judge Fern Fisher and Seymour James, the President of our great New York State Bar Association. Thank you all for your leadership.

[As has been noted] this year is the 50<sup>th</sup> anniversary of Dr. King's "I Have a Dream" speech. That speech is understandably best remembered for Dr. King's moving vision of a future of racial justice, when a person would not be judged by the color of their skin but by the content of their character.

But today I also want to remind you about another part of Dr. King's legacy. The occasion on which he delivered the "I Have a Dream" speech is widely remembered simply as the "march on Washington." But the official name was the "march on Washington for *Jobs* and Freedom," and it was aimed at overcoming, quote: the "twin evils of discrimination and economic deprivation."

In the last years of his life, after the passage of the Civil Rights Act of 1964 and the Voting Rights Act of 1965, Dr. King increasingly turned his attention to the problem of economic inequality. He was working with the Southern Christian Leadership Conference on a new mass mobilization known as the Poor People's Campaign.

Ladies and gentlemen, one year before King delivered that famous speech at the march on Washington, a family in the top one percent of U.S. households had approximately 125 times the wealth of the median household. And Dr. King was appalled by that. He lamented, quote:

"Oh America, how often have you taken necessities from the masses to give luxuries to the classes... God never intended for one group of people to live in superfluous inordinate wealth, while others live in abject deadening poverty."

But as you probably know, the gap between rich and poor that was shocking in Dr. King's day has only grown. In 2010, a household in the top 1 percent averaged 288 times the wealth of the median household.

This stunning growth in economic inequality in the last 30 years has been the driving force behind growing disparities in every other area of life—from health care, to education, to public safety, and even our justice system—as year after year the need for legal services for those who can't afford them far outstrips our political will to fund legal services.

Justice Lippman's tremendous leadership in this area has made an incalculable difference in the lives of so many New Yorkers, but it stands in stark contrast to the trend of ever deeper cuts in legal services funding, particularly at the federal level.

So despite the progress America has made in overcoming racial inequality, there can be no doubt that the challenge of overcoming economic inequality is still before us—and it is more urgent than ever.

In recognition of the anniversary of Dr. King’s iconic speech, the theme of law day this year is “Realizing the Dream: Equality for All.” So what can we say about the power of our legal system to remedy economic deprivation, and move us closer to the dream of equality for all?

I believe that a truly representative government can be a powerful force to bring about a more just and equitable society. New York has a proud history of pioneering progressive reforms before they are adopted at the federal level—everything from labor laws, to social insurance, to securities laws.

And while the Attorney General doesn't vote on the laws, it is our responsibility to enforce them. In doing that, we can help to fulfill Dr. King’s dream by following one simple principle: every American is entitled to equal justice under the law.

I’ll give you just a few examples of how we’re ensuring equal justice for New Yorkers: in the workplace; in the courts, particularly in the foreclosure process; and at the ballot box.

Enforcing labor laws is really an essential part of our mission to advance equal justice under the law. People who work hard deserve to be paid every dollar they earn to provide for themselves and their families. But in too many cases, the money they earn is stolen by their employer, who fails to pay the minimum wage, or overtime, or who violates prevailing wage laws.

I’ve made it a priority for my labor bureau to crack down on these kinds of violations. We're going after companies that refuse to pay prevailing wages and minimum wages, not only harming their workers, but also making it harder for honest employers to compete. And we're taking traditional enforcement one step further, pursuing both civil and criminal cases.

In one case, we secured a sentence of four months in jail, and \$800,000 in restitution for workers, from a contractor who failed to pay the prevailing wage. In another similar case, we secured almost \$1 million in back wages for 30 workers who were illegally underpaid on several building sites in Brooklyn.

We are also aggressively enforcing the wage theft prevention act, which bars retaliation against workers who report violations. In one case we obtained a \$200,000 settlement -- including \$50,000 just for retaliation -- for abused workers from a nightclub in Manhattan that failed to pay minimum wage or overtime, and fired two people in retaliation for reporting violations.

Actions like these make a real difference in the lives of the workers involved, and send a message to employers that New Yorkers don’t abandon their right to equal justice when they punch the clock.

My office is also continuing our efforts to ensure equal justice for homeowners who are still struggling to avoid foreclosure in the wake of the collapsed housing bubble.

I probably don't need to remind this crowd that the collapse of the housing bubble greatly accelerated the growth in economic inequality. The wealth of the American middle class was in home equity. And Americans lost \$7.4 trillion in home equity in the crash. African-American and Latino households were hit particularly hard. The median African-American household lost over 80 percent of their household wealth, while the median Latino family lost about two thirds. My office is still trying to help New Yorkers pick up the pieces.

