

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON JUSTICE SYSTEM

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October 25, 2018
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HELD AT: Committee Room - City Hall

B E F O R E: RORY I. LANCMAN
Chairperson

COUNCIL MEMBERS: Andrew Cohen
Alan N. Maisel
Deborah L. Rose
Eric A. Ulrich

A P P E A R A N C E S (CONTINUED)

Elizabeth Glazer, Director, Mayor's Office of
Criminal Justice, MOCJ

Debbie Grumet, Director, Budget Office
Mayor's Office of Criminal Justice, MOCJ

Erin Koniak, Deputy Director, Crime Control
Mayor's Office of Criminal Justice, MOCJ

Darcel Clerk District Attorney, Bronx County

Michael McMahon, District Attorney, Richmond County

Jack Ryan, Representative from Queens District
Attorney Richard A. Brown

Tina Luongo, Chief Defender, Legal Aid Society

Shannon Cumberbatch, and I'm the Director of
Hiring, Diversity and Community Engagement at the
Bronx Defenders

Danielle Regis, Senior Staff Attorney
Brooklyn Defender Services

Deborah Wright, President, Association of Legal Aid
Attorneys, UAW, Local 2325

Paloma Martinez, Staff Attorney Legal Aid Society
Queens County

Lily Getz, Staff attorney Legal Aid Society
Brooklyn Criminal Defense Practice

Adriana Matiez, Paralegal 2, Legal Aid Society

Liz Bender, Staff Attorney, Legal Aid Society

2 [sound check] [pause] [background
3 comments] [gavel]

4 CHAIRPERSON LANCMAN: Good morning
5 everyone.

6 COUNCIL MEMBERS: [in unison] Good
7 morning.

8 CHAIRPERSON LANCMAN: I'm Council Member
9 Rory Lancman, Chair of the Committee on the Justice
10 System. Today, we are here to discuss the issue of
11 fair pay and resources for public defenders and
12 prosecutors, particularly the salary disparity that
13 pulls attorneys away from the Criminal Justice System
14 and into the Law Department, the Education Department
15 and other government agencies. Our Criminal Justice
16 System depends on talented and experienced public
17 defense attorneys and prosecutors to ensure justice
18 and fairness for complainants and defendants. Public
19 defenders make sure that the right to counsel is more
20 than just an empty promise. So, we cannot shirk our
21 responsibility to adequately fund their
22 representation of New Yorkers, and experienced savvy
23 committed assistant district attorneys are necessary
24 to faithfully exercise their immense discretion and
25 ethical obligations. In short, the issue of

2 experienced, professional, dedicated public defenders
3 and prosecutors is a key Criminal Justice reform
4 issue. Yet, it is becoming increasingly difficult
5 for public defenders and prosecutors' offices to
6 retain talented and experienced public service
7 attorneys to perform these critical responsibilities.
8 Low pay, high cost of living and crippling law school
9 debt are among the many factors these offices cite as
10 reasons retention and recruitment cannot keep up with
11 staffing requirements. We constantly hear stories of
12 public defense attorneys and assistant district
13 attorneys leaving for other city agencies for better
14 pay and lower caseloads. Yet, starting salary for
15 entry level attorneys at some public defenders' and
16 prosecutors' offices lag behind the Law Department,
17 and that difference continues across the years at the
18 3-year mark, the 5-year mark, and the 10-year mark.
19 The starting salaries information that we have for
20 public defenders range from \$61,000 to \$68,000 while
21 the Law Department starts at \$68,000 for example. At
22 the 3-year mark, the public defenders range from
23 \$64,000 to \$66,000 with the Law Department at \$71,000
24 and the Department of Education attorneys in the
25 Administrative Trials Unit at \$85,000. At five

2 years, Legal Aid, Public—the Brooklyn Defenders and
3 New York County defenders range from \$70,000 to
4 \$78,000 with the Law Department at \$79,000, and at 10
5 years, the public defenders range from \$87,000 to
6 \$96,000 while the Law Department is at over \$108,000.
7 It, therefore, comes as no surprise that city
8 agencies often have better retention rates than our
9 district attorney offices and indigent service
10 providers. My bill Intro 514 would establish a
11 temporary task force to study the issue of pay parity
12 for public defenders and prosecutors. Not because we
13 don't know the problem and its solution. We know
14 both the problem, and its solution. We've been
15 talking about this for many years now, but because we
16 have struggled to get the administration to focus on
17 this issue, and promote—propose a systematic lasting
18 solution. I look forward to hearing today from the
19 Mayor's Office of Criminal Justice, our public
20 defenders, the district attorneys about their funding
21 retention strategies and salary needs. With that, I
22 welcome the Director of the Mayor's Office of
23 Criminal Justice Liz Glazer and Ms. Glazer if you and
24 whoever else is—is testifying would get sworn in, we
25 can—we can get started. Do you affirm or affirm the

2 testimony you're about to give is the truth, the
3 whole truth and nothing but the truth?

4 ELIZABETH GLAZER: [off mic] I do.

5 CHAIRPERSON LANCMAN: Thank you very
6 much.

7 ELIZABETH GLAZER: Thank you Chair
8 Lancman and thanks Council Member Cohen. My name is
9 Elizabeth Glazer. I'm the Director of the Mayor's
10 Office of Criminal Justice. Thank you for the
11 opportunity to testify today. I'd like to introduce
12 my colleagues, Debbie Grumet, who's the Director of
13 our Budget Office in my-within MOCJ and Erin Koniak
14 (sp?) who is the Deputy Director for Crime Control.
15 The Mayor's Office of Criminal Justice, as you know,
16 advises the Mayor on public safety strategies, and
17 together with partners inside and outside of
18 government develops and influence policies that
19 promote safety and fairness and reduce unnecessary
20 incarceration. As you know, New York City has the
21 lowest crime and incarceration rates of any large
22 city in the nation. Major crime has fallen by 78% in
23 the last 25 years and 13% in the last 4 and 2017 was
24 the safest year in COMPSTAT history with homicides
25 down 13% and shootings down 215 since the year

2 before, and this is a success that's shared in and
3 contributed to by all our partners in government and
4 all New Yorkers. Since the beginning of the Mayor's
5 administration the jail population has declined 27%,
6 the steepest 4-year decline since 1998, and the
7 number of people in city jails has fallen across
8 almost every category. The number of people held on
9 bail under 2,000 has fallen around 60%, the number of
10 people serving city sentences about 28% and the
11 number of 16 and 17-year-olds by about 50%. [door
12 slams] Justice System partners including district
13 attorneys, indigent defense providers and law
14 enforcement along with non-profit providers and all
15 New Yorkers have been critical to these achievements.
16 To support this work, my office works with OMB to
17 invest public resources to help create the safest
18 possible New York City with the smartest and fairest
19 justice system. The district attorneys and indigent
20 defense providers play vital although different roles
21 in the city and the success of many of our
22 initiatives involved working with them. While we
23 make recommendations and share strategies with the
24 district attorneys. Each DA is an independently
25 elected official. They set their office's priorities

2 and develop initiatives. The needs of each office
3 are as unique as the communities they serve and
4 annually each district attorney submits needs
5 requests to MOCJ and OMB. MOCJ and OMB then work to
6 make investments that are responsive to community
7 needs and can aid prosecutors and defenders in ways
8 that will improve the fairness and effectiveness of
9 our Criminal Justice System. Historically,
10 fluctuations in funding have been a byproduct of
11 providing incremental increases over the years. In
12 response to those needs requests, we make concerted
13 efforts to provide such funding and have
14 significantly support the DAs over the past four
15 years. This administration has increased the overall
16 budget from \$287 million in Fiscal Year 14 when the
17 Mayor took office to \$383 million Fiscal Year 19, and
18 salaries are one part of this whole picture. Over
19 the past two fiscal years, we've engaged with each
20 district attorney's office on issues of salary
21 parity. Each office has its own hiring and
22 recruitment practices, salary structure and retention
23 rates, and during the same period, we also funded and
24 supported a significant range of programs at the DA's
25 Offices increasing staff and enriching the office's

2 resources. In this past Fiscal Year we were able to
3 work with the DAs to provide parity with the Law
4 Department for starting salaries is years 1 through
5 5, and we're engaged in active discussions with each
6 of the DA's offices in better understanding their
7 operations and evaluating their funding needs. We
8 equally—we founded (sic) the critical and
9 Constitutionally grounded role played by public
10 defenders in the Criminal Justice System and in our
11 city. These dedicated providers are integral to the
12 sound functioning of our justice system and to
13 advancing fairness and the dignity of all New
14 Yorkers. Consistent with the City's commitment to
15 funding indigent defense providers, we have both
16 increased funding and responded to particular needs
17 requests. Public defenders and district attorneys
18 play equally important, but different roles in
19 Criminal Justice System. The mechanisms to fund
20 their work differ as well. Indigent Defense Provider
21 funding is provided through a process in which
22 services are solicited through requests for
23 proposals, and this process involves application of
24 city procurement rules, a series of ongoing
25 discussions and contract negotiations. New contracts

2 for indigent defense providers to begin next year are
3 in process and we expect the contracts to be
4 registered by January 1. Given that we are in—have
5 not yet reached finality on the upcoming contracts,
6 I'm unable to provide further comments on the
7 Indigent Defense salary structures. We look forward
8 to entering into these new contracts and to funding
9 the ongoing work of the city's public defenders. I'm
10 aware that the Council has proposed a temporary task
11 force on pay parity among public defenders, assistant
12 district attorneys and city agency attorneys. At
13 this time, we're still examining this issue, and have
14 not reached a position as to the necessity or
15 potential scope of such a taskforce especially given
16 our ongoing engagement with the DAs and the indigent
17 defense providers. Thanks for the opportunity to
18 speak today, and for your continued support and
19 partnership in the transformative justice systems
20 reforms that are changing our city.

21 CHAIRPERSON LANCMAN: Thank you very
22 much. [coughs] Let me mention we've also been joined
23 by Council Member Andrew Cohen from the Bronx, and
24 Council Member Debbie Rose from Staten Island.
25 You've—you've given us data, a—a chart comparison—

2 comparing the salaries for the Law Department with
3 the various DA's offices. We have also asked for—
4 which I appreciate. We also asked for salary
5 comparisons for the Department of Education lawyers
6 and the Department of Correction lawyers. Do you
7 have that?

8 ELIZABETH GLAZER: I don't have that
9 today. That's something that we're working on and
10 can work on providing to you. It's a slightly
11 different—it's a little bit more difficult to collect
12 that information because the lawyers are sprinkled
13 throughout those departments doing different
14 functions. They're very different from the way in
15 which certainly the DAs are constructed.

16 CHAIRPERSON LANCMAN: So, let's—I wanted
17 to get into how the—the Mayor forms the—the—the
18 budget, the Preliminary Budget for the district
19 attorneys and how your—your, the Administration
20 starts with forming the—the period RFPs for the—the
21 public defense providers, but—but I want to start
22 with a more—a more basic question, and I just want to
23 make sure we're understanding or if we're even on the
24 same page. The district attorneys and the public
25 defenders have testified in the past, and they are

2 going to testify after you that they are having a
3 very, very difficult time recruiting and retaining
4 lawyers, and that they are losing many of their
5 lawyers not just to the private sector, but also to
6 other government agencies, city government agencies.
7 So you agree with the basic premise that the district
8 attorneys and the public defenders are having a very
9 difficult time recruiting and retaining qualified
10 lawyers?

11 ELIZABETH GLAZER: We ourselves have
12 looked--sorry, to take that look at what it retention
13 looks like to see compared to what. It's been
14 difficult for us to really get to the bottom of what
15 is actually causing-- If, in fact, there is that
16 difficult in attracting lawyers, and if, in fact,
17 there is that difficulty in retaining lawyers
18 compared to other public interest entities, and we
19 hope to have some more information on that, and
20 understanding that better with respect to what
21 retention rates look like, but I don't have that
22 right now.

23 CHAIRPERSON LANCMAN: Well, what would
24 you need more from them because again they have
25 testified--

2 ELIZABETH GLAZER: [interposing] Yes.

3 CHAIRPERSON LANCMAN: --at hearings that--
4 that you have been at--

5 ELIZABETH GLAZER: [interposing] Uh-hm.

6 CHAIRPERSON LANCMAN: --and I've heard
7 this for as long as I've been the chair of the--the
8 committee, and I haven't really seen it challenged in
9 any quantitative way. So, what--what information
10 would you need to be able to assess whether or not
11 the district attorneys and the public defenders are
12 correct in saying that they've got a recruitment and
13 retention problem especially vis-à-vis other public
14 agencies?

15 ELIZABETH GLAZER: Yeah. So, we're
16 involved right now in what I think are very
17 productive conversations with the DAs. We've gotten
18 some information from some of the DA's Offices on
19 what their retention rates look like. We've
20 certainly heard the stories [coughs] also. They
21 don't totally comport with what our initial look is
22 at our own, for example, court counsel. There are
23 different ways that people define what retention is,
24 and so that can sort of wildly skew the numbers, and
25 so that's something that we hope to have some kind of

2 understanding of, you know, as we look at this
3 information together.

4 CHAIRPERSON LANCMAN: So, every year the
5 Mayor produces a Preliminary Budget. We have hearings
6 and Executive Budget and the Budget gets-gets past,
7 and periodically you have those RFPs, which you're in
8 the midst of hopefully at the-at the end--

9 ELIZABETH GLAZER: [interposing] At the
10 end.

11 CHAIRPERSON LANCMAN: --of concluding,
12 finagling. Let's start with the-with the district
13 attorneys, right. The Mayor puts out numbers in the
14 Preliminary Budget. What analysis or assessment is
15 done of the recruitment and retention needs that
16 results in-in the Administration and the Mayor
17 putting out X tens of millions of dollars for this
18 office and X tens of millions of dollars for that
19 office for the DAs?

20 ELIZABETH GLAZER: So, if only it were
21 thus, but it's not. The way in which our budget
22 process now works, as you know, is that we start from
23 an historical base meaning whatever it is the DAs got
24 last year or the year before, and it's a reflection
25 many years of-of needs and discussion is where we

2 start from, and it's an incremental process in that
3 each year the DAs come forward and say I have these
4 needs, and we then discuss with them those
5 individuals needs. So, you know, the issue of
6 vertical prosecution or the Rikers Bureau with
7 respect to the Bronx, Conviction Integrity Units in
8 the number of different DA's offices do V issues. So,
9 a whole array of things that have to do with
10 everything from personnel to-to tech needs and other
11 things. So, it's really based on the individual
12 asks. That's where we start from of each DA's Office
13 and then funding decisions are made based on a
14 discussion with them.

15 CHAIRPERSON LANCMAN: So, over time, and
16 I don't want—I don't want you to take this the wrong
17 way. Before you or Mayor de Blasio and I were here,
18 the DAs had a budget, and without maligning any of
19 our predecessors in government, that budget probably
20 reflected as much political push and pull and
21 realities as it did any kind of systematic analysis
22 of the—of the budgetary needs of the district
23 attorneys' offices. And then, the mayor comes in the
24 office, I come in the office. You take your
25 responsibilities. Wouldn't it make sense to do some

2 kind of professional thoughtful analysis of what do
3 these officers really need for the work that they're
4 expected to do and the salaries that their--their
5 assistants and support staff need?

6 ELIZABETH GLAZER: So, that's a--

7 CHAIRPERSON LANCMAN: [interposing] Can
8 we do that?

9 ELIZABETH GLAZER: That is a great
10 question, and I--and worthy of thought. It is a
11 question as to I think it's whether or not actually
12 that would benefit or not the DAs whether the DAs
13 would want to do what essentially you're suggesting
14 is a kind of zero-based budgeting, and that could
15 result in significant shifts in the way in which--in
16 the number of people that the DAs have, and the
17 amount of money that they have. So, it's a very--

18 CHAIRPERSON LANCMAN: [interposing] You
19 would file that in the category of be careful what
20 you ask for in terms of the DAs?

