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Testimony of The Legal Aid Society

on

THE MAYOR'S FISCAL YEAR 2010 EXECUTIVE BUDGET

Presented before

The New York City Council

Presented by:

Steven Banks, Attorney-in-Chief
The Legal Aid Society

May 12, 2009

The Legal Aid Society welcomes this opportunity to testify before the City Council concerning the Fiscal Year 2010 Executive Budget and its impact on the Legal Society's client services.

As you know, with a staff of 1,450, including 850 lawyers and 600 social workers, paralegals, investigators, and support and administrative staff, the Legal Aid Society provides crucial civil, criminal, and juvenile rights legal assistance to low income families and individuals in literally every community in the five boroughs of New York City. During the past year, the Legal Aid Society handled some 295,000 cases and legal matters for New Yorkers in desperate need of legal help. In addition to individual cases, the Society has extensive experience in affirmative litigation on behalf of groups of similarly situated clients. Many of these clients are referred to the Legal Aid Society by the constituent services staffs of elected officials or by community-based organizations serving every district of the City. Based on the expertise of our staff, the Society is frequently asked by government officials to provide information and comments regarding existing and proposed public policies affecting our clients. Society staff members also conduct extensive "know your rights" community education for clients and neighborhood-based and city-wide organizations. Indeed, since its founding in 1876, the Legal Aid Society has been a vital part of the fabric of the City.

City funding is essential to support our city-wide criminal and civil legal assistance. For many years, the City Council has been a leading advocate for adequate funding for our services in order to ensure the availability of high quality legal services for community residents. Special annual funding allocations for criminal and civil services have provided crucial support for the Society's legal services for New Yorkers who have nowhere else to turn for legal help.

We are mindful of the extreme financial difficulties that the City is facing. At the same time, these extraordinary economic conditions are having an especially harsh impact on low income New Yorkers and the need for the legal help that the Society provides to these struggling families and individuals is increasing exponentially. Against this backdrop, the proposed cuts for criminal defense and civil legal services in the FY2010 Executive Budget will hurt New Yorkers accused of crimes and families and individuals who need civil legal help in the midst of this severe economic downturn. In the criminal defense area, we cannot keep taking on new cases, provide the constitutionally mandated defense for New Yorkers, and absorb new City cuts on top of \$3.2 million in cuts that we have already sustained in the 2008-2009 City budget and the 2009-2010 State budget. On the civil side, we have also already suffered \$3 million in cuts in the 2008-2009 City budget and we are forced to turn away six out of every seven New Yorkers who seek our help. With the new proposed City cuts, we will have to turn away more families and individuals who need legal aid to get unemployment and disability benefits, flee from domestic violence, and prevent evictions, foreclosures, and homelessness which is at record levels in New York City.

We greatly appreciate the support that the Council has historically provided in the budget process. In this testimony, we will focus on the proposed funding levels in the FY2010 Executive Budget for the Society's criminal defense representation and civil legal services.

Criminal Defense Services: Since 1965, the Legal Aid Society has served as the primary defender for criminal defendants in New York City who cannot afford counsel. With criminal defense trial offices in the Bronx, Brooklyn, Manhattan and Queens, the Legal Aid Society represents indigent New Yorkers accused of crimes ranging in seriousness from alleged disorderly conduct to first degree murder. The Legal Aid Society's criminal defense program is at the forefront of efforts to address new issues in the criminal justice system, ranging from assisting in the design and staffing of specialized court parts that deal with drug abuse, domestic violence, mental illness and juvenile offenders to consulting regularly with City and State officials on policy issues of importance to our clients and securing system-wide reform through our Special Litigation Unit. The Society's Special Litigation Unit, for example, litigated the landmark case that established the 24-hour standard for arrest-to-arraignment in New York State.

With the support of the Council, in FY2003 the Administration entered into a new agreement with the Legal Aid Society to provide criminal defense services to a greatly expanded number of clients by transferring a substantial portion of the cases handled by private "18-b" attorneys. The Administration's approach has generated substantial savings for New York City because the Society's criminal defense legal services are significantly more cost-effective than 18-b representation. At the same time, this contract has enhanced the quality of the criminal defense services provided to people who cannot afford to retain counsel because the Society's city-wide criminal defense program provides more comprehensive legal assistance than individual 18-b attorneys can offer. The Society also plays a crucial and central role in the New York City criminal justice system. Our size, history, and comprehensive criminal, civil, and juvenile rights legal services program give us a unique vantage-point not only to represent clients but also to provide support and training for public defenders throughout the City.

