



Legislation Text

File #: Res 0438-2006, **Version:** *

Res. No. 438

Resolution calling upon the United States Senate to pass S.2039, the Prosecutors and Defenders Incentive Act of 2005, a bill that seeks to provide for loan repayment for prosecutors and public defenders.

By Council Members Yassky, Gentile, James, Mealy, Mendez , White Jr. and Mark-Viverito.

Whereas, Prosecutors and public defenders provide vital criminal justice services to society and promote meaningful access to legal representation for all; countless citizens depend on these services in matters before Criminal Court and Family Court, as well as appeals from these courts, and the representation provided by public service legal practitioners affects life-altering issues, ranging from a prison sentence to a removal of a child from a home; and

Whereas, The vast majority of law students in the United States-nearly 87%-pay for their education by participating in various loan programs, with 81% borrowing federal funds; as a result, many recent law graduates are finishing law school owing debts exceeding \$80,000; and

Whereas, Rising educational debt has a negative impact on the ability of new lawyers to pursue careers in public service, and public service salaries have not kept pace with escalating law school debt burdens or private sector salaries; according to the American Bar Association, a recent national study found that law student debt prevented 66% of law student respondents from considering a public service career; thus, low public sector pay has made it increasingly difficult to recruit and retain attorneys as prosecutors and public defenders; and

Whereas, The difficult economic climate for new law graduates in turn limits the potential capacity of legal services available to citizens, and when the government cannot hire and/or retain lawyers to undertake the important work of prosecutors and public defenders, the ability of the government to ensure public safety is

challenged; the legal profession cannot honor its commitment to the principle of access to justice if significant numbers of law graduates are precluded from pursuing or remaining in public service positions; and

Whereas, Loan repayment assistance programs help law graduates enter and remain in public service legal careers by providing additional, focused financial aid to those who are committed to working in public service positions; however, there is an inadequate number of these programs, and many of the existing programs have very limited resources, and are only able to provide assistance to a small percentage of public service lawyers; and

Whereas, In order to address the unique challenges encountered by law graduates who work in public service legal positions as they attempt to meet their educational loan obligations while earning traditionally lower salaries, U.S. Senator Richard Durbin introduced S.2039, the Prosecutors and Defenders Incentive Act of 2005, a bill which would provide federal student loan repayment for full-time prosecutors and public defenders who agree to serve for a minimum of three years; and

Whereas, Establishing federal student loan forgiveness would be a powerful incentive to attract lawyers to work in public service and provide them with the ability to remain in these careers; further, by enacting this legislation, Congress would recognize that the enforcement of criminal laws requires the legal skills of highly qualified attorneys to represent defendants as well as prosecute them, and are necessary for the adversarial system of criminal justice to operate; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Senate to pass S.2039, the Prosecutors and Defenders Incentive Act of 2005, a bill that seeks to provide for loan repayment for prosecutors and public defenders.

JPV
LS# 282
3/13/06