21 ELIZABETH GLAZER: I--I--

22 CHAIRPERSON LANCMAN: [interposing]
23 Potentially?

24 ELIZABETH GLAZER: I would--I would flag
25 that. I mean I would note that, you know, we take

2 very seriously the—the needs of the DAs, and of the
3 defenders. The office—this Administration has been
4 remarkably generous in my view with respect providing
5 the DA's resources. You know, over the last four
6 years I—I would very surprised if there was as steep
7 an increase in the resources and funding of the DAs
8 as we've seen in this Administration anywhere from
9 22% in creases to 78% increases in their—in their—in
10 their budgets, and that's covered a whole array of
11 things including sort of systemic shifts in the way
12 DAs often incoming newly elected DAs have wanted to
13 shape their offices to new initiatives that they have
14 been interested in funding. So, I think it speaks to
15 two things: One the Administration's commitment to
16 make sure that we have a fair functioning system, and
17 (2) a partnership that we think has been fruitful
18 with the DAs and with the defenders in trying to
19 shape as fair a system as we can achieve in New York
20 City.

21 CHAIRPERSON LANCMAN: Yeah, but from—from
22 my side of the table I find the budget process to be
23 very ad hoc. And again, we're sticking with the DAs
24 now. We're going to get to the public defenders.
25 You know, I sit with each of the DAs or their staffs

2 each budget cycle and I even did that before I had
3 the--the DA's technically under my jurisdiction and,
4 you, they want a program for this, they want a
5 program for that, and these are all things that we
6 want them to do because by and large they all
7 represent some kind of criminal justice reform agenda
8 that we support, and--and all of them also talk about
9 the fundamental--I want to say baseline. It is a
10 particular term in the budget, but I don't mean it
11 that way. Like we've got to pay our--pay our staff,
12 and I know this isn't a budget hearing, but we're
13 talking about those kinds of issues. It's very, very
14 frustrating that we've got to balance or juggle
15 paying or--or providing funding for them to meet the--
16 the minimum that is necessary for them to--to pay
17 their assistants and keep their assistants and--and
18 not lose them verse alright well who is going to pay
19 for the Conviction Integrity Unit in Staten Island?
20 Who is going to pay for vertical prosecution here et
21 cetera, et cetera?

22 ELIZABETH GLAZER: So, I--

23 CHAIRPERSON LANCMAN: [interposing] Yes.

24 ELIZABETH GLAZER: --I mean I'm going to
25 divine the question--

2 CHAIRPERSON LANCMAN: Go ahead.

3 ELIZABETH GLAZER: --and answer it in
4 this way because I think it's an excellent point. I
5 think that there are two separate but converging
6 things going on that we have to address. One has to
7 do with salaries, and ensuring that both our DAs and
8 defenders are paid adequately in a way that permits
9 them to do their job at the highest level. The
10 second has to do with how many people are needed to
11 do that job and in what areas, and the reason why I
12 say those are separate things but converge is that
13 you can imagine a world in which we did something
14 closer to what you're suggesting, and we have a very
15 transparent look each year at what DAs are spending
16 and on what, how many heads they've been able to
17 hire, and whether or not there should be a shift in
18 using money for one initiative instead of using--if
19 it's not being used fully in one initiative to
20 potentially allocate that to salary. So, but I--I
21 think these are two separate things, but they're two
22 separate things that ultimately come together in a
23 way that I think is complicated, and it's part of--of
24 the conversation that we're having now with the DAs.

2 CHAIRPERSON LANCMAN: Okay. Let's talk
3 about the public defenders now, and I'll start with a
4 fact that is—that I—that I believe is true, I see is
5 true and is very, very painful for public defenders.
6 I hear it from them in person. I hear it from them
7 through social media that in a courtroom where they
8 are providing the service and the function that is
9 literally required by the Constitution, they are the
10 lowest paid professional in the room. Is that
11 something that troubles the Administration?

12 ELIZABETH GLAZER: So, again we have an
13 issue where the process that we are bound to has
14 shaped what the salary structures look like. So,
15 we've just discussed how it is that we go about the
16 DA's funding requests. The indigent defense
17 providers are funded in a very, very different way.
18 So that's part of an RFP process that happens over,
19 you know, over a series of, you know, every six-six
20 years, I think it is, and so we put out a proposal.
21 We solicit responses to it. We then—so the—the
22 defenders themselves provide to us this is what we
23 think, you know, it should look like. We then have a
24 negotiation with them about it, and that's how we get
25 to a conclusion. They're also funded quite

2 differently than the DAs. So the DAs are almost
3 entirely funded by city funds. That's not true, and
4 will be even less true as we go on over the next few
5 years because of t significant infusions of state
6 funds from the Hurrell-Harring Settlement and from
7 ILS funding more generally. And so, I think what we
8 are going to see over the next few years is that that
9 combination of funding is going to actually converge
10 the amount of funding for the DAs and the amount of
11 funding for the defenders will, in fact, converge.

12 CHAIRPERSON LANCMAN: What do you mean
13 the amount of funding will converge? I don't—I don't
14 know that is the--

15 ELIZABETH GLAZER: [interposing] Meaning
16 that the total amount that's provided to support the
17 district attorneys and the total amount of funding
18 provided to support our defenders will be very, very
19 close.

20 CHAIRPERSON LANCMAN: That would entail,
21 if I'm not mistaken a very significant increase in
22 the amount of funding that are going to the
23 defenders.

24 ELIZABETH GLAZER: Right, and it looks
25 like that's what we're seeing from Hurrell-Harring

2 and from other pieces coming in as well as, although
3 I can't get into the details until the contract is
4 public as well as a city infusion of funds.

5 CHAIRPERSON LANCMAN: Okay. Well, for
6 what it's worth, the public defender community behind
7 you are all vigorously shaking their heads or looking
8 at me quizzically, but will—they'll have their chance
9 to—to speak. So, when you say that their funding
10 mechanisms are—are different, I—I understand that—
11 that's true. There's an RFP every six years, but—but
12 if the Administration that puts out the—the RFP and
13 it's the Administration that negotiates that—that
14 RFP, and—and you say that you're limited in what you
15 can say about the current RFP and where it stands in
16 it's closure and et cetera. But is there any
17 analysis that's done or any effort or—or do you start
18 with the proposition when you—when you put out that
19 RFP that we're going to fund it starting with we're
20 going to make sure that the public defenders standing
21 up in courtrooms across the city every day are going
22 to be compensated at the same level as—a other
23 government attorneys and—and then we'll build from
24 there--

25 ELIZABETH GLAZER: [interposing] Uh-hm.

2 CHAIRPERSON LANCMAN: --because I don't—I
3 don't know what's going to be with this RFP, but I
4 suspect it's—it's not going to take the public
5 defenders or if does, I'd be pleasantly surprised
6 from where they are now to—to this concept of parity.
7 But when you're crafting the RFP do you start with
8 okay, here's how much it's going to take to pay these
9 hundreds of public defenders the salary they need to
10 do this work, pay their student loans and—and make a
11 career of this?

12 ELIZABETH GLAZER: So, there's—there is
13 quite a bit of analysis that goes into the crafting
14 of the RFP and also with the negotiation with the
15 indigent prevent—defense providers afterwards, and
16 I'll give you just the top ones, and then Debbie my
17 Budget Director has been very involved, commenting to
18 it if I miss something. I'm sure I will. So, we
19 take a look at certainly caseloads, and what the
20 trend lines are in both misdemeanors, felonies and
21 homicides. Homicides, as you know, is a separate
22 contract. We take a look at—in this case we look at
23 both our defenders in New York City and defenders
24 across the nation to understand not just the staffing
25 needs with respect to lawyers, but also the

2 significant need for social service providers and
3 other kinds of skillsets that are important in the
4 defenders' work and all of that goes into the RFP.
5 Do you want to add to that?

6 DEBBIE GRUMET: [off mic] Sure. We
7 looked at the pro. Oh, sorry. [on mic] We looked at
8 the proposals that were for specific caseloads and
9 the proposals including staffing levels as well
10 salaries. What was working in opposite directions
11 was the acknowledgment for increase ancillary
12 services combined with declining caseloads, and so
13 the net of that we did see an increase of overall
14 funding provided at a time of declining caseloads.

15 CHAIRPERSON LANCMAN: The RFP has certain
16 core values, core missions or core goals. Let's say
17 those core goals reflect values and—and admissions.
18 Why can't one of them be that public defenders will
19 get salaries that are on parity with other government
20 employees, government attorneys? Because that
21 doesn't seem to be the core baseline for how these
22 RFPs are let out and—and negotiated.

23 DEBBIE GRUMET: We did not specifically
24 address salary parity as one of the criteria of the
25 RFP. We looked at a proposal for a given caseload

2 acknowledging again a certain staffing model that was
3 consistent with what the state standards were as well
4 as the acknowledgment of the need for additional
5 ancillary services. We also took measures to weight
6 the caseload to more appropriately reflect the
7 workload of felonies versus treating all cases the
8 same, but we did not specifically highlight salary
9 parity.

10 CHAIRPERSON LANCMAN: Let me just mention
11 we've been joined by Council Member Alan Maisel and
12 Council Member Andy Cohen has questions.

13 COUNCIL MEMBER COHEN: Thank you, Chair.
14 I'm not sure I can do as good a job as you, but I-I
15 do want to follow up on some of this. [coughs] You
16 know my background is on the civil side, but I think
17 as just a typical New Yorker I-I can't see how you
18 would not have the perception that if the DA, you
19 know, sitting on that side of the table is making X
20 and you're public defender is making X-, that that
21 you don't have as an attorney. Like that just seems
22 like a very corrosive environment that I think is
23 indisputable. I could just--the way, you know,
24 people's minds work. Like my lawyer is worth less
25 than their lawyer. Like I--the system already has,

2 you know, his thumb on the scale right then and
3 there, and you could just incorporate in the RFP that
4 we want defenders to make X. That's a requirement of
5 the RFP, and that's the end of it. This problem
6 could be solved in one—but I'm—I'm curious to see how
7 you feel about the perception that the public
8 defenders are making less than the ADAs and if you
9 think that that has a negative, corrosive effect?

10 ELIZABETH GLAZER: So, I guess, you know,
11 in an ideal world we would have, you know, perfect
12 salary parity across many different—many different
13 aspects of the profession. I think to some degree we
14 have, you know, built on the past, and that has
15 gotten us to where we are. I take your point.
16 That's not the way this RFP ended up working out. As
17 I mentioned there are going to be some significant
18 other infusions of money over the next few years.

19 COUNCIL MEMBER COHEN: But even if we
20 were a minority stakeholder, we could still because
21 we're a significant stakeholder we could say that
22 we're not going to contract with you unless you pay
23 your public defenders X--

24 ELIZABETH GLAZER: [interposing] Uh-hm.

2 COUNCIL MEMBER COHEN: --even as a
3 minority stakeholder in that--and--and pay.

4 ELIZABETH GLAZER: Yeah, we're still a
5 majority stakeholder so--

6 COUNCIL MEMBER COHEN: I really--it just
7 seems to me that as a cornerstone I mean now, you
8 know, when I hear about things in Alabama and the
9 public defender, you know, doing this part-time and,
10 you know, it just--this is New York City and I--I--I fee
11 that it--it--there's not other greater evidence of sort
12 of the lack of balance and justice when, you know,
13 the pay levels are--we just--it's just is a clear
14 statement that we value this work less than that
15 work, and that's really not, you know, in 21st
16 Century New York I just don't feel that that's the
17 statement we want to make, and I can't believe that
18 that's the statement this Administration wants to
19 make and it's, you know, there's for all of us the
20 clock is ticking here, but there is time to do
21 something about that and I really would encourage us
22 to do that, and--and even, you know, I'm going to sign
23 onto--unless I'm on it already, I'm going to sign onto
24 Council Member Lancman's bill because, you know, I'm
25 a strong advocate for my DA. I want to see, you know

2 my DA get the resources that she needs to do as good
3 a job, but if there's, you know, just because there's
4 a historical structural floor like—like this is our
5 opportunity to do the right thing and fix it. Why
6 don't we do that?

7 ELIZABETH GLAZER: Yeah, and I appreciate
8 that.

9 COUNCIL MEMBER COHEN: I mean that's why
10 we're here, right?

11 ELIZABETH GLAZER: Yep, I appreciate
12 that.

13 COUNCIL MEMBER COHEN: Yeah, thank you,
14 Chair.

15 CHAIRPERSON LANCMAN: Sure. Debi.
16 Council Rose.

17 COUNCIL MEMBER ROSE: Thank you, Chair.
18 Along with—in the same vain, how is it that the
19 inequity arrives between, you know, the—the ADA, the
20 DA's Office the indigent service providers? Where do
21 they start? Is it—is it at the starting salary
22 level, and it just incrementally is—is so diverse
23 that it's—it creates this disparity?

24 ELIZABETH GLAZER: So, I think it's
25 everybody builds on the past, and so unless we take

2 apart each system and then build up from kind of a
3 zero base, it's--that's the law--

4 COUNCIL MEMBER ROSE: [interposing] So
5 there's base that--

6 ELIZABETH GLAZER: --and that--

7 COUNCIL MEMBER ROSE: --base pay for
8 starting ADAs and public indigent, you know, service
9 workers. There is not a base.

10 ELIZABETH GLAZER: So, with respect to
11 the DAs, although we provided the amount--anal-
12 analogous salary of Support Counsel 1 through 5, that
13 doesn't really reflect the way those decisions are
14 made within each office. So, each office can decide
15 what its starting salary is, what the bumps up are,
16 how various people are compensated, but we use that
17 as a way to just as a rough measure to try and get to
18 some parity.

19 COUNCIL MEMBER ROSE: And so that's based
20 on what each DA's office is allocated, right?

21 ELIZABETH GLAZER: So, what we did was we
22 looked at as best we could the--what looked like each
23 class. So, you know, as you know, DA offices hire in
24 chunks in a first year, and usually they kind of move
25 through the system. So, we tried to look at how

2 those salaries clumped in years 1 through 5. We then
3 looked at court counsel to try and see if we could
4 see an analogous clumping as far as the dollars went,
5 and then we tried to equalize it across--across the
6 offices to come up with a dollar amount.

7 COUNCIL MEMBER ROSE: So, if their
8 budgets are--but if their budgets are not equitable,
9 then that--the funding, the money is not equitable,
10 right?

11 ELIZABETH GLAZER: Well--

12 COUNCIL MEMBER ROSE: --If if--my DA gets
13 less than the Bronx DA, how does my DA--how is my DA
14 able to pay their--their staff and--

15 ELIZABETH GLAZER: [interposing] Well,
16 your DA got a 78% increase in their budget since the
17 beginning of the Administration just specifically--

18 COUNCIL MEMBER ROSE: [interposing] Yes,
19 because--

20 ELIZABETH GLAZER: --and then they have--

21 COUNCIL MEMBER ROSE: --and we--we fought
22 hard for that--

23 ELIZABETH GLAZER: [interposing] And
24 then.

2 COUNCIL MEMBER ROSE: We fought hard for
3 that.

4 ELIZABETH GLAZER: And--

5 COUNCIL MEMBER ROSE: Uh-hm.

6 ELIZABETH GLAZER: --and then within
7 that, the issue is the DAs have a lot of discretion
8 about how to allocate the money that they get with
9 respect to salary. So, there is--how do we decide
10 what it is we're going to do with respect to getting
11 to parity, and I've described to you the method that
12 we did with 1 through 5, but once the DAs get that
13 money, they're independently elected officials. They
14 allocate their budget how they like.