Over the past eight years, however, the Society's criminal defense contract with the City has not provided sufficient baseline funding to enable the Society to cover annual cost increases – such as occupancy and health care cost increases – or, more importantly, deploy sufficient staff to provide a constitutionally mandated defense, especially as the number of New Yorkers who are arrested has increased. Since the new contract went into effect in FY03, the Society has greatly appreciated the City's provision of an additional \$2.82 million in FY05 to establish a City-funded Parole Revocation Defense program to further reduce City 18-b expenditures and improve client services, capital funding in FY07, FY08, and FY09 to enhance the Society's technology infrastructure and case management systems, and a 3 percent baseline funding increase for a COLA for the FY08 fiscal year (after four years without a COLA increase). Nevertheless, during these years, the Society could not have continued to provide criminal defense representation to indigent New Yorkers without special annual infusions of funding allocated by the Council in the adopted budget – \$11 million in the FY05 budget process, \$6.326 million for FY06, \$9.3 million for FY07, \$10.8 million for FY08, and a reduced amount of \$8.6 million for FY09. While fully funding constitutionally mandated criminal defense representation is an Executive branch obligation, annual Council funding has become integral to the Society's ability to operate a criminal defense program for indigent New Yorkers.

Regrettably, the FY2010 Executive Budget proposes an \$11.1 million reduction in the Society's criminal practice funding and again eliminates essential funding allocated by the Council. Subsequent to the issuance of the Executive Budget, the City acknowledged that \$2

million would be restored to the Society's criminal practice budget for 2009-2010. However, the remaining \$9.1 million City cut comes on top of \$3.2 million in City and State cuts in our criminal defense funding that have already been implemented. These cumulative cuts of \$12.3 million for our criminal practice in 2009-2010 are coming at a time of increasing arrests in New York City and increasing need for our constitutionally mandated criminal defense services. In fact, the Society's annual criminal defense caseload increased from some 197,000 new cases in fiscal year 2002-2003 to approximately 210,000 new cases in 2005-2006 to nearly 227,000 new cases in 2007-2008. This trend of increased cases is continuing during the current fiscal year and the Society is on a pace to exceed the 2007-2008 workload. (A chart showing these increases in the number of new cases that the Society has handled each year is attached to this testimony.)

As a result of these increased arrests in New York City, annually the Legal Aid Society's criminal defense staff of 435 attorneys is handling more than 100,000 cases which survive a first court appearance, and approximately 30 percent of those cases are felonies. Eighty-one percent of our criminal defense attorney staff has caseloads significantly in excess of the annual standard set by the Appellate Division, First Department, which limits annual criminal defense attorney caseloads to 400 misdemeanors or 150 felonies, with felonies counted as 2.66 misdemeanors in mixed caseloads. The average annual caseload for criminal defense staff attorneys is now 592 cases – which is nearly 50 percent above the First Department limit – and the average pending caseload is 103 cases, when it should be 70 if we were in compliance with the First Department's annual standard.

Our criminal defense contract with the City requires the Society to handle all of the non-conflict cases in the arraignment shifts to which the City assigns us, and requires that we handle a minimum standard of 88 percent of the cases in those arraignment shifts or face a financial penalty. As required by our contract, based on the number of non-conflict cases in our shifts, the Society actually handles approximately 90 percent of the cases in the arraignment parts to which we are assigned. However, the contract makes no provision for increasing funding even when our caseload increases as it has. Noncompliance with the First Department caseload standard is a direct consequence of this situation.

The proposed Executive Budget cut of \$9.1 million for FY2010 on top of the \$3.2 million in City and State cuts that the Society's criminal defense practice has already sustained – which will be a cumulative \$12.3 million cut in 2009-2010 – will further impair the Society's ability to provide constitutionally mandated criminal defense representation. With an increasing caseload and decreasing funding, the Legal Aid Society is being left without the resources to keep taking on new cases and provide the constitutionally mandated defense for New Yorkers.

