

NEW YORK, NY (March 20, 2023) - New York's leading civil legal service providers and public defenders called for increased funding in the City budget, highlighting the dire impact underfunding has wrought on their ability to meet the needs of low-income New Yorkers.

Not only have chronic underfunding and contracting issues led to widespread attrition, but if unaddressed this year, New Yorkers will be further marginalized and disconnected from critical services, reinforcing bias in the legal system and eroding public safety.

Citywide Civil Legal Services Budget Demands

Dozens of civil legal services providers who administer critical housing, eviction, immigration and other related work are calling on the City to provide at least \$300 million in increased funding in the Fiscal Year 2024 budget to:

- increase all civil legal services providers' baselined contracts;
- increase providers' capacity to represent all eligible people who come through New York City Housing Court;
- fund salary increases for staff to address unprecedented attrition and to attract prospective hires;
- bridge the funding shortfall that undercut providers' ability to administer essential civil legal services work.

Citywide Family Defense Budget Demands

New York's family defense legal providers – Brooklyn Defender Services, The Bronx Defenders, Center for Family Representation, and Neighborhood Defender Service of Harlem – are requesting an additional \$30 million in the FY24 budget for lawyers for parents. This is above the \$50 million that is baselined in the current budget. This money will:

- ensure workload meets statewide standards and is reasonable for attorneys and other staff;
- ensure parents are represented by qualified counsel with the expertise, time, and resources necessary to dedicate to these important cases;
- combat ongoing attrition to reduce transfers which interrupt representation and contribute to court backlogs;
- provide critical social work and parent advocate services.

Citywide Criminal Defense Budget Demands

New York's leading public defenders – The Legal Aid Society, Brooklyn Defender Services, The Bronx Defenders, Neighborhood Defender Service of Harlem, New York County Defender Services, and the Queens Defenders – are requesting \$125 million from the City for Fiscal Year 2024, which is subject to change should Albany allocate sufficient funding to local defender offices for these purposes, to:

- increase salaries to properly compensate staff for their critical work and to allow people to meet their living expenses;
- meet existing discovery needs, including hiring additional staff and technology improvements to collect, store, organize and share the evidence on cases;
- assure caseloads meet standards and are reasonable for attorneys and other staff;
- guarantee top quality legal representation for the people we represent and provide additional services, such as social workers;
- combat ongoing attrition so that cases are not transferred from one attorney to another, which is contributing to court delay.

“Every New Yorker deserves a fighting chance, especially low-income New Yorkers who are just one step away from extreme poverty, homelessness, food instability, deportation, and life-threatening health issues,” said **Raun Rasmussen, Executive Director of Legal Services NYC**. “But without adequate funding for civil legal services providers and public defenders, these communities don't stand a chance. Like other providers, we are fighting to meet the growing needs of New Yorkers looking for a lifeline, especially struggling families trying to restabilize coming out of this pandemic. New York City must do the right thing and meet the funding needs of its first-line defenders so that every New Yorker can access the legal services and resources they need to thrive.”

“The rights of New Yorkers are in jeopardy if civil legal services providers and public defenders are not adequately funded,” said **Lisa Rivera, president and CEO of New York Legal Assistance Group**. “For New Yorkers experiencing poverty and marginalization, especially in our BIPOC communities, our services are not optional: they are the difference between a secure home and homelessness, between having food on their tables and going hungry, between building a life free of violence and being forced back into danger, and much more. We cannot continue to meet the needs of our clients while the City chronically underfunds our work and delays our contracts. The City must fairly fund civil and defender legal services in the Fiscal Year 2024 budget so that the rights of New Yorkers are protected.”

“Defenders and civil legal services providers are just as much a part of the legal system as the prosecutors, police, corrections, and others in law enforcement,” said **Twyla Carter, Attorney-in-Chief and CEO of The Legal Aid Society**. “When one side is overwhelmingly funded and one is severely underfunded, people suffer, and injustices flourish, disproportionately affecting low-income New Yorkers of color. The City can still do right by our organizations and our

clients by prioritizing our needs in the Fiscal Year 2024 budget to ensure that the New Yorkers and the communities we serve receive the legal representation that they need.”

“When we are underfunded, it doesn’t just undermine our mandate to provide legal and support services, but the legal rights of every New Yorker,” said **Justine Olderman, Executive Director of The Bronx Defenders**. “Every day, thousands of New Yorkers come through our doors fighting to stay in their homes, reunite with family, and access services they need. Yet the City’s inability to meet its funding and contracting obligations, while touting the high quality representation and services we provide, is a slap in the faces of struggling New Yorkers. New York’s actions must match its rhetoric. We demand fair funding in this year’s budget.”