15 COUNCIL MEMBER ROSE: [interposing] So,
16 it's discretionary by, you know, according to the
17 DA's offices? That's what you're saying?

18 ELIZABETH GLAZER: The DA--the DAs have a
19 budget, and they allocate it how they like, and
20 you'll see that when you look at, you know, the
21 different decisions the DAs have made. For example,
22 as to, you know what their starting salaries are.

23 COUNCIL MEMBER ROSE: And since we've
24 increased their--the--their--their funding allocation,
25 are they at equal par with outside attorneys or at--

2 and if not, how much—where's the disparity? How much
3 is the—the range between ADAs being paid what
4 outside, you know, starting--

5 ELIZABETH GLAZER: [interposing] Private
6 attorneys? Well, I mean private attorneys?

7 COUNCIL MEMBER ROSE: Yes.

8 ELIZABETH GLAZER: Well, with respect to
9 private attorneys, all of us could be supported on
10 the salary of a private attorney. I mean it is out of
11 sight. [laughter] So—so we try--

12 COUNCIL MEMBER ROSE: [interposing] But—
13 but we are talking about trying to accomplish some
14 level of parity so that we can retain the—the skilled
15 attorneys that--

16 ELIZABETH GLAZER: [interposing] No, I
17 totally appreciate that, and that's what I'm—and so,
18 I think we're all struggling-

19 COUNCIL MEMBER ROSE: [interposing] But
20 what is that? What is the gap in order to sort of
21 allow us to maintain the—the skillsets that we need
22 in our offices?

23 ELIZABETH GLAZER: [interposing] So,
24 that, we've sort of taken the first step in that
25 exercise, which is years 1 through 5--

2 COUNCIL MEMBER ROSE: [interposing] Uh-
3 hm.

4 ELIZABETH GLAZER: --and that's what I
5 was describing to you trying to figure out some
6 analogous salary structure in the public sector. DAs
7 have--have, you know, told us stories as I think the
8 Chair mentioned, you know, they lose people to court
9 counsel so that's seen--to some degree that, you know,
10 is roughly analogous kind of work. We're not engaged
11 in what I think are very productive conversations
12 with the DAs about what happens next. It becomes more
13 complicated after Year 5 because the salary structure
14 is all over the place within offices, and also
15 between offices. So, I don't have a good answer for
16 you about where that--where that will end up. That's
17 part of what the ongoing discussions are.

18 COUNCIL MEMBER ROSE: So, have we
19 accomplished--I'm trying to figure out if we've
20 accomplished that, you know, Year 1 to 5-year--

21 ELIZABETH GLAZER: [interposing] Correct.

22 COUNCIL MEMBER ROSE: --range. Are we at
23 parity now?

24 ELIZABETH GLAZER: Yeah, so in the July--
25 in the adopted we provided \$5.3--

2 DEBBIE GRUMET: [interposing] \$5.4
3 million .

4 ELIZABETH GLAZER: \$5.4 million in order
5 to do that parity between the DA's offices and 1
6 through 5.

7 COUNCIL MEMBER ROSE: And when a
8 diversion program is created in a DA's office, is
9 there an automatic allocation of additional funds to
10 indigent service providers that would have clients
11 that would be in these programs?

12 ELIZABETH GLAZER: No, there—the budgets
13 are not tied in that way.

14 COUNCIL MEMBER ROSE: They're not. Do
15 you think that that's something that you should be
16 looking at?

17 ELIZABETH GLAZER: So, the indigent
18 defense providers are not shy about asking for a
19 separate funding for different kinds of efforts. So,
20 one of the things that I think has been, you know, a
21 big success has been the Decarceration Project that
22 we're doing with the Legal Aids Society, and there
23 have been a number of other examples like that, but
24 there isn't a one-for-one connection.

2 COUNCIL MEMBER ROSE: Well, because it's
3 an adversarial system, don't you think that there
4 needs to be parity there?

5 ELIZABETH GLAZER: So, I guess the
6 question is so for example, there is a very robust
7 citywide diversion program called supervised release
8 and the city spends--initially, it was funded by DA V
9 Vance actually, and now the city spends quite a bit
10 of money on that diversion program. It is part of
11 the--so--so we're funding the program. It's part of
12 what a lawyer does whether a defender or a prosecutor
13 in the course of a court case to determine whether
14 they are recommending a client for the Diversion
15 Program. So, usually what happens is the funds
16 actually go to a diversion program.

17 COUNCIL MEMBER ROSE: It goes to the
18 program, but it goes to one side for the prosecution,
19 right? The prosecution is--

20 ELIZABETH GLAZER: No, I think--

21 COUNCIL MEMBER ROSE: No?

22 ELIZABETH GLAZER: --I think--so we've
23 funded in Manhattan and I believe in one other--
24 Brooklyn I believe Alternatives to Incarceration
25 Units and I think what those guys are doing are

2 actually helping to run programs that divert the—I
3 mean the role of the DA is becoming more diffuse, and
4 less about, you know, just simply the prosecution of
5 a case.

6 COUNCIL MEMBER ROSE: Uh-hm.

7 ELIZABETH GLAZER: And so [siren] the
8 programs could be funded through the DA's offices.
9 They can funded citywide like supervised release,
10 which is, you know, taking in about 10,000 people
11 since 2016, and that's done through non-profits
12 serving the courts, the defenders--

13 COUNCIL MEMBER ROSE: [interposing] So,
14 our indigent service providers are given additional
15 resources for diversion programs?

16 ELIZABETH GLAZER: [pause] So, I'm not--
17 the programs--

18 COUNCIL MEMBER ROSE: [interposing] When--
19 when

20 ELIZABETH GLAZER: [interposing] --
21 diversion programs are funded--

22 COUNCIL MEMBER ROSE: [interposing] Let
23 me--let me ask that question again.

24 ELIZABETH GLAZER: Yeah, that's fine.

2 COUNCIL MEMBER ROSE: When the diversion
3 program is created in the DA's Office--

4 ELIZABETH GLAZER: [interposing] Uh-hm.

5 COUNCIL MEMBER ROSE: --is there an
6 automatic allocation of additional funds to indigent
7 service providers that would have clients in these
8 programs?

9 ELIZABETH GLAZER: No, but I think it's
10 two separate things. One is the actual program
11 services, right, which are run by, you know, a non-
12 profit or whatever that provide those services, the-
13 defenders in the ordinary course of representing
14 their client will determine whether or they want to
15 recommend their client for an alternative to
16 detention or alternative to incarceration program,
17 and the judge will then make that decision.

18 CHAIRPERSON LANCMAN: [interposing] I-I
19 think the suggestion I that-

20 ELIZABETH GLAZER: [interposing] But I
21 may be just-I think we may be talking past each
22 other. I'm not sure I'm totally clear so-

23 CHAIRPERSON LANCMAN: [interposing] Well,
24 I think-I think-I think the suggestion, if I may, is
25 that these alternative programs are all good and we

2 support them and we fund them where they can, but
3 they do require additional effort and work on the
4 part of the public defenders to get their clients
5 into those programs, to make sure that they're
6 maintaining themselves under those programs to defend
7 them if they run afoul of one of the rules of-of the
8 programs. The-the programs create work not just for
9 the-for the prosecutors, but they create work for-for
10 everyone.

11 ELIZABETH GLAZER: Yeah.

12 CHAIRPERSON LANCMAN: And I think we'll
13 hear later, we've heard it many times, but we'll
14 certainly hear later that there's no increase in
15 funding or there's no recognition of that extra
16 burden or responsibility that the public defenders
17 have because of all these wonderful programs that we
18 all support

19 ELIZABETH GLAZER: Oh, yeah. So, I-I
20 think that's fair and again, you know, we're always
21 open to hearing from and have, you know, worked with
22 the defenders on an array of programs separate from
23 the contract like Decarceration like mark clearing, a
24 whole array of things that are separate from what's
25

2 in the contract, but are separate programs and
3 separately funded for them.

4 COUNCIL MEMBER ROSE: Thank you. I'm the
5 only non-lawyer on this committee.

6 ELIZABETH GLAZER: [laughs] You did a
7 magnificent job.

8 COUNCIL MEMBER ROSE: I—I don't speak
9 legalese.

10 ELIZABETH GLAZER: Well, I barely do
11 either.

12 COUNCIL MEMBER ROSE: Thank you for
13 translating.

14 CHAIRPERSON LANCMAN: Yeah, thank you.
15 Before you go, I just want to drill down on—the
16 bill and not everybody even in the Criminal Justice
17 Reform Committee is in love with the idea of let's
18 give us ourselves a year to figure this out.

19 ELIZABETH GLAZER: Yes.

20 CHAIRPERSON LANCMAN: We respect that,
21 and we're going to hear from them, but why not have a
22 task force, appointees with the different
23 stakeholders in a room with a mission and in a time
24 table come up with a solution and a fix for this
25 because I think that—that you would acknowledge this

2 is an issue that's been talked about for—for many,
3 many years, and let's say in fits and starts we—we
4 look at and we address it, and we try to apply a
5 Band-Aid here or there. Why not get everyone in a
6 room with a mission and a time table and an
7 expectation of coming out of that with a plan for how
8 we're going to fix this.

9 ELIZABETH GLAZER: No, I appreciate that.
10 You know, I think that we're involved in extremely
11 productive discussions right now with the DAs, and I
12 hope come to conclusions. You know, we started last
13 summer with the DAs on this. We now sort of have
14 that 1 through 5. You know, it may not be perfect,
15 but it's a start. So, I think it would be good if we
16 could get to a conclusion though that process. We're
17 obviously, you know, looking at your bill. I'm very
18 interested in, you know, the concept put forth there,
19 but we're very hopeful that we can get to a
20 conclusion.

21 CHAIRPERSON LANCMAN: Well, thank you
22 very much for your—for your testimony. I know you
23 are very, very busy. If you were to stick around for
24 the next panel, you would I think find it
25 interesting. We are going to have the District

2 Attorneys and the—the head Legal Aid's Criminal
3 Defense Practice testify jointly in the same panel at
4 the same time. It's going to be groundbreaking.

5 ELIZABETH GLAZER: That's a beautiful
6 thing.

7 CHAIRPERSON LANCMAN: Alright, thank you
8 very much. With that, we'd like to invite District
9 Attorney Darcel Clark, Mike McMahon, and Jack Ryan
10 representative from the Queens District Attorney's
11 Office and Tina from Legal Aid to testify on our
12 next panel. [background comments, pause] Alright, if
13 we could just swear you in, and then we'll get
14 started. Do you swear or affirm the testimony you're
15 about to give is the truth, the whole truth and
16 nothing but the truth?

17 PANEL MEMBERS: [in unison] Yes, I do.

18 CHAIRPERSON LANCMAN: Thank you very
19 much. Judge Clark, if you'd like to begin.

20 DARCEL CLARK: Thank you. Good morning,
21 Chairman Lancman and members of the Justice System
22 Committee. It is an honor to appear before you
23 today. I last appeared before you on May 14th to
24 make the case for parity for my assistant district
25 attorneys. The five months since and the summer in

2 particular have been remarkable for both the sheer
3 number and scope of serious cases my office has been
4 handling and the community outreach we have done to
5 enhance trust in our office and the Criminal Justice
6 System. We've seen a rise in homicides. We have 75
7 so far this year surpassing the number we have for
8 all of 2017, which was 72. The Bronx has 30% of the
9 city's homicide while it is home to 17% of the city's
10 population. Behind these numbers are people whose
11 cases have gripped the city and even the nation. 15-
12 year-old Lasandro Junior Guzman Felize brutally slain
13 on video that went viral. Lisa Marie Valezquez
14 killed and dismembered when she tried to help a
15 friend and Valerie Solanas particularly butchered by
16 her husband. While continuing—while continuing to
17 investigate or prosecute these cases and many others
18 that don't make the headlines, in July my office held
19 a silent peace march to site of a triple homicide
20 with community leaders, police and clergy present.
21 Last month we held the Re-entry Resource Fair for
22 those coming back to the community from prison.
23 Hundreds of people received information about jobs,
24 healthcare and housing. We sponsored a 5K run to
25 start Domestic Violence Awareness Month. We held the

2 Gun Buyback and in the last year our Crime Victims
3 Assistances Unit widened its scope and serve 323
4 loved ones and relatives to homicide victims, 90 more
5 than the previous year as well as over 1,800 more
6 Domestic Violence victims than last year. Lastly,
7 our Overdose Avoidance and Recovery Program one
8 praised nationally and continues to save lives.
9 Forty-five people completed treatment and were
10 diverted from the Criminal Justice System. In this
11 turbulent time of Criminal Justice reform, my ADAs
12 never cease to amaze me with how well they perform
13 their jobs amongst great changes and challenges, and
14 despite being the lowest paid in the city, we face
15 new hurdles undaunted and committed to improving the
16 Criminal Justice System. Since I last appeared
17 before you to ask for pay parity, 50 ADA left my
18 office. Ten obtained positions in the New York City
19 Law Department, the Family Law Unit, which is gearing
20 up to meet the challenges accompanied by the Raise
21 the Age legislation. Over the past year, 105 ADAs
22 left the office. Thirty-one of them went to city,
23 state and federal agencies, including the Law
24 Department, DOE, DOI, ACS and other DA's offices.
25 The State Attorney General, the Governor's Office,

2 ICE, the—and the U.S. Attorney's Office as well as
3 DOJ. With 516 attorneys currently on staff the
4 result is an attrition rate near 20%. As I have
5 testified before, the most significant staffing
6 challenge we face is recruiting and retaining an
7 adequate number of attorneys to stabilize our legal
8 workforce. The other problem is that as a result of
9 attrition, our average experience level continues to
10 drop. Currently, the average experience level of and
11 ADA in my office is three years, eight months, and
12 that is not significant experience to handle complex
13 investigations and felony cases like homicides. To
14 meet this challenge, we have invested in training our
15 new assistants. However, this training and
16 experience will not yield a long-term benefit for us
17 if our attorneys continue to take jobs in the private
18 sector or in other agencies for higher pay. Further,
19 attrition has a destabilizing effect on the cases we
20 are changed with prosecuting. Persistent
21 reassignment of cases undermines the intent and
22 benefits of vertical prosecution. Lost productivity
23 and duplicative reassignment of cases costs an
24 estimated \$3.7 million this year. Last March I asked
25 for \$6.3 million so my assistants would be paid a

2 salary equivalent to prosecutors in other city and
3 state offices. The city through the good graces of
4 you the Council gave us \$2 million for parity last
5 summer, but that money was earmarked for ADAs with
6 one to five years in the office. That meant in some
7 cases new assistants would make more than some ADAs
8 who have been in the office longer, but with a lot of
9 hard work by my financial team, we worked out the
10 numbers to bring salary levels on par with attorneys
11 and ADAs in other agencies. Effective September 4th,
12 starting with the 2018 class, I raised the starting
13 salary of ADAs to \$65,000 and \$69,000 upon admission
14 to the New York State Bar, which mirrors the starting
15 salary of the New York City Law Department or so we
16 thought. Recently, we were informed that the Law
17 Department's salaries increased in September to
18 attract attorneys hired for Raise the Age. Now, if
19 that is true, and I'm not sure that's true or not.
20 If that is true, then we're back in the same place we
21 were before. The attrition and salary parity
22 question is even more alarming if it comes to pass
23 that the remaining funding we requested for complete
24 parity, and \$4 million will not be forthcoming in the
25 November budget. This means the salary compression