Although we are mindful of the extraordinary fiscal situation, in order to address this immediate crisis with respect to the governmental obligation to provide resources for constitutionally mandated defense representation, it is essential that the adopted City budget for 2009-2010 restore the \$9.1 million proposed Executive Budget cut as well as the \$2.2 million criminal defense cut in Council discretionary funding that we have suffered during 2008-2009. We simply cannot absorb the combination of the proposed \$9.1 million cut and the current \$2.2 million City cut during 2009-2010 in light of the continuing increased caseloads for our staff attorneys which are substantially in excess of the First Department standard. Without a 2009-

2010 restoration back to the \$11.3 level, we cannot keep taking new cases and provide constitutionally mandated criminal defense representation - especially given the significant impact for New Yorkers charged with even relatively minor offenses in terms of collateral consequences for housing, employment, education, public benefits, and immigration,.

The requested level of 2009-2010 funding for our criminal practice is also necessary to enable the Society to continue to provide special client services in the New York City criminal justice system that the Legal Aid Society is in a unique position to provide. For example, the Society deploys 19 paralegals to provide client services to the public in various locations outside of the Society's offices. These services, which are not limited to Legal Aid clients, include four paralegals who serve the public in satellite offices or other locations in City courthouses, and 15 staff members who work full-time in the City jails, assisting clients to arrange for the payment of bail, correcting errors in release dates, securing medical attention, scheduling assessment interviews with ATI (alternatives to incarceration) programs, communicating with their attorneys, and retrieving personal property upon release.

In each of our borough offices, the Society deploys a paralegal every weekday to assist members of the public with legal matters, including arranging surrenders on arrest and bench warrants, assisting people in paying fines and scheduling community service, and securing emergency mental health and drug treatment services. The Society also assigns an attorney and paralegal to represent inmates who are appealing jail discipline assessments in the Rikers Island Writ Court, thereby further reducing City 18-b costs.

Legal Aid also continues to play a central role as the training ground for public defenders in New York City. Legal updates and training materials developed by the Society's 10-person training and support unit are provided at no charge to defenders and 18-b attorneys city-wide and state-wide. The Society also deploys special immigration staff to assist clients with immigration issues. In addition, the Society has assigned paralegals and attorneys to assist in handling the calendar in high-volume and specialized practice court parts created by former Chief Judge Judith Kaye, including the integrated domestic violence, drug treatment, and mental health courts.

Not including additional appellate and post-conviction representation which the Society provides for New Yorkers pursuant to other contractual arrangements with the City, the annual cost of these systemic services is nearly \$6 million. These expenses are absorbed by the Society within our City funding allocation even though these costs are not always attributable to individual cases and thereby artificially inflate the Society's cost per case.

For all these reasons, the Society respectfully requests a restoration of \$11.3 million. With the Society's increased criminal defense workload, the truth is that in order to bring the Legal Aid Society's caseloads into compliance with constitutional requirements additional funding is needed beyond this interim restoration of \$11.3 million. Former Chief Judge Kaye's Indigent Defense Commission found that there is a criminal defense crisis in New York State. In the New York City section of the Kaye report, excessive caseloads, inadequate funding, and a counter-productive RFP process were highlighted as problem areas.. In recent landmark legislation, the State has now recognized the adverse impact for New Yorkers charged with

crimes that results from excessive criminal defense caseloads at the Legal Aid Society. This past April, the State enacted a law requiring the implementation of a rule to limit the caseloads of the Society's criminal defense lawyers over the course of four years beginning during FY2011. Under the leadership of current Chief Judge Jonathan Lippman, the State Office of Court Administration will propose annual funding for this caseload limitation initiative. Therefore, it is essential that during 2009-2010 there be no further increases in the Society's current excessive caseloads which will be the result if this \$11.3 million restoration is not provided. The requested \$11.3 million in restored funding is also critical because City funding for the prosecution of New Yorkers by the District Attorneys is increasing while funding for the Society's criminal defense representation of New Yorkers is slated to be substantially cut. (A copy of a May 7, 2009 New York Law Journal article, including a chart showing increases for the prosecution and decreases for the defense, is attached.)