“By chronically underfunding public defenders, Gov. Hochul and Mayor Adams are keeping a thumb on the scales of justice – a scale already weighted against the Black and Brown people disproportionately represented in our country’s criminal and civil legal institutions due to systemic racism,” said **Alice Fontier, Managing Director of Neighborhood Defender Service of Harlem**. “Public defenders provide the services that create true public safety. We keep families united, connect our clients to a wide range of much-needed services – such as childcare, mental health treatment and job training – and help people stay in their homes. It makes sense not only morally but economically to adequately fund the essential services we provide to our fellow New Yorkers.”

“An investment in New York City’s public defenders is an investment in our City’s most marginalized and vulnerable citizens,” said **Lori Zeno, Executive Director of Queens Defenders**. “Public defenders know better than most the insurmountable impact a criminal charge can have on a person’s ability to maintain employment, housing, keep their family together, and more. We call on the City to recognize the vital role our Attorneys and Social Workers play in mitigating the impact of a criminal charge on someone’s ability to live a productive, fulfilling life by adequately funding the services we provide in the Fiscal Year 2024 budget.”

“Failure to properly fund public defense not only threatens New Yorker’s legal right to counsel, it jeopardizes the well-being of the thousands of people who rely on our services each year. Public defense organizations are an essential resource to low and no-income people facing extremely harsh outcomes in the legal system, such as imprisonment and long-term family separation. Every person we represent deserves an attorney who has the time and resources to be fully prepared for their case,” said **Lisa Schreibersdorf, Executive Director of Brooklyn Defender Services**. “The City has the ability to assure justice in the legal system by properly funding our offices in the coming fiscal year and we urge them to do so.”

“Civil legal service providers and public defenders provide access to justice for the most vulnerable New Yorkers,” said **Tiffany Liston, Executive Director of Mobilization for Justice**. “This crucial work for New Yorkers in crisis is underestimated and underfunded. We call on this City to live up to its promise, and provide adequate funding in the Fiscal Year 2024 budget for the sake of the most marginalized communities and the advocates that fight for them.”

“Equal justice for all cannot be a reality until there is sufficient funding provided to civil legal service providers and public defenders to enable them to provide critical legal services to those most in need,” said **Jessica Rose, Executive Director of Brooklyn Legal Services Corporation A**. “Current funding falls far short of what is needed to build and sustain adequate staffing at our organizations to meet the demand for our services.”

“Our city’s public defender system is at a crisis point,” said **Stan Germán, Executive Director of the New York County Defender Services**. “Our lawyers are living in the most expensive city in the nation on a legal salary that is not proportionate with other attorneys in the field. Meanwhile, as our city increases police presence on the streets and subways, and the court system continues to send more of our indigent residents – mostly Black and Brown men – to Rikers Island, legal representation for our most vulnerable is left with the heavy promise of juggling crushing caseloads and the Sisyphean task of managing excellent representation for every client. We are not asking for pay equity that is aligned with the salaries of big law firms. We are asking for a living wage increase so that we are able to recruit and retain excellent attorneys for our clients who deserve nothing but our very best.”

“Last year, CAMBA Legal Services provided legal assistance to more than 8,700 individuals in the areas of immigration, foreclosure prevention, consumer law, and housing,” said **Janet Miller, Executive Vice President of CAMBA Legal Services**. “Without adequate funding for the network of individuals and organizations providing this kind of critical support to struggling New Yorkers across the five boroughs, these vulnerable individuals and families will be left without meaningful access to justice to protect their rights and secure their futures. Investing in free legal services is key to social justice. It is also a critical investment in our communities and our shared future.”

“Legal services ensure access to life-saving healthcare, accessible housing and transportation, quality education, permanent immigration status, and healthy neighborhoods,” said **McGregor Smyth, Executive Director of New York Lawyers for the Public Interest**. “But New York has chronically underfunded the hard-working people that provide these

critical services. New Yorkers deserve better. In its FY24 budget, the City must commit to funding fairness and contracting reform to ensure that these organizations have the resources they need to succeed.”

“Legal aid attorneys offer life-changing representation to vulnerable, low-income families who otherwise have the deck stacked against them. But lately, our city’s legal services have been stretched too thin, as attorneys and staff continue to transition to the private sector due to crushing workloads, insufficient resources, and low pay,” said **Council Member Shaun Abreu**. “We have the blueprint to retaining talent in the public sector and ensuring all New Yorkers can exercise their inviolable right to legal counsel. Now, it’s time to act on it: we need to increase funding to legal services organizations, revamp our city’s contracting process so payments are sent on time, and do everything in our power so that legal counsel remains a right, not a privilege.”

“The work of New York City’s public defenders and civil legal services organizations is indispensable to the countless marginalized New Yorkers they serve,” said **Council Member Kevin C. Riley**. “Action is needed now to address ongoing issues with urgent investments, not budget cuts or underfunding. Cutting funding to an already overwhelmed system not only seeks to further disenfranchise low-income families and communities of color, but it also exacerbates the lack of resources, staffing, and support our providers need to meet the City’s high-demand for critical services. I stand with my colleagues, public defenders, legal service agencies and all advocates to demand improvements to infrastructure and advancements that empower defenders and providers to better serve our city.”