2 for assistants beyond five years in the office will
3 remain. It's troubling that in light of concurrent
4 underfunding in our other than personnel services
5 budget, we may be forced to transfer some personnel
6 services money into our OTPS budget to pay for
7 computers and office equipment and furniture and
8 supplies all of which are much needed to support the
9 work of our assistants. I reviewed the proposed
10 legislation sponsored by you, Chairman Lancman, and
11 Bronx Councilwoman Diana Ayala, and the idea of
12 establishing a task force to evaluate salary parity,
13 retention funding, infrastructure and workloads of
14 assistant district attorneys and public defenders may
15 be able to help. I'm not taking a position, but
16 perhaps that is a step to help us, but right now from
17 what we can see, there is no uniform consistent
18 method to fund the city's DA's offices. The city has
19 no apparent guidelines for the establishment of fair
20 and competitive starting wage/salary for attorneys in
21 the service of the city of New York. Some lawyers
22 employed by the city are compensated for overtime,
23 nights and weekends. However, assistant district
24 attorneys routinely work in excess of 35 hours, and
25 are required to work nights, weekends and holidays

2 and on-call duties for up to 24 hours at a time
3 without any additional compensation. They also carry
4 the burden of exorbitant student loan debt in
5 addition to the cost of living, New York City housing
6 costs as well as transportation costs and childcare.
7 ADAs work on average a 45-hours work week, which
8 amounts to \$18.53 an hour. That's only \$3.00 more
9 than the minimum wage. This is not fair and we—this
10 is not a fair and reasonable compensation for
11 professionals who ensure public safety, prosecute
12 fairly and meet the highest ethical standards. At the
13 very least a 21st Century strategic plan for the city
14 to fund DA's offices should include a reliable
15 starting salary index, which apply not just to DA's
16 office but to all city agencies. A 21st Century
17 strategic plan should include a periodic review by
18 independent compensation specialists or consultants
19 who could assess the salary requirements of DA's
20 offices taking into account the prevailing and
21 changing economic factors from year to year as well
22 as expanding the nature or—expanding the nature of
23 the prosecutor's job. The consultants could propose a
24 DA pay scale, the salary ranges that would keep each
25 of the five DA's offices and the Office of Special

2 Narcotics within a known range of salaries according
3 to experience level. This analysis could and should
4 extend to lawyers throughout city agencies as well as
5 to prevent significant future disparities. While it
6 is our understanding that the city has not
7 articulated a specific formula to address funding
8 over the past few years, we believe the city should
9 consider--and I know that they are considering a
10 number of things because we have been in
11 conversations with them--should consider an equation
12 that takes into account some of the following
13 variables: Each borough's percentage of the city's
14 population; the percentage of the city's overall per
15 capita arrests; felonies, misdemeanors, and pending
16 investigation; percentage of the city's overall
17 diversion that being the alternatives to
18 incarceration; a percentage of the city's overall
19 crime victims services delivery. In closing, I want
20 to reiterate my thanks for the funding my office has
21 received. It is heartening to note that you have
22 faith in our work. Our mantra is pursuing justice
23 within integrity. We carry out criminal justice
24 reform that benefits victims, witnesses, defendants
25 and the community at large. We serve the people of

2 the Bronx day in and day out, never wavering. My
3 Assistant District Attorneys and all Assistant
4 District Attorneys that serve pay parity. Thank you
5 for the opportunity to address you again.

6 CHAIRPERSON LANCMAN: Thank you very
7 much. Mr. McMahon.

8 MICHAEL MCMAHON: Thank you Chairman
9 Lancman and Council Member Rose, my Council Member
10 and to the staff and all gathered here today. Thank
11 you for bringing needed attention to this very
12 important issue, which is pay parity and the
13 retention rates of ADAs and public defenders. I just
14 want to point out that since we took office in 2016,
15 we have fought tirelessly together with our Council
16 delegation to get fair resources to the Office of
17 District Attorney on Staten Island and as Liz Glazer
18 pointed out, there was some historic disparities
19 amongst the different offices, and it's something
20 that we were able to address, and this has allowed
21 our team and myself to effectively combat the many
22 challenges facing our borough from tragic opioid,
23 Heroin and Fentanyl epidemics to the scourge of gun
24 violence and street crime and the ongoing threat of
25 domestic violence that plagues far too many families,

2 and the mission of office is quite simply: Keep
3 Staten Islanders safe, provide support to victims and
4 hold criminals accountable for their actions all the
5 while trying driver down crime numbers, and during
6 our 2-1/2 years in office overall crime has dropped
7 significantly making Staten Island the safest borough
8 in the city, and we have successfully launched a
9 myriad of new initiatives and programs to address the
10 crime and drug problems Staten Islanders face every
11 day. However, we can only continue this positive
12 trend with the proper staff and resources, and just
13 as with my colleagues here today, we are facing an
14 increasingly uphill challenge with the experiential
15 level of our ADAs and our ability to offer
16 competitive salaries in order to retain the best
17 talent. The people of New York deserve to have
18 prosecutors with proper training and experience, and
19 who are of the highest quality representing them in
20 the courtroom, and this is true even more so given
21 all the changes that are happening to the Criminal
22 Justice System and all the added requirements that we
23 have to make sure that everyone who is accused of a
24 crime is treated fairly and according to the law, and
25 every victim is tended to as well. As you know,

2 prosecutors are given a tremendous amount of
3 authority with the power of prosecutorial discretion
4 if we under-value them and their pay, which has long
5 lasting effects on recruitment and retention.
6 Similar to the other boroughs if we do not address
7 the issue of ADA salary parity soon, we will face an
8 even more severe staffing crisis. In my office
9 retention issues have caused a ripple effect on our
10 supervisors. The average experience level of
11 supervisors has had to drop considerably. We have
12 just one ADA who is not a supervisor with more than
13 six years of criminal law experience, and at the same
14 time, just 64% of our ADAs, 43 out of 67 have five
15 years or less of experience, and 15%, 10 out of 67
16 have less than 2 years experience. Again, think of
17 the responsibility that's upon them everyday, and
18 think about the little experience we're affording
19 them to go and perform and their duties. Mid-level
20 recruits are almost impossible to find, people with
21 5, 6, 7 years of experience, and we've had positions
22 remain vacant for a considerable period of time.
23 This had lasting repercussions on professional
24 development losses. Supervisors are now being
25 promoted with less and less experience, but still

2 expected to do more work, and for example, unit
3 chiefs, deputy bureau chiefs and bureau chiefs in our
4 office all carry trial caseloads and can be
5 responsible for prosecuting multiple homicides each.
6 We have even had to reach so far into our
7 experiential pool that ADAs with as little as 2-1/2
8 years of experience are assigned to homicide trials.
9 We have also found it necessary to promote staff with
10 an earlier experience level because of the loss of
11 the upper management due to our inability to offer
12 competitive salaries, and while our team is committed
13 to doing whatever it takes to keep Staten Island
14 safe, it is unfair to continue asking so much of my
15 staff with so little to offer them in return. Like
16 all my colleagues here, our attorneys work very hard.
17 They confront heart wrenching emotionally draining
18 and complex circumstances and decisions everyday, and
19 we entrusted them our faith to make the right the
20 decisions, the public service lawyers are
21 significantly underpaid. The big law starting salary
22 for a lawyer in New York City who just graduated
23 school and passed the bar is \$180,000, and in
24 comparison, the starting salary for an ADA in our
25 office is \$68,101, which was increased from \$62,000

2 in 2016 when we came into office. This increase was
3 made during the transition period after we made a
4 thorough analysis of the staffing structure and pay
5 parity within the office and we needed to do
6 something to meet our recruitment needs.

7 Unfortunately, we have been unable to address with
8 that re-allocation—what we have been unable to
9 address with that re-allocation is the issue of
10 retaining ADAs. The low pay of ADAs, and Ms. Darcel
11 so eloquently pointed out in our office and the
12 others as well, combined with the high cost of
13 living, high cost of student loan repayments and
14 desire to start a family means that we have
15 significant brain drain for ADAs after the 3-year
16 point, and even more significantly after the 5-year
17 mark, and although the Office of Management and
18 Budget and the Mayor's Office of Criminal Justice
19 took a first step in this past budget to address
20 salary parity for ADAs with less than five years
21 experience, quite honestly this step did nothing for
22 Staten Island as we had already internally addressed
23 salary parity with that level of ADAs. In fact, out
24 of the one-out of the \$5.4 million you heard about,
25 which is much appreciated across the city for 1

2 through fivers, Staten Island received \$10,000 of
3 that money. Our problem remains with retaining ADAs
4 with over five years of experience. In fact, it was
5 almost as if we were punished compared to the other
6 boroughs for proactively addressing our parity and
7 recruitment—recruitment struggles by reallocating and
8 training younger staff to address our eminent needs.
9 Additionally, despite often working long hours and on
10 our weekends, our ADAs are not paid any overtime.
11 They do not receive weekend pay, and they do not
12 receive compensation for meals, travel or other
13 expenses, and this is in stark contrast to other city
14 agencies and legal organizations where employees
15 rightfully earn overtime when they are asked to put
16 in extra hours, and due to the unpredictable nature
17 of criminal cases, working a normal 9:00 to 5:00 day
18 is—is never possible for my ADAs as many of their
19 duties such as interviewing witnesses or responding
20 to crime scenes can fall outside of normal hours.
21 The changing nature of law practice also means there
22 are few and few lifetime prosecutors who bring much
23 needed experience and expertise to the courtroom. In
24 our office, for example, we have just three bureau
25 chiefs with 20 or more years of experience with the

2 office and notably a bureau chief with as little as
3 11 years experience. So, I cannot stress enough that
4 the value of a veteran prosecutor what they, he or
5 she brings not only to the courtroom in trying cases
6 but also in mentoring and guiding the younger staff
7 to avoid mistakes and grow into better lawyers. And
8 we see more and more in public cases how costly
9 mistakes by prosecutors can be, and yet we're doing
10 very little with our resources in the city to make
11 sure that we don't—that we have the best prosecutors
12 possible representing the people. Because of the
13 challenges we face with pay parity, this means our
14 recruitment pool has dwindled to lawyers who come
15 from personal wealth, law school graduates who have
16 struggled to find other employment or talented
17 lawyers who have aspired to be prosecutors their who
18 lives or careers but practically cannot remain
19 unemployed for long. A look at some of the salaries
20 of other city workers I think would be very helpful.
21 Consider this: A Sanitation worker who are very near
22 and dear to my heart considering my former position
23 as Chair of the Sanitation Committee in this esteemed
24 Council, a Sanitation worker likely with 5-1/2 years
25 experience makes on average \$88,616 with overtime.

2 An ADA in our office makes with that same level of
3 experience makes \$81,000. A police officer with 5-
4 1/2 years experience makes \$85,292 not including
5 holiday, longevity, uniform allowance, overtime.
6 Someone with the same years in our office \$81,000. A
7 firefighter with 5 years experience making an average
8 with overtime \$110,293. In or office the same ADA
9 working the same amount of time with a law school
10 background and law school debt is making \$81,000, and
11 it has been reported in the private sector that union
12 hotel housekeepers will see their hourly wage rate
13 grow, that they'll be making \$68,900 when they start,
14 again, more than a starting ADA in our office. These
15 people deserve their pay. Don't get me wrong, but
16 the people who work in our offices deserve to have a
17 living wage commensurate with their experience,
18 abilities and responsibilities. We believe the
19 public deserves the best in our prosecutors and our
20 prosecutors deserve our respect, and at the very
21 least the ability to make a living from honorable and
22 incredibly important public service sector. For
23 those reasons and more I'm proud to join my
24 colleagues here today in bringing attention to this
25 issue and requesting that the Committee take

2 seriously pay parity and retention rates in our
3 offices. We thank you for your time and
4 consideration and I look forward to continuing this
5 work with you. I would like to also, not in my
6 remarks but just comment on the proposed legislation
7 and just say that while we all agree in the—in the
8 goals of having a fairer system, as someone who sat
9 in that chair some years ago, I'm just not sure why
10 the Council would want to sort of delegate its duties
11 to a task force, not its duties but also its powers
12 to a task force of oversight and budgeting to—to give
13 us the money that would allow us to pay parity, and
14 then also as Ms. Glazer said, keep in mind that we
15 are duly elected public officials who seek to retain
16 some independence and authority over how we do our
17 budgeting as well just as you do in your own
18 individual member office budgets, but I'd be glad to
19 talk to you about that more at length going forward,
20 and we thank you again for having us.

21 CHAIRPERSON LANCMAN: Thank you. Mr.
22 Ryan.

23 JACK RYAN: Good morning. I will attempt
24 to be brief. District Attorney Brown sends his best
25 wishes, and we thank you for the opportunity to

2 discuss with you the issues of pay parity and
3 retention rate for ADAs and public defenders. At the
4 outset, we would like to express our gratitude to the
5 Council for its continued support of our office
6 particularly in regard to the budget funding provided
7 in Fiscal Year 19 Adopted Plan. These funds will
8 create—enable our office hire additional staff in a
9 variety of areas including opioid prescription drug
10 trafficking, domestic violence, human trafficking,
11 body worn cameras and property release initiatives.
12 While this additional staffing does not bring us up
13 to the level of ADA staffing—staffing equivalent to
14 that of our fellow district attorney's offices, it is
15 much needed, and will indeed help improve our
16 approach to criminal justice in Queens County. In
17 addition, in the area of ADA salary parity, the
18 Council's ongoing efforts to help secure \$760,000 in
19 funding for our office for salary increases for ADAs
20 in Classes 1 through 5. As a—as a result, ADA
21 salaries in these classes are now on par with their
22 counterparts in New York City Law Department. At
23 least I thought that was the case until I heard DA
24 Clark speak before. If their numbers have raised,
25 we're—we're behind again. The funding has made

2 significant impact on salary levels for these ADAs
3 with a \$5,000 to \$9,000 increase received depending
4 on class year. We appreciate your recognition of the
5 important work of our ADAs and the need for
6 competitive salaries to reflect that. We are
7 optimistic that these salary increases will enable us
8 to better retain our new ADA staff who often leave
9 for higher paying jobs in the private sector and
10 other governmental agencies due to understandable
11 financial concerns often caused by crushing student
12 loan debt. While we are appreciative for the funding
13 received, it unfortunately only focused on our newest
14 ADAs and not our entire ADA staff. As a result, our
15 existing salary compression issues were further
16 magnified and we needed to look at our ADA staff as a
17 whole in order to make adjustments to the salaries of
18 ADAs beyond the 5-year mark. This was critical since
19 over 58% of our office have been with the officer five
20 years or more. Had we not made adjustments, for
21 example, a 5-year ADA with the new raise will be
22 earning the same salary as what a 10-year ADA was
23 then making, and more obviously than a 6 to 9-year
24 ADA. We alerted MOCJ and OMB of our concerns at the
25 time when we were informed of the raises for the 1 to

2 5-year ADAs, and have since requested baseline
3 funding from OMB to offset the sale funded portion of
4 the raise package. We once again for the Council's
5 support and allocation of these funds through our
6 office. With that being said, we still face
7 challenges ahead, and while we have been fortunate in
8 that overall ADA attrition rate is comparatively low,
9 we have seen our ADA attrition on an upward trend
10 over the last several years. The bulk of this
11 attrition continues to be with our Assistant District
12 Attorneys with between 5 and 10 years of experience,
13 the future of our office. This possesses significant
14 challenges. Each year the office makes active
15 recruiting efforts to attract new law school
16 graduates to join our office as Assistant District
17 Attorneys, and when they join our staff, we provide
18 intensive training including classroom sessions, moot
19 court exercises, visits to drug rehabilitation
20 facilities and jails, continuing legal education and
21 individual mentoring to ensure that we provide the
22 quality of legal representation for the people to
23 which the residents of Queens are entitled. We rely
24 on retaining these attorneys as they grow through
25 inexperience so they can handle more complex

2 prosecutions including serious felonies and
3 specialized matters involving a wide variety of areas
4 including sex offenses, child abuse, domestic
5 violence, homicides, gang violence, and sophisticated
6 economic crimes among many others. When these
7 attorneys leave after we have invested significant
8 time and effort in training them, we lose the
9 experience and training levels needed to most
10 effectively carry out our mission of investigating
11 and prosecuting the over 60,000 arrest cases we
12 handle each year in Queens County. In addition,
13 moving forward we must also continue to monitor ADA
14 salary structures to ensure that salaries remain
15 competitive. We look forward to working with the
16 Council, OMB and MOCJ to ensure that ADA salaries are
17 adequately funded and its future salary adjustments
18 implemented as needed. In closing, we have attached
19 a summary chart of the new ADA salary levels for
20 years 1 through 5 as well as the ADA retention
21 statistics you requested. We thank you again for
22 your ongoing efforts and continued support of our
23 office. We look forward to continuing to work with
24 you and your staff on these and many other issues on
25 matters moving forward. Regarding the legislation,

2 we have not taken a fixed position on it. I'll just
3 note that very rarely have I seen a task force of 12
4 people really accomplish all that much. It may be
5 this would be an exception, but we have been working
6 closely with OMB and MOCJ and quite frankly at this
7 point we think there is probably a more fruitful way
8 to go, but we're open to studying it further. I note
9 that the legislation also calls—I'm not sure if Ms.
10 (sp?) was anxious to have us study the culture of
11 Legal Aid in order—which the legislation calls for,
12 nor am I inviting her to study our culture, which is
13 part of the legislation, but we're certainly willing
14 to keep talking. I do not know the salary structure
15 of—of Legal Aid. So, I can't really talk about their
16 salaries. You know, I—I do note some differences in
17 that their staff are unionized and have certain
18 rights and things that an ADA just doesn't have. So,
19 in comparing the salaries of ADAs and Legal Aid,
20 while there are similarities, I think you—you will
21 have to study the differences, and I don't know
22 enough about the differences to offer an opinion, and
23 again, I thank you.