Civil Legal Services: The Society provides civil legal services through our neighborhood-based offices in all five boroughs of New York City and city-wide units that serve families and individuals with special needs. Our civil program provides legal assistance in literally every community in the City. In many cases, clients are referred to us by the constituent services staff of elected officials who have nowhere else to turn for help with emergency problems like the current dramatic increases in homeowner foreclosures and evictions of tenants of buildings in foreclosure proceedings.

Annually, we handle more than 30,000 individual civil matters for the most vulnerable New Yorkers: survivors of domestic violence, senior citizens, disabled or chronically ill children and adults, immigrants fleeing oppression, unemployed workers, persons with HIV infection, and children and adults faced with evictions, foreclosures and homelessness. We help clients with legal problems involving: domestic violence and family law; elder law for senior citizens; housing and homelessness; income and economic security assistance such as federal disability benefits, employment and low wage worker matters, earned income tax credits, federal food stamps, and public assistance; immigration; health care, including Medicare Part D, Medicaid, and access to hospital charity support; HIV and AIDS; and housing development and community development opportunities to help clients move out of poverty.

During FY2009, we have already sustained City civil legal services cuts of \$3 million which means we have to turn away increasing numbers of vulnerable New Yorkers with legal problems that we could otherwise solve. Prior to the economic downturn and these cuts, we were able to help only one out of every seven New Yorkers who sought our help with civil legal problems because of lack of resources. The economic downturn is having a particularly harsh impact in our client communities and the need for our civil legal services is more crucial than ever. Homelessness, for example, is at record levels in New York City, and unemployment, hunger, and foreclosures are on the rise. During FY2009, we have seen exponential increases in requests for help in core areas of need: a 29 percent increase in requests for help with unemployment benefits and employment problems; a 40 percent increase in requests for health law assistance and help obtaining Medicaid, Medicare, and other health care coverage; a 12 percent increase in requests for help to obtain food stamps, federal disability benefits, and public assistance; a 16 percent increase in requests for domestic violence and family law help; a 15 percent increase in requests for help from current or former low wage workers with earned

income tax credit or other low income taxpayer problems; a 21 percent increase in requests for eviction prevention representation; and a stunning 800 percent increase in requests for foreclosure defense assistance.

In the face of this unprecedented need for civil legal assistance, during FY2010, we have also been told to expect a dramatic decrease in our State Interest On Lawyer Account Fund grant as a result of the economic downturn which has resulted in near zero interest rates and a drying up of economic activity. The current State-wide annual IOLA funding level of \$25 million is projected to be reduced by at least 60-70 percent during calendar year 2010. Consequently, the Society is facing a minimum 60-70 percent reduction in our \$4.5 million annual IOLA grant.

To make matters worse, the FY2010 Executive Budget proposes to eliminate all civil legal services funding for the following Council civil legal services initiatives that the Council funded in the FY09 budget.¹ The consequences of eliminating this critical City civil legal services funding will be dire – increases in evictions, foreclosures and homelessness, increases in the number of women and children who cannot escape domestic violence, increases in the numbers of immigrants lawfully in this country who will be wrongfully deported, and increases in the numbers of children and adults who will go without subsistence income, health care, and food because of bureaucratic mistakes that cannot be challenged effectively in the absence of counsel.

Again, although we are mindful of the City's fiscal condition, based on the critical need for civil legal services throughout the City, restored funding for 2009-2010 is essential for these programs which are slated for elimination in the Executive Budget:

The City-wide Low Income Civil Legal Services Program: Since 1993, the City Council has allocated annual funding to the Legal Aid Society and Legal Services NYC to provide civil legal services in all five boroughs for particularly "at-risk" clients, including senior citizens, survivors of domestic violence, disabled children and adults, and persons living with HIV/AIDS. Substantial numbers of these New Yorkers are referred to Legal Aid and Legal Services offices by the constituent services staff of Councilmembers and City agency staff. Funding for this program is evenly divided between Legal Aid and Legal Services. In the adopted FY2008-2009 budget, funding for this program was reduced by 59 percent from \$3.676 to \$1.5 million, which has resulted in at least 1,822 fewer households served this year. If this funding is not restored, we will have to substantially reduce our provision of civil legal services in the Bronx, Brooklyn, Manhattan, Queens, and Staten Island notwithstanding the increasing numbers of New Yorkers who desperately need legal assistance in these difficult economic times.