“Every day, public defenders and civil legal service providers serve my constituents at risk of eviction, deportation, losing their public benefits, and other issues facing New Yorkers experiencing poverty,” said **Council Member Tiffany Cabán**. “As a former public defender myself, I know all too well what a formidable disadvantage they would be at without such advocates, and what it means for advocates to forgo higher-paying jobs in order to serve our communities. Their ability to support my constituents is directly related to their own financial stability. If they are worried about making rent, affordable health insurance, or navigating an unmanageable workload—or worse still, if they’re leaving their jobs entirely—their clients will bear the brunt. It’s time we honored the vital work performed by our public defenders and civil legal service providers.”

“The compounding crises that we are addressing in the city are interrelated—as a tenant faces eviction and housing costs soar, they turn to organizations like Legal Aid for representation,” said **Council Member Carmen De La Rosa**.

“The most vulnerable New Yorkers are calling on us to fund the vital social services that they depend on to survive in our city. We cannot talk about reducing recidivism rates, equal access to representation, and harm reduction without funding competitive benefits for our legal workers.”

“Our public defenders are the first line of defense for working-class residents against an increasingly hostile economic structure. They protect our neighbors from evictions, advocate on their behalf when their wages have been stolen, and represent them in court when they’re entangled in the criminal justice system. But chronic underfunding is putting their important work at risk,” said **Council Member Shahana Hanif**. “I’m proud to stand with the Legal Aid Society to call for a truly just budget. Underfunding and a dire lack of resources is overburdening the caseload of our public defenders, leading to increased burnout and worse outcomes for those they represent. In this budget fight, I am committed to getting our public defenders the dollars they need to represent our neighbors and keep working-class New Yorkers safe.”

“Public defenders are on the frontlines fighting for my constituents, and I stand with them as they urge the City Council to adequately fund the legal services our communities depend on,” said **Council Member Alexa Avila**.

“Chronic underfunding of public defender and civil legal services organizations has directly harmed New Yorkers most in need. We cannot achieve Right to Counsel for tenants facing eviction or reduce the population at Rikers if we fail to increase funding in order to retain and recruit staff for legal services organizations,” said **Council Member Lincoln Restler**.

Background

The widespread underfunding of organizations that provide legal services in New York City has been developing for years and is now at a crisis level. This includes public defenders in criminal and family cases as well as attorneys who work on housing, immigration, employment, education, and benefits for hundreds of thousands of low-income people each year.

The City has failed to provide funding at levels that allow adequate staffing to meet contract requirements. In addition, basic cost increases, such as office rent and health insurance for staff, have not been covered. This forces organizations to reduce staffing in order to pay for office space and supplies, and meet other organizational responsibilities. There remains little room in the budget for well-deserved raises for staff as a result, even though these essential workers came to work throughout the pandemic and continue to show up in courts, jails, homes and communities every day.

Until now, public defender and civil legal service organizations have had to manage these budget shortfalls by choosing not

to fill staff vacancies and delaying critical investments in technology that are needed in today's digital age. Unfilled vacancies result in higher caseloads for staff who remain. This is unfair to clients whose cases are transferred to an attorney who is not fully familiar with their case. It is also increasingly impossible to keep track of documents and video evidence on cases due to the inadequate storage solutions that cannot be upgraded without significant financial investment.

New York City has always been an expensive city which has been difficult for staff at non-profit legal service organizations. With increasing inflation over the past year, many staff have had no choice but to leave their jobs or work more than one job, while still carrying high caseloads. The impact of skyrocketing inflation, and the likely return of student loan repayments combined with the cost of living in New York, is untenable for people who work for the public good as attorneys, social workers, paralegals and other administrative, and technical service staff. Many are forced to leave the public sector in order to make a living wage in New York City, leaving a wide gap in the experience needed by the complexity of the cases and circumstances involved for many of the people represented by these legal services organizations.

According to internal data collected from local public defender offices including The Legal Aid Society, The Bronx Defenders, Brooklyn Defender Services, Neighborhood Defender Service of Harlem, Queens Defenders, and New York County Defender Services, attrition rates are at a double digit level, and in some cases up to roughly 25 percent. Some report increases in attrition of approximately 70 percent to more than 200 percent compared to last year. Without a significant increase in salary, there will be continued attrition and loss of invaluable and irreplaceable staff.

These funding needs, combined with well-documented delays in contract registration and payments, have created a crisis for legal services in New York City. Defenders are a major counterbalance to many racially and ethnically biased enforcement policies and outcomes that take place on a daily basis. Inadequate funding hampers their ability to continue to make a difference for individual people and families, most of whom are BIPOC and reside in under-resourced communities. If left unaddressed, these funding issues will further marginalize hundreds of thousands of New Yorkers and disconnect them from the legal, civil, and social services they need to survive and thrive. True public safety comes from investments that keep people in their homes, in their jobs, and with their families. The City must meet the demands made today.

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