24 CHAIRPERSON LANCMAN: Thank you. Ms.
25 Luongo.

2 TINA LUONGO: Thank you, Chairman Lancman
3 for holding this important hearing on a critical
4 issue, and also it's quite unprecedented in many
5 ways. One is that it's unprecedented that we are
6 actually in a room, in City Hall talking about it.
7 Also equally unprecedented is I think this might be
8 the first time the Public Defenders and the DAs have
9 ever sat at the same table to testify. As you know,
10 I am Tina Luongo, and I am proud to say that I've
11 served this city and the people of this city as a
12 public defender since 2002. The testimony I provided
13 today is not only on behalf of the staff that I lead,
14 many of the are here, but most of them are in court
15 with their clients. But also on behalf of Adriene
16 Holder the Attorney-in-Charge of or Civil Practice
17 and her staff Dawn Mitchell, Attorney-in-Charge of
18 the Juvenile Rights Practice and her staff, and on
19 behalf of each of the city's defense organizations,
20 Bronx Defender, Brooklyn Defender Services,
21 Neighborhood Defender Services of Harlem, New York
22 County Defender Services and Queens Law Associate and
23 all of their staff. Together, our organizations
24 employ close to 4,000 people who represent over
25 300,000 New Yorkers in criminal, civil, family,

2 immigration direct, legal matters annually and affect
3 the lives of millions of New Yorkers by the work that
4 we do everyday to reform policies through legislative
5 and administrative advocacy, and systemic litigation.
6 In fact, when MOCJ testified about the drop in
7 policing and the drop in prosecution and the
8 reduction of people being caged at Rikers Island the
9 fact of the matter is that that work is done by
10 public defenders in this city long before reform was
11 discussed, years and decades of systemic litigation
12 that got us to the point to recognize publicly that
13 what we have been doing to black and brown
14 communities in this city has got to end. So, let me
15 take a minute to speak proudly about the people who
16 dedicate their lives to public defense. Every single
17 day seven days a week nearly 24 hours a day, the
18 staff of all of our offices, and that staff are not
19 only attorneys, they're paralegals, investigators,
20 social workers, managers, fight for racial equity and
21 social justice to them being a public defender, to us
22 being public defenders is a calling not a job.
23 Everyone is driven to work long hours under very
24 stressful situations, and circumstances on behalf of
25 our clients not because we want to count the wins in

2 a hearing or trial, but simply because we love what
3 we do and we love who we do it for. In fact, the
4 staff of our offices are the lawyers for the people
5 of the city of New York, and you have said it and we
6 have said it, and I agree to the extent with the
7 district attorneys that we are seeing unprecedented
8 rate of attrition particularly attorney of colors
9 that have joined our offices in the last years who
10 come from the exact communities in which we serve.
11 By a persons fifth or sixth year as a public defender
12 often I have heard, we have heard that there is a
13 second job being worked at nights and weekends either
14 in the food industry or driving a Lyft to help ends
15 meet. That is the same for our social workers and our
16 paralegals and investigators, and you'll hear from
17 some of them on the next panel. By year 10 the dream
18 of being a New York City public defender for the rest
19 of your life has ended, and it is time,
20 unfortunately, that people have to move on and where
21 do they go? They go to corps counsel. They go the
22 Human Rights Commission and they go to OCA's Court
23 Attorney Program, and simply put, they're doing this
24 because the cost of living in New York City is way
25 too high, as said by everybody this morning. We did

2 a retention study that looked at a 10-year period of
3 classes that we brought on every year in the fall
4 from 2007 to 2017, and sadly, but not surprising
5 because we know because I get—we all get and I get
6 resignations almost monthly, sometimes weekly that as
7 the experience of staff increases, the rate of
8 retention decreases with the largest percentage of
9 staff leaving between 5 and 10 years. By the tenth
10 year of hire at Legal Aid Society, essentially half
11 of the class that we hired in that year, nearly 48%
12 have left us. In exit interviews I hear the same
13 tale over and over again: I love what I do. I love
14 who I do it for. I would do it for the rest of my
15 life, but I can't do it any more, and here's what's
16 driving that. In a recent report on New York City
17 median prices, a cost of a 1-bedroom apartment is
18 \$2,850, and the cost of 2-bedroom apartment is
19 \$3,280 a month. In a recent report done of 181 law
20 schools in the United States, the average student
21 indebtedness ranged from 5,300, a little over 5,300
22 to close \$200,000, and while yes there has been a
23 public law forgiveness program from the federal
24 government, one might imagine under President Trump a
25 recent article said that 98% of applicants are

2 getting denied. And then, if you want to start a
3 family, as a public defender or anybody who is doing
4 public interest work in this city daycare is nearly
5 \$36,000 a year, and here is what the reality of the
6 situation is: The city of New York and the Office of
7 Court Administration actually know this? Why?
8 Because at the 10th year mark, corps counsel pays
9 their \$108,000. So, that's a recognition that it's
10 really expensive to live in this city. That is
11 \$18,000 more than I am able to pay for an attorney at
12 the same level. The Office of Court Administration,
13 our state funder for case cap pays a court attorney
14 that only needs three years of experience \$98,000
15 with a \$4,100 relocation budget. In comparison, the
16 salary of three-year Legal Aid Attorney is \$34,000
17 less. At five years it's \$28,000 and someone who has
18 10 years of experience being a public defender
19 representing the people of this city makes \$8,619
20 less than that court attorney. Our inability to pay
21 salaries competitive with New York City and OCA has
22 all to do with the way in which we are funded. For
23 those of us charged with leading our offices and
24 negotiating our budgets with MOCJ, or OCA, we have a
25 daunting task every year to try to make the—to try to

2 pay increases to our staff through salaries when our
3 budgets are either held flat or in this year's case
4 cut by the state for me. There are simply things
5 that we have to pay for as independent non-profits
6 that I actually will say my colleagues may not have
7 to pay, rent with the exception of Kings County,
8 health benefits, pension costs. Those things are in
9 our budgets, and we have to negotiate that. So, now
10 I actually want to turn right to actually some of the
11 testimony about the budgeting process because I
12 believe there was some undercurrent that I want to
13 sort of lay out that I've laid out and actually the
14 other chief defenders have laid out when we testified
15 in May about our budgets, and to which we have been
16 talking to MOCJ particularly this administration's
17 team since they all—they began and took office. So,
18 we've had the conversation about parity. We act—we
19 responded for the call for the RFP by budgeting at
20 least what we could to bring us in line at that time
21 with the parity structure of a combined average DA's
22 salary. We budgeted that way. We told them that was
23 a core value. We gave them budgets because they
24 asked for budgets in this RFP that actually looked at
25 the totality of what our offices needed including

2 increase in salaries to actually effectively
3 represent our clients, and what we heard and what we
4 have had to face is that there is still the belief in
5 this city that when you see a quote/quote "reduction
6 in intake" and it was talked about here at the table
7 earlier with the MOCJ panel that as cases go down,
8 there is still a belief that work goes down, and I
9 want to tell you that the public defenders of all of
10 our offices and all of our staff know that that is
11 actually quite untrue. That actually we have to do
12 more to ensure that the people who are still being
13 prosecuted and still being arrested and are being
14 prosecuted and arrested on serious charges that they
15 have effective representation, and that those
16 attorneys need the experience at the exact level they
17 are leaving us. And we have said this not once, not
18 twice but a 100 times to MOCJ and OCA. This year
19 they kept our budgets basically flat. In fact,
20 didn't even start the RFP and have not started the
21 RFP until January 1 and kept our first six months
22 flat. The so-called COLAs that we get, they skipped
23 2017 for us even though we told them that that would
24 set back our salaries yet again to 2015 levels. So,
25 this idea that they are giving us funding for new

2 programming, true. I appreciate the money that they
3 have given for us to do Decarceration because that is
4 critical to getting people out of Rikers Island right
5 now, but that has nothing to do with the base salary.
6 Let's be clear. Nothing to do with the base salary
7 that is breaking our public defenders every single
8 day. That increase is significant. I'm not going to
9 tell you differently because the salaries of court
10 counsel are significantly more. This system was
11 created. This problem of needing to pay us much more
12 money to get it right is systemic because it hasn't
13 been addressed for decades, and it's time. And while
14 we have spent a lot of time talking about attorneys,
15 you are going to hear from some of our non-attorney
16 staff, and if you think the problems are tough for
17 public defenders who are attorneys, so is it for our
18 social workers, paralegals, support teams,
19 investigators. The rate of turnover for those
20 positions is incredible, and in true I cannot find
21 people to come to work to fill those positions
22 because we're not paying enough as a starting salary,
23 and there are school loans there, too, that often get
24 ignored in this conversation, and so you'll hear
25 about that. So, what's the solution? I appreciate a

2 task force, getting people around, our thought
3 leaders around the table really important, but we
4 really actually don't need it. I-I and I appreciate
5 it, but we don't need it. We have a salary scale for
6 Court Counsel. We have one. Take that salary set,
7 figure out what this, in fact, will cost and fund it,
8 but there is something that actually we do want to
9 propose, which is for the City Council to consider
10 actually starting its own loan forgiveness program
11 for the people who serve New York City residents in
12 all of the ways we do, and the other thing is for us
13 to really consider what could we do about childcare
14 for public interest sector families. Could we, in
15 fact, give a subsidy for people? The federal
16 government does it and there's a childcare center in
17 the-in the-right here for federal employees including
18 federal defenders. So I leave you with those, but as
19 to the task force, we're losing people now. By the
20 time I get back to my office, I'm afraid I'm going to
21 see another resignation. So, I think it's critical
22 for us to move quicker, and I thank you for your
23 time.

24 CHAIRPERSON LANCMAN: Thank you very
25 much. Miss Cumberbatch.

2 SHANNON CUMBERBATCH: Good morning or
3 rather afternoon. My name is Shannon Cumberbatch,
4 and I'm the Director of Hiring, Diversity and
5 Community Engagement at the Bronx Defenders. Thank
6 you so much for hearing me and for having me today.
7 An integral part of my role is the recruiting and
8 retention, the hiring and maintenance of zealous
9 attorneys and advocates who are committed to
10 representing our clients in Criminal, Civil,
11 Immigration and Family Court proceedings. And so, in
12 that vain, I do want to begin by address or rather
13 answering a question that was posed very early on in
14 these hearings, which was whether or not the pay
15 issue is an impediment to recruiting and retaining
16 competitive and strong candidates in public defense,
17 and the answer in my experience is unequivocally yes.
18 In every aspect of my role from mentoring and
19 fostering interest in public defense careers for
20 students early on to extending offers to and
21 interviewing already interested applicants to saying
22 good-bye to my colleagues who no longer found this
23 career to be sustainable for them. I am hearing the
24 same concern or the same question posed over and
25 over, which is essentially: While I am incredibly

2 committed to supporting our clients and their
3 community, how am I supposed to support myself while
4 doing so on this salary, right. And, you know,
5 another equally important and related part of my role
6 as the Director of Hiring Diversity and Community
7 Engagement is promoting diversity and inclusion in a
8 conscious workplace that centers the needs and
9 experiences of the communities that we serve. And
10 what I have found in that role is that the pay
11 disparity in public defense the lack of financial
12 stability offered by this career path
13 disproportionately affects aspiring defenders from
14 the communities that we serve. It disproportionately
15 affects those from immigrant backgrounds, those from
16 racially and socioeconomically marginalized
17 backgrounds, those whose lives have been directly
18 impacted by the systems in which we advocate.
19 Individuals from these demographics are
20 overwhelmingly over-represented in the court system
21 as defendants, and in credibly underrepresented in
22 the court system as defenders. This is not mere
23 coincidence, and this is not due to lack of interest.
24 In the surveys that I've conducted, in the research
25 that I've done and the conversations that I've had

2 and the discussion groups that I've hosted and the
3 mentorship relationship that I have fostered in my
4 communications with other defenders across the nation
5 and colleagues from the community that we serve, pay
6 and the lack of financial stability has been
7 consistent and pressing issue, and has for many made
8 public defense seem as if it is an inaccessible and
9 unstainable career for many of our most competitive
10 and passionate candidates especially those who share
11 identities and experiences with the communities that
12 we serve. Candidates from populations
13 disproportionately affected by poverty, structural
14 inequality and system involvement are least likely to
15 benefit from generational wealth, least likely to
16 have familial support to supplement their low salary,
17 least likely to have access to resources that can
18 subsidize their exorbitant expenses particularly in
19 New York City. In fact, those from these
20 marginalized communities are more likely to be
21 primarily responsible for supporting their loved ones
22 whose—whose lives are stifled by entanglement in the
23 systems that our clients navigate. Coming out of
24 this financial hardship with even greater financial
25 responsibility after school mounts of student debt

2 having absolutely no safety net, and then
3 unsustainable pay maintain this cycle of struggle for
4 many applicants not only making it such that they
5 cannot use their education and privilege to get their
6 families out of poverty, but ensuring that they
7 remain not too far removed from it themselves even as
8 lawyers and advocates. This is something that
9 students think about very early on when they are
10 coming out of their own communities and thinking
11 about ways to give back. One student when expressing
12 her passion for public defense and yet her anxiety
13 around these financial limitations of the career,
14 shared: I am considering a career in public defense
15 because I feel like it is my responsibility and
16 passion to contribute to communities like my own. I
17 grew up in a poor neighborhood in the Bronx. My
18 parents are both Mexican immigrants. During my time
19 in school I had difficulties not being able to work
20 as many hours throughout every week to send money
21 back home. Since high school I have been financially
22 responsible for myself, and it has been an extra
23 worry for me to make sure that my family is not
24 having too much financial instability. I know that
25 it is easy for many people from low-income families