At Law Day last year I spoke about my office's investigation into illegal mortgage servicing and foreclosure practices that cost many New Yorkers their homes—particularly those who lacked access to legal representation. No one should lose their homes just because they can't afford a lawyer. That's not equal justice.

Last year at this time, I told you that we had dedicated \$15 million dollars from our office's settlement of our claims against several banks to extend foreclosure prevention legal services that were about to be gutted in the state budget.

This year, I'm pleased to report to you that we have committed an additional \$60 million dollars over three years to create a homeowner protection program. This program funds 34 legal services organizations and 59 housing counseling agencies in every corner to the state to help homeowners negotiate mortgage modifications, and fight foreclosure proceedings.

In just the first five months of reporting, roughly 7,400 New York families have been counseled through our homeowner assistance program, and about 35 percent have pending or formally approved loan modifications thanks to assistance from one of the program's organizations.

The next critical step is to let more homeowners know that this help is available. To do that, we've created a statewide consumer hotline that connects homeowners with a qualified homeowner assistance program counselor or legal service provider within 24 hours.

We've also created public service announcements in English and Spanish, for both TV and radio, that will begin running as early as next week, to let homeowners know about the program, and the hotline.

We know this program is working. In many cases, with the help of our program counselors, consumers have been able to secure significant mortgage modifications, including principal forgiveness, to make their mortgages more affordable. These principal reductions are available as a result of the settlements with the major servicing banks that I mentioned before.

There's more work to do, and the program that Justice Lippman announced today is another important step in closing the justice gap, for homeowners and so many others whose lives are upended if they can't afford an attorney to protect their rights.

In addition to protecting rights in the workplace, and the rights of homeowners facing foreclosure, the third area I want to discuss briefly is ensuring equal justice at the ballot box.

My office is committed to ensuring that the voices of all New Yorkers are heard in the political process. In recent years we have seen increasingly aggressive efforts to make it harder for millions of Americans to vote.

This is as critical an issue as any we have faced in recent decades, because it goes to the core of American democracy. My attitude is pretty simple: laws or rules that make it easier for American voters to register and vote are good laws and good rules. Laws that make it harder for eligible voters to register or to vote are bad – really anti-American – laws and rules.

My office has undertaken a comprehensive examination of the language access efforts of ten boards of elections for counties that have significant Spanish speaking populations. We wanted to ensure that they were complying with voting rights act requirements that certain Spanish-speaking voters be provided bilingual ballots, bilingual election-related materials and language assistance at the polls.

Two of the counties we contacted had strong language access programs already, and we have now secured commitments from all eight of the other counties to put in place language access programs or strengthen their existing efforts.

And just yesterday, speaker silver and I announced the eminent passage of legislation in the assembly to allow early voting in New York. Early voting will reduce barriers to participation that particularly hurt middle class working people. And frankly will make it make it more convenient for all eligible voters to participate in our democracy.

My office also took the lead in filing an amicus brief in the United States Supreme Court, together with the attorneys general of Mississippi, North Carolina, and California, defending section 5 of the Voting Rights Act.

Between 1982 and 2006 the Voting Rights Act blocked more than 1,000 proposed discriminatory voting changes.

It is a sad reality that the right to vote remains under attack, particularly for young people and historically disenfranchised communities. But the voting rights act is an effective bulwark for our democracy and my office is committed to defending it.

I also believe that to ensure meaningful political participation for all, we must enact a strong public financing system in New York State. The fair elections bill, modeled on New York City's system, would provide 6-to-1 public matching funds for small donations.

Public financing is critical because, as you know, current supreme court precedent make it impossible to put a ceiling on campaign spending by special interests, but we can raise the floor with public financing.

Without public financing, only candidates who command the support of 5- and 6-figure donors have a realistic chance to compete. This not only invites corruption; it creates a dynamic where economic inequality and political inequality are mutually reinforcing.

If the pool of viable candidates is limited to those who can appeal to big donor's, it narrows the policy agenda in a way that's not healthy in a democracy.

Ladies and gentlemen, we know that the struggle for equal justice is not won in one generation.

But I am a progressive because I believe in progress. My work is all based on the quintessentially American ideal of greater freedom, greater justice, greater equality with each successive generation. Our predecessors did a pretty impressive job of advancing that vision.

It's our job to continue that tradition.

As we remember Dr. Martin Luther King this year, we honor his life not just by quoting his speeches, but by carrying on his work: for equal justice under the law, and to abolish the "twin evils of discrimination and economic deprivation."

Whether it's through enforcing wage laws or ensuring equal access to the courts or to the ballot box, I am committed to that work, my office is committed to that work, and I hope we can all be inspired this law day to carry on that work.

Thank you.