The Supplemental Security Income (SSI)/Unemployment Insurance (UI) Advocacy Program: In the FY2006 budget process, the Council established a new initiative to allocate \$2.5 million to Legal Services and the Society to provide legal representation to help disabled public assistance recipients secure federally-funded Supplemental Security Insurance (SSI) benefits and

¹ The programs that will be eliminated include a grant for Legal Services NYC to provide representation to parents in Family Court cases while the Legal Aid Society is separately funded by the State to represent children in those proceedings.

unemployed workers obtain unemployment insurance benefits. This Council initiative generates significant City and State savings in averted public assistance expenditures when constituents receive federal benefits or unemployment benefits. Eliminating this program will eliminate these cost savings. Funding for this combined SSI/UI Advocacy Program is evenly divided between Legal Aid and Legal Services.

The Council-funded SSI advocacy program funds Legal Services and Legal Aid to help low income disabled children and adults obtain Social Security disability benefits and move off public assistance. By securing federal SSI benefits for these individuals, the program shifts the costs of cash benefits and Medicaid to the federal government and secures federal refunds for the City to cover the cost of benefits paid prior to a determination of eligibility for SSI. The Council-funded Unemployment Insurance (UI) Advocacy Program helps public assistance-eligible New Yorkers who were initially denied unemployment benefits on appeal. Unemployment benefits cost the City and State nothing; they are paid from a special fund created through payroll taxes. Each public assistance-eligible person who gets unemployment benefits saves the City not only their 25 percent portion of cash public assistance but also Medicaid and administrative costs.

In the adopted FY2009 budget, funding for this program was reduced by 48 percent from \$2.5 million to \$1.3 million, which has resulted in at least 1,241 fewer families served this year. If this funding is not restored, we will have to substantially reduce our provision of crucial unemployment and disability legal assistance in the Bronx, Brooklyn, Manhattan, Queens, and Staten Island notwithstanding the increasing numbers of New Yorkers who are seeking these vital services to receive assistance in obtaining unemployment insurance benefits and federal disability benefits.

The Anti-Eviction and SRO Legal Services Program: Since the 1980s, the City has funded legal services programs in all five boroughs (including the Legal Aid Society, Legal Services, the Westside SRO Project, MFY Legal Services, and the Northern Manhattan Improvement Corporation) to provide legal assistance to low- and moderate-income tenants faced with illegal evictions from their homes as well as services for tenants in single-room occupancy buildings known as SRO housing. These programs have helped thousands of low-income working families, disabled New Yorkers, and senior citizens, who are especially vulnerable to harassment and illegal eviction. In the adopted FY2009 budget, funding for this program was reduced by 25 percent from \$3 million to \$2.25 million, which has resulted in at least 1,900 fewer “units” service (including full case representations, training programs, outreach sessions, and tenant association assistance). If this funding is not restored, the Legal Aid Society will be unable to continue to operate our anti-eviction program that provides legal assistance to tenants faced with homelessness in the Bronx, Queens, and Staten Island, to senior citizens in Brooklyn, community residents in Bushwick, and to tenant associations in East Harlem, Harlem, Inwood, and Washington Heights.

Immigration Initiative Funding For Legal Services For Immigrants: The Society is the preeminent provider of legal assistance for low income immigrants through our network of neighborhood-based offices and community outreach sites in all five boroughs of the City. Together with Legal Services NYC, the Society provides IOI-funded immigration legal services

and legal assistance for low wage immigrant workers in all five boroughs of the City. In the FY2009 budget, funding for each organization has recently been awarded at a level that has been reduced from approximately \$596,000 in 2007-2008 to \$354,000, with the result that fewer low income immigrants will receive legal assistance. Again, the Executive Budget completely eliminates funding for this program. If this funding is not restored, we will have to substantially reduce our provision of civil legal services for immigrants in the Bronx, Brooklyn, Manhattan, Queens, and Staten Island.

For all these reasons, we urge that these crucial civil legal services programs be restored in the adopted FY2010 budget.²

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We thank the Council for your continuing support for these essential criminal defense and civil legal services programs. We will continue to update you during the FY2010 budget process concerning our funding needs so that we can serve clients who depend on the Legal Aid Society to provide access to justice.

