Legislation Details (With Text)

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Title: Resolution calling upon the New York State Legislature to pass Assembly bill A.07463 and Senate bill S.6670-A, a companion measure, sponsored by Assemblyman Brian McLaughlin and Senator Serphin Maltese, respectively, to assist public sector attorneys with the repayment of their student loans, and calling upon the State Legislature to provide and distribute the requisite funds to comply with the terms of the “Legal Services Assistance Fund.”

Sponsors:

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Res. No. 441

Resolution calling upon the New York State Legislature to pass Assembly bill A.07463 and Senate bill S.6670-A, a companion measure, sponsored by Assemblyman Brian McLaughlin and Senator Serphin Maltese, respectively, to assist public sector attorneys with the repayment of their student loans, and calling upon the State Legislature to provide and distribute the requisite funds to comply with the terms of the “Legal Services Assistance Fund.”

By Council Members James, Comrie, Gentile, Jackson, Liu, Reed, Sanders, Vallone, Weprin, Gerson and Gennaro

Whereas, In June, 2003, as part of the Fiscal Year 2004 New York State budget, the Legislature established the “Legal Services Assistance Fund” to provide $6 million in student loan relief for public sector attorneys, including public defenders, assistant district attorneys, legal aid attorneys and others engaged in public service work; the appropriation was to be funded through fees paid to the state court system but, according to a March 3rd joint news release from the Manhattan and Queens District Attorney’s Office, so far only $2.5 million has been collected; and

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Whereas, According to District Attorneys Morgenthau and Brown, the fund was to be distributed by March 31, 2004, the end of fiscal year 2004; however, to date, none of the money has yet been distributed; both District Attorneys Morgenthau and Brown are concerned that if the money is not distributed now, it may be lost entirely; and

Whereas, Like the "Legal Services Assistance Fund," Assembly Bill A.07463, sponsored by Assemblyman Brian McLaughlin and Senate bill S.6670-A, a companion measure sponsored by Senator Serphin Maltese, recognize the tremendous financial burdens facing public sector attorneys and propose the establishment and administration of a fund to assist such attorneys practicing public interest law with the repayment of their student loans; and

Whereas, Student loan relief is important to attract qualified law school graduates to jobs in the public sector and further, to ensure that the applicant pool of prospective candidates is, and continues to be, comprised of individuals with diverse backgrounds; the prospect of loan repayment relief is often a significant consideration for graduates evaluating career choices, and can be a particularly significant factor for minority law school graduates; further, there is existing precedent in New York State for similar programs that provide loan relief for qualifying teachers, doctors, dentists and optometrists; and

Whereas, In addition, A.07463, S.6670-A and the "Legal Services Assistance Fund" are badly needed to help stem the loss of experienced attorneys who simply cannot afford to remain in public service while carrying huge unpaid loan balances from college and law school; it is not uncommon for an attorney working in the public sector or for non-profit legal agencies to have accumulated more than $100,000 in debt from college and law school loans; in order to meet this financial burden, the attorney would typically have to set aside nearly one-third of his or her monthly take-home pay simply to keep current with loan payments, according to the March 3rd news release; and

Whereas, Because public service attorneys often have grave difficulty in repaying this debt on a public-sector salary, many of these attorneys are forced to leave public service; the loss of so many capable public-

sector attorneys has an adverse impact on the criminal justice and civil practice systems' abilities to provide the consistently high-quality legal services the people of New York State and New York City deserve, and to maintain public confidence in the criminal justice and civil practice legal systems; and

Whereas, According to Manhattan District Attorney Robert M. Morgenthau, "[e]ven a modest annual loan relief payment through the New York "Legal Services Assistance Fund" would provide significant additional financial security for many graduates considering employment in the public sector. Faced with such daunting financial burdens, many young but experienced prosecutors move to the private sector or to even more lucrative government jobs, after acquiring basic litigation skills. And it is particularly important to continue to attract and retain the best applicants as the gap between public sector and private sector salaries increases;" and

Whereas, The public sector is losing too many talented young attorneys simply because they are drowning in their student loan debt; as expressed by Queens District Attorney Richard A. Brown, the intent of this law needs to be translated into action to help our young assistants and other public service attorneys with their onerous student-loan obligations; according to District Attorney Brown, "[t]he establishment of the "Legal Services Assistance Fund" was among the most meaningful legislative initiatives adopted in recent years in support of local prosecutors… It would be a shame if the great strides that we have made in the fight against crime were to be compromised by a lack of experienced, professional prosecutors;" and

Whereas, Assembly bill A.07463, Senate bill S.6670-A and the "Legal Services Assistance Fund" would all help to increase the number of capable attorneys in the public sector to provide the public with the quality legal representation it deserves, and also, would likely contribute to the willingness of such attorneys to make a long-term commitment to public service work; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass Assembly bill A.07463 and Senate bill S.6670-A, a companion measure, sponsored by Assemblyman Brian McLaughlin and Senator Serphin Maltese, respectively, to assist public sector attorneys with the repayment of their student loans, and calling upon the State Legislature to provide and distribute the requisite funds to

comply with the terms of the “Legal Services Assistance Fund.”