2 to go into jobs that are a lot more financially
3 secure because their first priority is being able to
4 provide for their families. Personally, I want to
5 continue working in public defense, but I also know
6 that I am not in any financial positions where my
7 parents can take care of any expenses or even help me
8 out. This student circumstances and early anxiety
9 about pursuing a career in public defense is neither
10 unreasonable nor uncommon, but instead very
11 accurately reflects the very daunting reality for so
12 many of our applicants and staff members from similar
13 backgrounds. Many believe that choosing a career in
14 public defense simply means to sacrifice the luxuries
15 afforded by lucrative positions in private law, and
16 while part of that may be true, for many and
17 especially for those from the communities that we
18 serve it mean struggling to attain and maintain basic
19 necessities. It means after much debt and formal
20 education potentially facing housing insecurity, not
21 being to cover medical expenses, not being able to
22 use your privilege and education to provide financial
23 stability for your own family in the community that
24 are you are so committed to serving. This takes an
25 incredible mental, emotional and physical toll on

2 those who do decide to make the sacrifice. Making
3 that sacrifice not only means carrying that constant
4 worry about one's financial stability, but in order
5 to make it work practically, it often means
6 maintaining multiple jobs. I can personally attest
7 that for our staff it means after spending all day in
8 court on Friday sometime being in night arraignments
9 on Friday waking up at 7:00 in the morning on
10 Saturday to go to the additional job to be able to
11 cover basic necessities to be able to sustain
12 yourself not even being able to build families and
13 build wealth just being able to stay afloat
14 individually. One of our newer staff members who was
15 once a summer intern as well shared I chose to attend
16 law school because I always wanted to be public
17 defender. I would watch my father get relentlessly
18 pulled over by the police. I would shake in fear
19 every time the blue and red lights flashed behind us.
20 I thought that police were an inescapable,
21 unshakeable fact of a person of color's existence,
22 and despite having limited ability to speak English,
23 my father would fearlessly stand up for himself. He
24 is the type of advocate I would like to be. Growing
25 up as a Latina and the daughter of two immigrants, I

2 have learned the communities of color are incredibly
3 resilient and with my unique experience, I hope to
4 apply my background to foster a trusting relationship
5 between myself and clients of the Bronx community.
6 Just two days ago, this new staff attorney who was
7 about one month into the job shared that while she is
8 incredibly excited and proud to be doing this work
9 that she considers priceless, she already just one
10 month into the job is saddled with the crushing
11 anxiety of wondering how she is going to make ends
12 meet, she is going to start making her student loans,
13 how she is going to make this career path that she
14 loves and values so much and worked so hard for since
15 she left her community, how she is going to make it
16 work, how she is going to remain in this work. The
17 negative and disparate impact of pay disparity and
18 public—that public defense has on recruiting and
19 retention of applicants from racially and socio-
20 economically diverse backgrounds is not just an issue
21 of parity, and it's not just a matter of being paid
22 for the work that you are doing. It becomes an issue
23 of survival for our defenders, and having such
24 diversity in the workplace is a matter of providing
25 quality and culturally competent client-centered

2 representation and public defense. We need people on
3 staff who can relate, interpret and empathize with
4 our clients' experiences in their cultures and their
5 communities. People who can speak the many languages
6 and dialects represented in this incredibly diverse
7 city, people who know what it's like to be desperate
8 need of legal assistance when facing the loss of
9 liberty of family separation. These perspectives and
10 experiences are critical to the culture at a Public
11 Defender Office, but are often lost when people have
12 to decide between supporting their community and
13 being able to support themselves, and their families.
14 I thank you for your time today. I appreciate your
15 attention to this issue, and I look forward to
16 working together to make public defense a more
17 sustainable career and to also bridge the gap between
18 those who are in need of defending and those who have
19 the privilege -those who can actually afford to be a
20 defender. Thank you.

21 CHAIRPERSON LANCMAN: Thank you. That
22 was very powerful testimony, and very enlightening
23 the extent to which it's difficult to create a public
24 defender office that looks like the people who are
25 run through the Criminal Justice System in this city,

2 and, you know, it's been a core value of this Council
3 to recognize and reckon with the overwhelming burden
4 that the Criminal Justice System places on black and
5 brown people, and the need for representation in all
6 of our public institutions particularly in the
7 Criminal Justice System that looks like the people
8 who are affected or served in that system, and your
9 testimony is one-- The issues that you raised in
10 your testimony is something that we knew, but the
11 depth that you brought to it and--and the examples
12 that you gave are really very powerful. I'm very,
13 very grateful for that. Let me ask Tina, what
14 conversations did you have that you could share with
15 MOCJ about the issue of pay parity and--and the RFP?
16 Because I remember last year, two years ago we had
17 MOCJ at a hearing. I don't remember if it was a
18 budget hearing. It might have been a hearing that
19 was dedicated to the--to the contract itself--urging
20 the city to produce an RFP that reflected the
21 holistic approach to criminal defense, and also
22 address the issue of--of pay parity. I know that the--
23 the bids that your--you and the other public defenders
24 submitted reflected those--those goals, and I know in
25 the Council's response to the Mayor's Preliminary

2 Budget we tried to advocate for bridging the gap
3 between what the administration had laid out in its
4 budget, and what it would take to get from there to—to
5 the kind of public defender contracts that we all
6 think are what are necessary and what people deserve.
7 So what happened?

8 TINA LUONGO: Good question. So, it goes
9 back to probably—so way before the RFP for this
10 contract cycle actually began. We asked all the
11 defender agency—organizations asked for a meeting
12 with MOCJ because we had heard that they were
13 starting to think through the next RFP and what we
14 wanted to do was sort of give our perspective. It
15 was pretty new in the administration change, and we
16 laid out all of the issues that we believed including
17 pay parity, and most importantly stress that this
18 notion that you fund our offices by the number of
19 people we arraign was not the way to think about
20 things. First of all, it was enormously problematic
21 that we should be actually paying public defenders
22 for how many people have at least been prosecuted in
23 this city, right. The—the drive then if—if you
24 might—might imagine to a system that relied on that
25 was inherently unjust. The agreed to that. They

2 agreed that we needed to actually look at parity and
3 how—how much we pay people because what we wanted to
4 do was to invest in the lives of people who are going
5 to stay with us because we already started to see the
6 shift in the number of people being prosecuted on
7 misdemeanor and violations being reduced again as a
8 result of decades of our litigation and advocacy from
9 all of our offices. We saw that coming five years
10 ago, started talking about it at that point and said
11 we're going to have a problem, and even now as I'm
12 negotiating contracts those are the same things, and
13 we're all negotiating our contracts, and yes fairly,
14 but I guess we can't talk about dollar amounts, but
15 we could talk about the general concepts. We have
16 been saying the same thing, and we have not gotten
17 any more money, and I want to raise this that I did
18 not say earlier, but this gives me the opportunity.
19 This notion that there is a state pool of money that
20 somehow is going to miraculously put us in line
21 somehow closer to the DAs is actually wrong. The
22 money coming from the Office of Indigent Legal
23 Services as part of the Justice Initiative or Justice
24 Law that was signed by Governor Cuomo is specifically
25 to continue to reduce caseloads to a different level

2 than currently and, in fact, cannot be used. Not one
3 single dollar of it could be used to supplant the
4 County's responsibility because I want to remind all
5 of us that *Gideon* in New York State is applied to the
6 counties not the state. It will still always remain
7 New York City's collective responsibility as five
8 different counties to fund public defense. They know
9 that. MOCJ knows that. The Office of Indigent Legal
10 Services and MOCJ are meeting. I have raised—we have
11 all raised that none of the money we are getting to—
12 to reduce caseloads. Further, between now and 2023
13 we have to get to a new standard. Not one single
14 dollar of it can go to salary increase. It has to go
15 to increasing our staff to bring the caseloads down.
16 MOCJ, in fact, though continued to budget us based on
17 the current caseload, and in their position, based on
18 that current caseload, which I'll remind everybody is
19 400 misdemeanors or about 150 felonies with a felony
20 rated at 2.66. Their position is well defenders, you
21 are below your state cap. Our position is, however,
22 we've got to get to 300 misdemeanors by 2023, which
23 means I cannot attrit. I have to grow. We all do.
24 So that money from the state is used for that. So,
25 the—the conversation is happening, Chairman. They're

2 not listening, and what we hear in response is well,
3 we're going to take you ass to OMB. You should know,
4 and I'm—I'm—so it was interesting to hear MOCJ say
5 that—that there is a deep sort of conversation, and
6 I'm assuming not a deal but a conversation is
7 happening with the district attorneys to bring them
8 into corp counsel parity by 2025. Good to know.
9 First of all, I think again we could do a lot sooner
10 for everybody. So, let's—let's dispense with that,
11 and do it next year, but you should know that our
12 two-year contracts keep us flat even going into
13 Fiscal Year 20, and every year our costs go up.
14 Again, we pay for rent, we pay for healthcare, we pay
15 for pension. We pay for our investigators. We pay
16 for experts, things that our colleagues don't need to
17 pay for because potentially they are part of the NYPD
18 or the City—or the city agencies, and so there is
19 that crunch.

20 CHAIRPERSON LANCMAN: Okay, so let's turn
21 to the—to the DAs and I want to just repeat some of
22 the facts that Judge Clark listed in her testimony
23 which are—which are pretty shocking. Since you
24 appeared before us asking for pay parity, which I
25 assume is a reference to the budget hearing, 58 ADAs

2 have left your office. Over the past year, 105 ADAs
3 have left the office, about a third, a little less
4 than a third went to city, state and federal
5 agencies. That's who your competition is.

6 SHANNON CUMBERBATCH: Yes.

7 CHAIRPERSON LANCMAN: The attrition rate
8 in your office is 20%. The average experience level
9 of an ADA is three years and eight months.
10 Interestingly, just the lost productivity and dupe-
11 I'm quoting you: Lot productivity and duplicate
12 reassignment of cases cost and estimated \$3.7 million
13 this year. That should alarm and scare the hell out
14 of everybody. I think there is something to be said
15 for experience, and the judgment that comes with-
16 with-with tenure. I asked Ms. Luongo what
17 conversations there have been with the administration
18 regarding the-the BID and the RFP. Ms. Glazer had
19 referenced conversations with the DAs and I've heard
20 from your offices bits and pieces over the last year
21 or two that information was sent to MOCJ and you
22 wondered what-what happened to it. What was used,
23 and I remember the conversations Mr. Ryan in-in your
24 office. So, what is Ms. Glazer talking about when
25 she talks about the conversations going back and

2 forth, some reference to conversations since the
3 summer. Is there some—some effort that—that we're
4 not aware of to try to come up with some kind of
5 systematic long-term solution to this—to this
6 recurring problem, because I think—not to
7 mischaracterize her testimony, that's what she was
8 hinting at.

9 SHANNON CUMBERBATCH: Well, we—we have
10 been in conversations with them and when MOCJ asked
11 us for any statistics or information, we've provided
12 it, and, you know, it's—I guess they're working on it
13 to get back to us as to how we get to this parity
14 that we absolutely need. Don't get me wrong. The
15 money that we did receive to bring the assistants up
16 years 1 through 5 is fine, but it caused compression,
17 which meant more people left. Those middle—between 5
18 and 10-year assistants left. They saw us give money
19 to years 1 through 5, and they say, hey, wait a
20 minute, I've been hanging around here and hearing
21 that we're going to get more money. You give the
22 money to 1 through 5, I'm out of here, and that's
23 what happened. They're still going. I mean it is
24 between the workload because there's a lot more work
25 that prosecutors have to do even though they say

2 arrests are down and crime is down, there's a lot
3 more involved in dealing with prosecution of cases.
4 There's more alternatives to incarceration. We're
5 doing more with the, you know, making sure we live up
6 to our ethical standards. There's more
7 investigation. There's a lot more that's being
8 required especially when you're trying to be a
9 progressive office, and do some of the things that
10 are going to, you know, help people who are accused
11 of crime also bring fairness to the system, which is
12 something that I have dedicated my office to making
13 sure that I do. So, with all of those increasing
14 things that wasn't part of prosecution 10 and 20
15 years ago, there is more that has to be done, and
16 with the cost of living some—a lot of—some of the
17 people moved out of state. They couldn't even stay
18 here to even go to another city or state agency.
19 They had to leave New York State or New York City
20 because it is just simply too expensive. So,
21 inasmuch a MOCJ needs information from us, I make
22 sure—I tell my financial team give it to them so that
23 we can get to a point that now can move to this next
24 step and deal with those attorneys who are five years
25 or more because that's—that's where the drain brain—

2 brain drain has been is that 5 to 10 years. I need
3 those assistants and they're leaving.

4 SHANNON CUMBERBATCH: Okay, and—and
5 Staten Island and Queens, do you have any sense that
6 in your conversations with MOC—with MOCJ that they're
7 moving towards some kind of solution or—or plan here?

8 JACK RYAN: They've all—they've asked us
9 for a lot of data, and a lot of analysis, and we've
10 coupled that with our request to them. So, I hope
11 we're not naïve, but we believe the fact that we're
12 giving them this data and the analysis is part of the
13 conversation to get us to where we want to get to.

14 MICHAEL MCMAHON: If I—I just want to
15 underscore that. I just want to sort of as to Staten
16 Island, you know, and since we came into office in
17 2016 we've lost 26 ADAs really through attrition and
18 we start—when I came into officer there were 44 I
19 believe. Now, we're up to 60 or so, but that's
20 almost 50% attrition rate over 2-1/2 years. That's
21 how bad it is, and just in the last year we lost
22 three top supervisors to state court positions. So,
23 again, the problem is real, and then as to our
24 conversations with MOCJ, we continue in the hope that
25 they've been fruitful, but I want to underscore that

2 we've been—all been very transparent. All the
3 information has been requested. We have provided it
4 over—you know, over and over again, and so those
5 discussions are there. And I think that that could
6 be the mechanism to achieve the goal that's sought in
7 the legislation is by working with them and working
8 with this committee we should be able to get to a
9 point where we all agree that we need to have better
10 pay for committed lifelong prosecutors, and I will
11 say a public defense—to public defenders as well in
12 how that's—that's figured out, but that has to be
13 done and we—we think we are moving. We are hopeful
14 that we are moving towards that. We thought that the
15 years 1 through 5 was sort of a down payment, but
16 we're very optimistic that it has not going to end
17 there, and there's a realization and we appreciate
18 this committee's continued advocacy in that regard.

19 SHANNON CUMBERBATCH: And—and I also want
20 to say that I know that they understand what we're
21 asking for and the goal that we're trying to set
22 because they did give the initial amount for years 1
23 through 5, and I notice that—that they understand the
24 value of it because I was very fortunate when I came
25 in that I did receive a substantial amount of money

2 to bring the Bronx DA's Office up to 21st Century
3 level. So, I know the commitment of the city, so
4 don't—I don't want anyone to think that I don't
5 appreciate that, but I think that we need to continue
6 to progress to move in a direction that is going to
7 be positive for the people of the Bronx and for the
8 people this city quite frankly between all the DA's
9 Offices and the public defenders. We're all doing
10 the same work.

11 MICHAEL MCMAHON: And I—I—I also want—I
12 do want to say one more thing. I know the hour is
13 getting late here, but as everyone has said to do
14 sort of case count is really not the right metric, if
15 you will. Think about the Hope Program that we run
16 for early diversion. Hundreds of people, close to
17 500 people in the last year and a half have avoided
18 the Criminal Justice System, but in order to do that,
19 I need ADAs, but also I need, I have two social
20 workers who are now in the office running that
21 program. So, in little old Staten Island, close to
22 500 people have found meaningful engagement to deal
23 with their addiction crisis and avoided the Criminal
24 Justice System. You can't measure that by case
25 count.