² In the adopted FY2009 budget, Council funding for the \$765,000 Earned Income Tax Credit (EITC) Legal Assistance Program was completely eliminated. Beginning in the FY2005 adopted budget, the Council established a new EITC legal services program operated by the Society and Legal Services to help working families qualify to receive the EITC refund, protect working families from unfair auditing practices, and increase tax credit benefits for these working families. The de-funding of this initiative has resulted in the denial of critical legal assistance for 740 households, which helps families move from welfare to work, and the elimination of a significant infusion of federal tax credit funds in the local economy.

City-Wide

	FY03	FY04	FY05	FY06	FY07	FY08	FY09	Diff
Felony Intake								
July	2,082	2,498	2,500	2,498	2,550	2,703	2,439	(264)
August	2,353	2,509	2,362	2,556	2,531	2,779	2,638	(141)
September	2,185	2,520	2,248	2,531	2,410	2,670	2,564	(106)
October	2,538	2,602	2,749	2,679	2,867	2,783	2,745	(38)
November	2,822	2,402	2,119	2,451	2,483	2,438	2,403	(35)
December	2,448	2,071	2,275	2,213	2,385	2,178	2,016	(162)
January	2,866	2,459	2,394	2,253	2,875	2,460	2,279	(181)
February	2,285	2,545	2,343	2,116	2,351	2,394	2,060	(334)
March	2,484	2,522	2,445	2,444	2,541	2,518	2,417	(101)
April	2,303	2,501	2,551	2,429	2,295	2,477	2,182	(295)
May	2,454	2,582	2,631	2,368	2,646	2,571	-	
June	2,334	2,444	2,509	2,476	2,721	2,503	-	
Total Intake	29,154	29,655	29,126	29,014	30,655	30,474		(1,657)
Disposed at assignment	725	1068	940	594	779	790		
% disposed at 1st appearance	2.5%	3.6%	3.2%	2.0%	2.5%	2.6%		
Total surviving 1st appearance	28,429	28,587	28,186	28,420	29,876	29,684		
Intake at end of April	24,366	24,629	23,986	24,170	25,288	25,400	23,743	
Disposed at end of April	565	865	818	512	638	729	683	
Surviving 1st appearance at end of Apr	23,801	23,764	23,168	23,658	24,650	24,671	23,060	(1,611)
Misdem/Other Intake								
July	11,565	15,338	14,143	14,064	15,629	16,692	15,414	(1,278)
August	12,375	14,315	13,791	15,531	16,064	17,842	16,789	(1,053)
September	11,584	15,088	12,994	14,950	15,533	16,907	16,556	(351)
October	13,153	16,118	15,835	15,790	16,215	16,970	17,412	442
November	15,523	14,429	14,350	14,617	14,514	14,925	15,495	570
December	13,596	13,118	13,110	13,055	13,998	13,481	14,817	1,336
January	16,394	15,501	14,418	14,160	18,034	16,885	17,520	635
February	13,747	17,577	14,966	14,661	16,253	15,786	17,019	1,233
March	15,262	17,270	16,477	16,890	18,024	18,408	18,881	473
April	14,696	15,714	17,175	15,740	16,588	16,376	17,766	1,390
May	15,425	16,025	16,572	16,047	17,001	15,914	-	
June	14,722	14,761	15,858	15,421	16,276	15,969	-	
Total Intake	168,042	185,254	179,689	180,926	194,129	196,155		3,397
Disposed at assignment	107,071	116,944	109,100	114,387	120,229	111,597		
% disposed at 1st appearance	63.7%	63.1%	60.7%	63.2%	61.9%	56.9%		
Total surviving 1st appearance	60,971	68,310	70,589	66,539	73,900	84,558		
Intake at end of April	137,895	154,468	147,259	149,458	160,852	164,272	167,669	
Disposed at end of April	88,265	97,825	89,640	94,661	99,777	102,042	99,891	
Surviving 1st appearance at end of Apr	49,630	56,643	57,619	54,797	61,075	62,230	67,778	5,548
Total Annual Caseload								
Total cases	197,196	214,909	208,815	209,940	224,784	226,629		
Total surviving 1st appearance	89,400	96,897	98,775	94,959	103,776	114,242		
Total surviving 1st appearance end of Apr	73,431	80,407	80,787	78,455	85,725	86,901	90,838	3,937

New York Law Journal



THURSDAY, MAY 7, 2009

Mayor's Budget Incorporates Higher Spending for Prosecutors

BY DANIEL WISE

DESPITE a continued nosedive in tax revenues, New York City's six prosecutorial offices are in line to receive a 2.5 percent increase in funding under the executive budget unveiled last week by Mayor Michael R. Bloomberg.

