

New York State Bar Association

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By: BUDGET
By: BUDGET
Senate Committee: Finance
Assembly Committee: Ways and Means

THE NEW YORK STATE BAR ASSOCIATION STRONGLY OPPOSES INCREASING THE BIENNIAL ATTORNEY REGISTRATION FEE

The New York State Bar Association (NYSBA) has long been a leader in advocating for the provision of legal services for the poor and otherwise disadvantaged. Over 100 years ago, NYSBA created a special committee dedicated to that issue and endorsed the concept of public defenders to provide representation to indigent criminal defendants.

We commend the Governor and the Legislature for previous action to extend the substance of the *Hurrell-Harring* settlement to counties throughout the state. This is a critical step to improve indigent criminal defense services in New York State.

Nevertheless, we ***STRONGLY OBJECT*** to funding the proposals in part by increasing the biennial attorney registration fee, which attempts to transfer to lawyers the societal obligation to fund constitutionally-mandated indigent criminal defense.

NYSBA continues to support a statewide, state-funded system with an independent entity to oversee quality and delivery of public defense services, as part of the 2019-20 budget, to ensure that indigent defendants receive effective representation in New York State's criminal justice system. However, this proposal should not include imposing the expense of New York State's constitutional obligation on the legal profession. We urge state leaders to eliminate this surcharge on the legal profession to pay for the state's constitutional, societal obligation, which should be funded out of the General Fund.