2 CHAIRPERSON LANCMAN: Ultimately, we get
3 the criminal justice system we pay for, right, and if
4 we want our prosecutors to be experienced and
5 professional and to use their judgment and to-to
6 participate in all these diversion and other reforms,
7 and is we want our public defenders to give people
8 the zealous and professional representation that
9 they're entitled to, and to also contribute and-and
10 be part of all the reform efforts that we want,
11 people need to be paid fairly. The proof will be in
12 the-in the pudding very shortly. The Mayor's
13 Preliminary Budget comes out I think it's in
14 February. Your RFP is supposed to start-your new
15 contract is supposed to start in January. So,
16 presumably that's going to come to a-a conclusion
17 soon, and I just want to thank you all. There are
18 other people who are going to testify for us, but I
19 want to thank the-the leadership of the public
20 defender organizations and the district attorney who
21 testified together for this joint effort to get our
22 frontline prosecutors and public defenders the
23 salaries that they deserve. Thank you very much.
24 background comments] Okay, ladies and gentlemen, we
25 have this room for another 45 minutes. We have seven

2 witnesses who want to testify, which should be as
3 long as we're disciplined we should make it. So, I
4 want to call up. You know, forgive me if I get any
5 of the names wrong. Danielle Regis, Lilly Getz,
6 Elizabeth Bender, Deborah Wright, Adrianna Matias-
7 Matias, Matias. Adrianna Bellamy, and Aiken
8 Ackengilla. (sp?) I apologize if I messed up any of
9 those names. We will sort them out. [pause]
10 Everyone has a seat. Good. [pause] Alright, if
11 you'd all raise your right hands so we can swear you
12 in. Do you swear or affirm the testimony you're
13 about to give is the truth, the whole truth and
14 nothing but the truth?

15 PANEL MEMBERS: [off mic]

16 CHAIRPERSON LANCMAN: Thank you. We're
17 going to put four minutes on the clock. If someone
18 feels that they need more time, we'll-we'll work with
19 you, but let's use that as a baseline so we can give
20 everybody an opportunity to be heard. I think the
21 first person that we're going to ask to testify is
22 Danielle Regis and please just state your name and
23 your affiliation and-and testify. [pause] -on you've
24 got to have the red light.

2 CHAIRPERSON LANCMAN: There you go and
3 just a little closer. Thank you.

4 DANIELLE REGIS: My name is Danielle
5 Regis, and I am a Senior Staff Attorney at Brooklyn
6 Defender Services. I've been defending clients in
7 Brooklyn Criminal and Supreme Courts for over 7-1/2
8 years. In September and October of 2018, Brooklyn
9 Defender Services conducted interviews and a focus
10 group with public defenders willing to state their
11 person stories with this Council. This is what we
12 learned: Our defenders are plagued with growing
13 student loan debt. Most express struggling to save
14 as top concern. A common topic of concern was
15 starting a family. One person shared: No one becomes
16 a public defender for the money, but at a certain
17 point the low pay and student loan debt that the vast
18 majority of lawyers fact become untenable when faced
19 with financial challenges of raising a child in New
20 York City. Financial challenges also present in a
21 variety of ways for our defenders. One defender
22 disclosed: My souse and I live in a rent stabilized
23 apartment, and we still struggle to make ends meet
24 with no hope of saving for the future. All of the
25 defenders reflected on this seemingly inevitable

2 existential question, which one defender
3 characterized best by saying whether being a public
4 defender is incompatible with the goals of financial
5 stability and starting a family. All of the
6 defenders expressed the profound sadness at having to
7 confront this question. My story is one that
8 resonates with a lot of my colleagues. I am a
9 Brooklynite. As a law student at Brooklyn Law
10 School, I was able to live on my own while incurring
11 significant student loan debt, but once I actually
12 became a defender, I had to move back to my parents'
13 home. They continued to subsidize my living up to
14 today in spite of the fact that I am now married. I
15 grew up in this borough. It's the borough that I
16 love. My parents were able to put me in Catholic
17 school when I was a child. It's something that I
18 believe or that I know that I won't be able to afford
19 to do for my own children when I start a family.
20 Half of my salary every year goes to paying my
21 student loan debt, and my student loan debt seems to
22 have only increased in the past 7-1/2 years. Loan
23 repayment assistant programs are nice, but they don't
24 do enough. Often times they only pay a fraction of
25 what we actually owe each year. We list a number of

2 stories in our written testimony. I'll share two
3 with you now. Story No. 6: I'm—I'm the one that's
4 supposed to be helping my aging parents not the other
5 way around. I have to be honest and truthful, and
6 disclose my parents still buy my flights to go home
7 to see them for the holidays. Recently my laptop got
8 damaged and needed replacement. When I couldn't
9 afford to pay for it, my father helped me with the—
10 with the cost to purchase a new one. I am so
11 grateful that my parents are able to help me, but
12 it's a source of stress for me that they do so. My
13 parents are retired now, I know they use up their
14 savings when they help me financially. I worry about
15 how one day my parents are going to depend on me,
16 their only child. I really don't know how I am ever
17 going to get out of this cycle of debt to be able to
18 really assist and support them. I tried to rent my
19 couch Airbnb as a way to get extra income so that I
20 am in a better financial situation. That didn't last
21 very long because my landlord didn't agree and I was
22 almost evicted. I've opted [bell]—I've opted not to
23 marry because of legal consequences of my student
24 loan debt. That would be disastrous for my partner.
25 Many of the attorneys can't afford self care that

2 they need including, but not limited to mental health
3 treatment that is helpful when working in a field
4 where we see on a daily basis the harsh realities of
5 Criminal Justice System causing vicarious trauma.
6 I'm a mental health attorney at BDS, and I experience
7 on a daily basis what clients who have very, very
8 little to go—very, very little go through trying to
9 navigate the Criminal Justice System as well as their
10 daily lives while dealing with their mental health
11 issues. It's a—it's incredibly traumatizing.
12 Defenders in New York City can't wait five years or
13 two years or even one to see an increase in pay. As
14 you said yourself, Councilman Lancman, we know the
15 problem and the solution. With all due respect, we
16 don't need a task force. We need pay parity with
17 city agencies now . Thank you.

18 CHAIRPERSON LANCMAN: Thank you. I don't
19 know how else we'd like to divide it up. We can just
20 go from left to right or—or if you've worked out
21 something amongst yourselves with different unions
22 and organizations, I'll defer to you. [pause]

23 Good afternoon. I want to thank you for
24 holding this hearing. Today is a long time coming in
25 a struggle that we have been stuck in for decades.

2 Our public interest attorneys and support staff have
3 never been treated equally or with the respect that
4 we deserve like our counterparts at Corp Council are
5 given everyday. My name is Deborah Wright, and I am
6 President of the Association of Legal Aid Attorneys,
7 UAW, Local 2325. In New York City alone, we
8 represent over 1,100 members both attorneys and
9 support staff at various organizations such as Legal
10 Aid Society, Federal Defenders of New York, Youth
11 Represent, CAMBA Legal Services. We also represent
12 Nassau County Legal Aid and Orange County Legal Aid.
13 Our members did not make an easy choice when they
14 chose to represent the most marginalized in our
15 society whether it be in Criminal, Housing,
16 Immigration or Juvenile Court, but I strongly believe
17 that the thread that runs through the character of
18 all of our members is their true dedication to social
19 justice and their client, which is why they have
20 chosen this calling and this profession. Just like
21 the District Attorneys and the Corporation Counsel,
22 our members have chosen a path of public service, but
23 because our members represent the indigent instead of
24 the powerful, they have not been treated equally in
25 terms of salary or benefits among their colleagues

2 that they stand opposite from in court every day. It
3 should come as no surprise that our membership
4 carries an overwhelming load of educational debt with
5 the majority of members holding above \$175,000 in
6 student loans many of whom hold even more than that.
7 Of these, the vast majority receive no financial
8 assistance from their law school in paying back these
9 loans, and rely solely on the small amount of
10 assistance from the state, and their own salaries to
11 manage their debt. This combined with the
12 astronomical cost of living in New York City has led
13 to vast attrition among the attorneys and our
14 membership, especially those within four to ten years
15 of experience who are leaving the Legal Aid Society
16 in droves to seek other employment. In those that
17 leave Legal Aid we have seen that it is not their
18 commitment to public service that has changed as they
19 often seek jobs in the public sector serving those
20 communities or have moved to other localities in
21 search of lower rents, but continuing as public
22 defenders and indigent legal service attorneys.
23 Instead, it is clear that it an economic hardship,
24 and the realities of raising a family in one of the
25 most expensive cities in the United States that is

2 responsible for this turnover. Our people want to
3 continue serving their clients, but the reality is
4 that they cannot do that at a Legal Aid salary. The
5 continued attrition at Legal Aid and other providers
6 has led to a gap in critically trained attorneys who
7 are able to perform the increasingly specialized
8 fields of law into which the city has rightfully been
9 expanding, which are desperately needed by our
10 clients. By allowing the attrition of experienced
11 attorneys to continue, we will not only be doing a
12 disservice to those attorneys, but more importantly,
13 we will be doing a disservice to the clients to whom
14 we will be unable to provide with quality, dynamic
15 and important services. There is a direct
16 correlation between the working conditions of our
17 members and the ability of our clients to access
18 justice in the city, which we hold to be the shared
19 goal not only of our union, the providers, but also
20 the administration and the City Council. For years,
21 the Assistant District Attorneys have outpaced us in
22 terms of salary and benefits to the point that we
23 have never even gotten close to their level of
24 compensation. Now, the assistant district attorney
25 and indigent legal service attorneys and staff should

2 achieve parity with corporation counsel who under the
3 city's expanded programs especially in the civil
4 practice have had more and more interaction with our
5 members as opposing counsel in the face of increased
6 civil legal services. [bell] I'm almost done. W
7 have seen that at 10 years experience, the average
8 assistant corp counsel will earn \$20,000 more than
9 their Legal Aid counterpart, and this is only
10 counting the base salary. It does not include
11 bonuses or the generous defined benefit pension,
12 which our members unfortunately do not receive as
13 they are not public employees. I would also like to
14 specifically highlight the disparity injustice face
15 for our paralegal case handlers, and other support
16 staff at multiple providers who zealously stand up
17 and represent their clients against a Law Department
18 attorney in NYCHA hearings who may be hearing upwards
19 of \$80,000 more than they do. The answer to day is
20 clear: To retain qualified attorneys and support
21 staff dedicated to the representation of indigent
22 clients, ensure just working conditions for those
23 workers and preserve and improve out clients' access
24 to justice. New York City must finally fund all
25 legal services contracts both criminal, civil and

2 otherwise to ensure—to ensure parity with the Law
3 Department. We can fix this now by aligning our
4 salaries with theirs. Thank you.

5 CHAIRPERSON LANCMAN: Thank you. Who
6 would like to go next?

7 PALMMA MARTINEZ: Good afternoon
8 everyone. My name is Paloma (sic) Martinez. I am a
9 staff attorney at the Legal Aid Society in Queens
10 County. I have been a staff attorney for the last
11 little bit more than eight years. I don't have
12 anything prepared. So, I apologize for that, but I
13 will just speak from my personal experience, which
14 has been that it—you know, to be one of the—the least
15 paid players in the system is very demoralizing
16 sometimes particularly when the reason why I came to
17 Legal Aid, the reason why I'm a public defender is—is
18 to fight the police state that we live in. That's
19 why I do it. It's not for the money, it's—it's not
20 for the money. I understand that but that doesn't
21 mean that we should not be paid fairly. Now, at
22 eight years in I just started making \$85,000 a year.
23 That's a disgrace. I have two children a 5-year old
24 and 21 month old baby. I bought a house last year.
25 I can hardly pay my mortgage without having—I have

2 two roommates. I'm 35 years old and I live with two
3 roommates, my husband and my two children. I should
4 have third roommate to be more financially stable.
5 If an emergency happens, I have no safety net. Just
6 this month the furnace at my house—in my house was
7 broken. We were cold for a couple of days before I
8 was able to fix it. It's \$80 in my account until the
9 end of this month when I get paid. I have student
10 loans just like everybody else, and many people that
11 we work with yes, they have—they have a family, they
12 have people that they can rely on. My parents? I'm a
13 child of immigrants. My father lives in a federally
14 subsidized apartment in Flushing. He lives off of
15 his Social Security check. My mother lives in
16 Florida. She's on the verge of homelessness. We
17 cannot help them. They cannot help me. So, if I
18 have another type of emergency such as my car breaks
19 down, something else goes wrong, I practically would
20 be on the verge of foreclosure on my home. In order
21 to be able to buy my home, I had to take money out of
22 my retirement fund and my little savings that I have
23 been able to save over the last 8 years with having
24 roommates. It's a disgrace. I had a conversation
25 the other day with a female corrections officer, and

2 we were joking and she was like oh, you know. It was
3 late in the day and I was talking to a client in
4 Corrections, and she was like, Well, you know, it's
5 late but at least you get overtime, right? And I was
6 like no we don't get overtime, and she was like,
7 What? You don't get overtime? No, we don't get
8 overtime, and jokingly, I was like you probably make
9 more money than me with overtime and she was like
10 well how much do you make and I told her and she was
11 like, I make more money than you without overtime.
12 [pause] I have \$100,000 in debt. That's actually
13 not that much. I went to public institution, in-
14 state, in-state tuition for undergrad. I went to a
15 public university for law school as well [bell]
16 instate as well. That's not that much. There's other
17 people that are public defenders that have more debt
18 than that. Just being able to live in New York City
19 on this amount of money is unrealistic. It's
20 unsustainable, and like I said, it's a disgrace. We
21 shouldn't have to choose between fighting for what we
22 believe in or being able to pay your bills. Weekly-
23 weekly I have private attorneys come up to me and-
24 and-and I have job offers all the time, job offers.
25 They want someone with my background, with my

2 language skills, they want people in their office
3 like that. I'll pay you this amount. I'm not
4 interested. I don't want to do private work. I had
5 a private attorney who comes to me with questions
6 because he is not that experienced even asking me for
7 motions and things like that. I'm like I'm sorry I
8 cannot—I cannot send work product, but he said to me,
9 you know, if you wanted to with the experience and—
10 and everything that you have, you could be make a
11 quarter million dollars a year if you wanted to
12 because that's what he makes and he come to me for
13 advice, and I'm just not interested in that. I'm
14 not interested in making big bucks, but I am
15 interested in being able to survive. Are asking for
16 that much? Really?