All told, the city's prosecutors would receive \$261.5 million, up from \$255.1 million this year.

On the criminal defense side, however, the Legal Aid Society is slated for only \$72 million under the mayor's 2010 fiscal year budget, which starts July 1, a drop of 13.6 percent from its current funding of \$83.3 million.

The final budget will be hammered out before July 1 in negotiations between the Bloomberg administration and the City Council. Last year, such negotiations produced \$8.7 million in additional funds for Legal Aid. Should the City Council add-on remain at that level, Legal Aid's indigent criminal defense bud-

get would dip only 3.1 percent.

Eight other defender groups would split a total of \$43 million from the executive budget. Seven of those groups would receive the same funding as this year, but the budget also contains \$3.6 million for a new group, the Office of Appellate Defender.

Meanwhile, the New York City Law Department is slated to receive a \$5.7 million increase, or 4.7 percent, to \$127.8 million. The hike would be used to fund required collective bargaining raises (\$2.3 million) and increased litigation support costs (\$3.4 million), officials there said.

The mayor's budget also provides \$663 million to cover settlements and judgments arising from legal claims against the city, about 95 percent of which is used to pay tort claims. The amount contained in the 2010 budget is 3.9 percent higher than the \$638 million allocated in 2009.

The Queens District Attorney's Office would receive the largest increase of any of the

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By the Numbers

	FY '10*	FY '09	Change
Prosecutors			
Manhattan	\$78.2	\$74.5	5.0%
Brooklyn	\$73.8	\$73.6	0.3%
Bronx	\$43.1	\$43.3	-0.5%
Queens	\$44.0	\$40.7	8.1%
Staten Island	\$7.4	\$7.3	1.4%
Special Narcotics	\$15.0	\$15.7	-4.5%
Total	\$261.5	\$255.1	2.5%
Legal Aid Society	\$72.0	\$83.3	-13.6%

*Begins July 1, 2009; dollars in millions
SOURCE: New York City budget documents

Budget

« Continued from page 1

city's five county prosecutors, with an 8.1 percent hike to \$44 million. The only other significant change is for the Manhattan District Attorney's Office, whose funding would increase 5 percent, to \$78.2 million.

Among the six prosecutors' offices, the Office of the Special Narcotics Prosecutor, is taking the biggest hit with a 4.5 percent decline in funding, to \$15 million. But officials in that office expect much of the decline to be made up in negotiations with the Council as it was a year ago.

City officials said all six offices were treated evenly after increases for fixed costs, such as mandatory rent hikes, were taken into account.

up a projected \$6.6 billion deficit. The 2010 budget is only .5 percent higher than the 2009 budget.

A substantial portion of \$3.4 billion in citywide savings would come from layoffs and attrition. By the end of fiscal year 2010, 3,759 city workers will have been laid off since the beginning of this year and another 9,782 are expected to leave the workforce and not be replaced.

In January, the mayor said 608 workers at the Administration for Children's Services would be let go (NYLJ, Feb. 4). In the executive budget ACS is spared from further cuts.

In the coming fiscal year, city tax revenues are projected to decline by \$7.4 billion, or 30 percent from the amount collected in the last full year before the start of the Wall Street meltdown last fall.

Queens District Attorney Richard A. Brown said he is "encouraged" by the level of funding for his office. He also pledged to work closely "in these challenging times" with City Hall to balance "the need to maintain a safe city while doing our fair share to help address the fiscal crisis."

Steven Banks, attorney-in-chief of the Legal Aid Society, said the budget reduction his group faces "would result in staff cuts and higher case loads for attorneys who remain."

In adopting its budget in April, the Legislature for the first time required the development of criminal case load caps for New York City (NYLJ, April 6). The caps would be phased in over four years starting on April 1, 2010.

The mayor's \$59.4 billion citywide budget proposes a combination of cuts and added taxes to make

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