17 CHAIRPERSON LANCMAN: Thank you.

18 LILY GETZ: Good afternoon. My name is
19 Lily Getz and I'm a staff attorney at the Legal Aid
20 Society Brooklyn Criminal Defense Practice. There is
21 no justification for Legal Aid attorneys getting paid
22 less than the lawyers we oppose in criminal and
23 family courts every day. Eight years ago when I
24 started work as a Public Defender at Legal Aid and
25 the Bronx, I was a family of one sharing the cost of

2 rent with two roommates. Unlike most of my
3 contemporaries who law—whose law school debt measures
4 in the hundreds of thousand, I was fortunate to
5 attend CUNY Law School on a fellowship. In addition
6 because I had already been a lawyer for a few years,
7 I got to skip the shamefully low bottom three steps
8 of our payroll. I could save money for retirement or
9 just for the nebulous future. Now, I'm married and
10 my husband and I have a child. I'm the sole bread
11 winner for my family. We live modestly. I bring my
12 lunch from home. My daughter wears mostly hand-me-
13 downs and we live in a 1-bedroom apartment. I love
14 my job, but the rising costs of life make it harder
15 and harder for all of us to live in New York City on
16 my Legal Aid salary. The saving I had accumulated as
17 a single person upon which my family relies to
18 supplement my income are quickly disappearing. I am
19 decades from retirement, but I no longer earn enough
20 to set aside much at all. Writing this made me
21 reflect on just how problematic my decreased ability
22 to save will be for my family for years to come. My
23 story is not special or even an outlier. Several of
24 my most talented colleagues have recently left Legal
25 Aid for better paying jobs. They were single parents

2 who could not afford to raise their children on our
3 salaries, or recent law school graduates who couldn't
4 afford to pay their rent and their student loans and
5 still eat. Clearly, none of us chose public service
6 for the money, but we should be able to afford to
7 have a second child if we want to, to save up and buy
8 a home, to pay our rent and our student loans and
9 still have money left for food, to retire while we
10 are still healthy enough to enjoy it. I spoke with
11 two of my supervisors about how I would be testifying
12 in this hearing today. One of them asked me to
13 specifically ask you for a raise for himself, but I'm
14 not going to do that. They mentioned, though, that
15 their counterparts in the district attorney's office,
16 lawyers who began their careers at the same time are
17 currently making \$40,000 more than they do. We
18 struggle to provide for ourselves and our families
19 with the very same basic human needs: Food, shelter,
20 clothing, education, childcare, eldercare that we
21 fight everyday for our clients. This is shameful.
22 We could have decided to work anywhere, and we chose
23 to serve the most vulnerable New Yorkers. We deserve
24 fair compensation for the public service we provide
25 everyday, attorneys, support staff, supervisors,

2 social workers, investigators, paralegals. That is
3 why we are asking the city to provide parity with the
4 Law Department in all of its legal services
5 contracts. When I leave her in the mornings, my
6 daughter know that I am going to work, but I want to
7 be able to afford to continuing working at Legal Aid
8 when she's old enough to ask me what my work is. I
9 want to be able to afford to continue working at
10 Legal Aid when my daughter is ready to leave home for
11 college. I want to be able to afford to continue
12 working at Legal Aid when my daughter is deciding
13 what kind of work she wants to do. Thank you.

14 CHAIRPERSON LANCMAN: Thank you.

15 LIZ BINDER: Good afternoon. Thank you
16 again for holding this hearing. My name is Liz
17 Bender. I am also a staff attorney at Legal Aid.
18 Last week I celebrated the completion of my seventh
19 year as Legal Aid attorney. In each of those seven
20 years I have made less than the adversaries that I'm
21 arguing against in court. For five years I worked in
22 the Trial Office in the Bronx, and now at the
23 Decarceration Project I litigate bail and policy, and
24 often advocate against corporation counsel lawyers.
25 Again, I make less than my adversaries in each of

2 those contexts. Folks have rightly-frightfully
3 pointed out today that the problem of the lack of pay
4 parity is both systemic and persona. It's systemic
5 because it affects all of our staff not just the
6 folks you're hearing from today, paralegals,
7 attorneys, social workers, investigators,
8 administrators all of whom are in court of in the
9 office right now making the Sixth Amendment a
10 Reality. It's also been a problem for decades. Long
11 before I joined Legal Aid we weren't being paid
12 enough, and as I mentioned and as Chair Lancman you
13 mentioned, this problem and the lack of pay parity it
14 does implicate the Constitution. There's no
15 Constitutional Mandate that we prosecute any one
16 citizen and not another. There's certainly no
17 Constitutional mandate that we fill our jails with
18 black and Latino men in a city that's almost half
19 white, but there is a constitutional requirement that
20 when we do prosecute and jail people, we give them a
21 lawyer and without us and our colleagues that right
22 has no meaning. And all we're asking for is to be
23 treated as though our work is as valuable as that of
24 ADAs and corporation counsel lawyers. Now, I want to
25 talk about how this issues is personal for me, and

2 there are two things I want to bring up. First is a
3 lack of a defined pension, and second is just how
4 having my salary impacts y day-to-day life. When I
5 started in 2011, one of the first union meeting I can
6 remember is one where our senior colleagues gathered
7 us newbies around and tried to impart to us how
8 important it was going to be to start thinking about
9 retirement now. We were maybe a month on the job and
10 I don't think many of us were even 30 years old yet
11 but these attorneys want to have a fact-to-face
12 because they knew from experience from their own, you
13 know, being at the end of their careers knowing that
14 no defined benefit—define benefit pension awaited
15 them. That we would have to find some way—some other
16 way to save for our retirement. That lesson has
17 stayed with me, and I think about retirement all the
18 time even though it is, as Lily pointed out, decades
19 away for me. All of us have told you today that we
20 don't do this for the money, but what we mean by that
21 is that we don't do it to get rich. I'm no asking
22 you make us rich. I'm asking you to pay me and my
23 colleagues a salary that lets us live in the city
24 that we've chosen to serve. I like Lily am the
25 breadwinner in my family. My spouse works two jobs

2 while he's getting his PhD at CUNY. One of those
3 jobs is as an adjunct professor at City College
4 where he teaches our city's youth. Now, I know that
5 this is not a hearing about how CUNY pays its staff,
6 although perhaps there should be one of those, too,
7 but my point is that my family isn't unique. People
8 who choose careers in service sometimes often choose
9 each other and what that means is that you have
10 families that are built on public interest salaries
11 who are scarping by. For us, one and half public
12 interest salaries plus wages from a restaurant job we
13 have almost no room for saving, planning for
14 retirement or bracing ourselves for emergencies like
15 the ones Paloma mentioned. Pay parity would help my
16 family do both of those things. I really appreciate
17 you holding this hearing, and hearing from all of us
18 today. I know that you take these demands seriously.
19 [bell] I know that I've spoken to you both at a
20 table like this and a way from it about pay parity
21 and the substance of our work. I know you value the
22 service we provide, and I'm asking that our pay
23 reflect that, and that we get pay parity report
24 raised in Council. (sic)

25 CHAIRPERSON LANCMAN:

2 LIZ BINDER: Thank you

3 DREANA BELLAMY: Good afternoon. My name
4 is Dreana Bellamy and I'm the Organizer for 1199, and
5 I have—I know the issues that the 1199 members face,
6 but just sitting here and listening to the attorney's
7 issues. Was so disheartening because we're not on
8 opposites sides, and we share the same views and we
9 have—we also share—we—we always come together, but to
10 know that you guys are struggling in a way, and you
11 are supposed to be at the top of your game as being
12 attorneys, I mean it's so disheartening like I—I'm
13 full, you know, just listening to you guys speak, and
14 would have never even known that. And so, I come to
15 say that the members all these members, the
16 attorneys, the paralegals, social workers these
17 members they are the frontline administrative
18 soldiers in this city fighting for criminal and
19 social justice in New York City. I find it quite
20 disturbing that the members here everyone that has
21 spoken that play an integral part of New York City
22 major fundamental component can barely make ends meet
23 and are struggling to take care of themselves and
24 their families, and their financial crisis seems very
25 similar to the clients they represent, which can be

2 demoralizing to most. There are members from 1199
3 that work for Legal-Legal Aid that are currently
4 living in shelters working two jobs, and some are
5 able to receive food stamps, which means they're
6 living at a poverty level as a result of not being
7 able to afford the high cost—afford the high rising
8 cost of rent, and most of them have high student loan
9 debt. I testified at this hearing last year, and I
10 stressed that the city cannot just count the amount
11 of cases of the attorneys, because each case has
12 several individuals attached to it. There's a
13 support staff, there's a paralegal, there's a social
14 worker, a mitigation specialist, and the funding
15 needs to reflect that and I don't believe that the
16 city realizes that, you know, when there's one case,
17 all of these people are part of that one case, and
18 it's not just a caseload of an attorney. Our chapter
19 meetings with members that constantly are expressing
20 their frustration of being overworked and underpaid
21 with caseloads, with caseloads being exceedingly high
22 because of Legal Aid's inability to retain staff
23 because of the low wages, but continue to work
24 exceedingly and above with new programs consistently
25 being presented. The morale and the motivation is at

2 an all low, and I find that the members are often
3 angry with Legal Aid management believing that
4 they're responsible for the low wages, which causes
5 division and dissention with the members and
6 management. We are all aware of the increase in
7 immigration legal status has affected the lives of
8 millions. When this happened, the members were very
9 passionate about the situation, and immediately took
10 on the increased workload as a result of the new
11 Trump Administrative immigration laws. Parity in pay
12 is essential and should be considered to all of these
13 members. [bell] This city would not be able to run
14 without the due diligence and the work that Legal Aid
15 staff and attorneys-attorneys provide to this city.
16 I represent a criminal justice agency and in the last
17 two years they received a 21% increase in wages
18 because they were not being paid at the parity level
19 that they should have been. We did a wage reopener,
20 and they received 11% last year. I just did a
21 contract with them, and they gave them another 10%
22 over the next three years. So, I find that they're a
23 city agency as well. So, the city can find money to
24 pay for these agencies that represent the clients in
25 this city. Thank you .

2 CHAIRPERSON LANCMAN: Thank you.

3 ADRIANNA MATIEZ: Good afternoon. My
4 name is Adriana Matiez. I'm a Paralegal 2 at the
5 Legal Aid Society. I will make five years as of
6 December 1st being a Paralegal 2. I also am a union
7 delegate for 1199 in my organization. First, I'd
8 like to start off by saying I love what I do. I love
9 working with the community. I love helping clients.
10 I am—it's so rewarding to hear a client say thank you
11 for helping me. I've been through every—I've called
12 so many agencies. I've been—doors have been closed
13 in my face and thank you a lot of helping me. Also,
14 while on intake receiving walk-ins as well as phone
15 calls, I receive those types of requests, but we also
16 receive the requests of clients form 10, 15 years
17 ago. Once they are our client, they're always our
18 client. So, we continue to help them no matter how
19 long ago we represented them. So, in reference to
20 caseload, as the other—my other colleagues have
21 expressed, they may have a caseload, but it's ongoing
22 because we still continue to represent them or assist
23 our clients in any way possible. Being a union
24 delegate as well, I hear a lot of stories from a lot
25 of my colleagues for 1199, which is—which consists of

2 support staff, Paralegal 1s, Paralegal 2s, social
3 workers and mitigation specialists. Everyone has the
4 same story. They are unable to make ends meet. They
5 all have—well at most. I'm not going to say all, but
6 at most—most of them have at least two jobs. It is
7 frustrating that we work for such a prestigious
8 public defender's office and we—we can't even depend
9 on the salary that is provided to us by Legal Aid.
10 Me personally, I have three jobs. I'm a full-time
11 mother. I'm sending my child to college next year,
12 and I would like to pursue and be a public defender
13 and get my JD. How am I supposed to do that? How am
14 I supposed to tell my child you have to pick certain
15 schools because I can't afford your tuition? These
16 are the questions that I have. So, I have to balance
17 what I love to do, which is fighting for criminal
18 justice and social justice or take care of my family.
19 That shouldn't be a question. As my colleague Paloma
20 said, I want to be a lawyer at Legal Aid, but those
21 are the issues that I have to face. Those are the
22 questions that are going to—that are arising for me.
23 I've already asked those question. Here and I have
24 many conversations as well as a lot of these—a lot of
25 the attorneys on this panel. I seek advice from them

2 on how to do it, and how is it to be an attorney at
3 Legal Aid, but I'm afraid. I'm afraid to go ahead
4 and pursue that because then I won't be able to
5 provide for my family. That should never be a
6 question because this is not just a job. This is a
7 career and, you know, there should never—you should
8 never have to weigh out the option of should I pursue
9 my career, or be able to work three jobs to provide
10 for my family? There should never be that question.
11 As a delegate, a union delegate, I have—I am on the
12 hiring committee. Many hiring committees throughout
13 the criminal defense practice. [bell] Many people
14 actually do not accept the position because of the
15 salary. Many people, paralegals, support staff,
16 social workers the retention rate is actually
17 starting at 1 to 5 years maybe 10. So, they don't
18 even make it past the five years because it's just
19 not worth it they feel. Thank you.

20 CHAIRPERSON LANCMAN: Thank you.

21 AIKEN ACHENGILLA: I'm Aiken Achengilla
22 (sp?) I work for the Legal Aid Society. I'm a staff
23 attorney just a few blocks away. I'm grateful for
24 this chance to be heard on this important issue, and
25 I know I'm supposed to be advocating for public

2 defenders to receive pay parity, but I would like to
3 pose a question to the committee first. Why do you
4 think our work as attorneys deserve less? I've been
5 wracking my brain to try to figure out you would
6 justify the disparity and the only conclusion I can
7 come to is that you don't value our clients and their
8 constitutional rights to a defense. The district
9 attorney office, corporate counsel, they all
10 graduated at the same law schools that we did, passed
11 the same bar, yet you value their work to put
12 indigent New Yorkers our clients in cages over our
13 efforts to provide our clients with a dignified
14 quality representation that the constitution demands.
15 I took this job in 2013 at 28 fully aware that the
16 pay would not be glamorous and that we wouldn't be
17 getting paid what paid attorneys make. I knew my
18 commitment to sever others, those born into severe
19 poverty and fragile families, that is going to keep
20 me motivated and dedicated to doing this job. That
21 same commitment to others is what encouraged me to
22 enlist in the United States Navy when I was 18, and
23 proudly serve this country by risking my life and
24 wellbeing while spending more time in war zones than
25 any person ever should. I grew up poor and on

2 government assistance until my family was able to
3 make it out. So, I'm very familiar with the plight
4 of our clients and I love them. I may not like all
5 of them, but I love all of them for their ability to
6 survive and to not give up hope in a world that has
7 given them less than nothing with very few
8 opportunities to pull themselves out. I was able to
9 make it out, and this survivor's guilt that I live
10 with hasn't allowed me to walk away from them. At
11 least not yet, but after doing this job for five
12 years, being 33, I'm not sure how much longer I can
13 do this job for this salary. I wasn't born into
14 money like many of our colleagues that had access,
15 ability and a privilege to attend law school because
16 attending law school is a privilege. I have debt,
17 only \$100,000. I say only because there are
18 colleagues that we work with that have close to a
19 quarter million dollars in debt. My salary prevents
20 me from living anywhere near work. For two years I
21 lived in New Jersey and commuted over 90 minutes away
22 just so I could have affordable housing. This
23 limited salary must be divided amongst paying loans,
24 the high cost of New York City living, helping out my
25 extended family and having very little to save for my

2 future, which makes the idea of starting a family
3 very daunting. This is not a 9:00 to 5:00 job. The
4 last two weeks I put in over 80 hours a week, barely
5 slept four hours a night because I was on trial
6 fighting for a client facing seven years in prison.
7 Those hours I put in were not—you couldn't take any
8 shortcuts, but I was able to help a man when the jury
9 said not guilty. I'm 33 years old and I still am
10 forced to live with two roommates. One happen to be
11 another Legal Aid attorney and one happens to be a
12 former Legal Aid attorney. The salary is forcing us
13 to live like college students even though we each
14 have advanced degrees and are highly skilled, and
15 soon I'm going to have to make a decision like you
16 heard before in this—that 5-year gap, 5 to 10 year
17 gap between what I feel is my civic duty, my passion,
18 and my calling or a financially stable future, [bell]
19 and I shouldn't have to make that choice, and you
20 have the ability to change that. Thank you.

21 CHAIRPERSON LANCMAN: Well, thank you all
22 very much for your testimony. I think it's very,
23 very important to put the human face on the issues
24 that we are talking about, and the difficulties that
25 all of you experience in performing such an

2 extraordinarily vital function in our Criminal
3 Justice System. As I said to an earlier panel, the
4 proof will be in the pudding, the Legal Aid and other
5 public defender. Contracts will hopefully be
6 resolved soon. The Mayor's Budget will come out in
7 February. I invite you all to come and testify at
8 the March Budget hearing as is the--the ritual and the
9 public defenders and the union delegates know very
10 well, and we are going to do everything that we can
11 to make sure that this year's budge reflects what I
12 referred to earlier as the core value of making sure
13 that our public defenders and our prosecutors are
14 paid what they deserve. Thank you all very much.
15 That concludes this hearing. Thank you. [gavel]

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date November 14, 2018