



**Testimony of:**

**The Bronx Defenders, Brooklyn Defender Services, Legal Aid Society, Neighborhood Defender Service of Harlem, and New York County Defender Services**

**Presented before**

**The New York City Council Committee on Public Safety**

**Fiscal Year 2027 Preliminary Budget Hearing**

**March 18, 2026**

This testimony is submitted jointly by The Bronx Defenders, Brooklyn Defender Services, The Legal Aid Society, Neighborhood Defender Service of Harlem, and New York County Defender Services. As New York City’s public defenders, we represented over 200,000 very low and no-income New Yorkers over the past year.

Our offices hold a unique role in the city. While our primary responsibility is to stand up in court for people facing arrest, our other functions are to hold the police accountable, ensure that the people we represent are safe while in custody on Riker’s Island, as well as assist people who have mental illness, substance use issues, are facing houselessness, may be at risk of losing their children to the foster system and many other issues.

Critically at this moment, as we navigate increased ICE enforcement, our offices are working to meet the growing need for immigration advice and assistance among the people we serve as they navigate a frightening and desperate moment in their lives. This is why, as part of our request for this year, we ask that the City Council work with the mayor to support this critical function, in addition to the other requests included in this testimony.

We have come to the City Council many times expressing the dire need for an infusion of funds so we can adequately pay our staff. Our offices have fallen far behind the prevailing rate in other cities with a similar cost of living to New York City (and even those with much lower living costs), as well as the federal pay scale for public defenders. The failure to keep pace has caused attrition in our offices to the mid and upper levels of our attorney staff. Indeed, the recent increase to assigned counsel rates makes moving into the private sector a choice that would double or triple an attorney’s income. Even with the benefits and other incentives we provide, we continue to experience the loss of senior, qualified attorneys.

**For FY27, we urge the city to take immediate action and provide an additional:**

- **\$100 million in salaries for staff;**
- **\$50 million for other expenses;**
- **An additional \$10 million for our crimmigration staff (also known as Padilla attorneys).**

Not only do public defenders in New York City earn significantly less than their counterparts in other jurisdictions with similar living costs, but they also make less than other attorneys working in similar jobs in the New York City legal system, such as Corporation Counsel, court attorneys employed by OCA, and attorneys who are paid under the 18b assigned counsel hourly pay scale.

Our offices hire people who choose to do the difficult and challenging work we do and are committed and passionate about representing people who are arrested and who face extremely harsh consequences. Nearly all the people they meet each day face the possibility of incarceration and a criminal conviction, which can impact them for their entire lives, limiting opportunities for education, employment, housing, and, for many, the right to remain in the United States. Our staff experience enormous pressure that is growing every day as they tackle the increase in low-level misdemeanor arrests and the outsized collateral consequences of these cases, as well as the enormous challenge of increased ICE enforcement and presence in our city.

Managing the added stress of making ends meet on a low salary while also paying off significant student debt wears down even the most dedicated and talented attorneys and causes them to leave our offices, thus creating a void of experienced attorneys to handle the cases of the people who need their assistance the most.

Our offices endeavor to provide the best representation possible for our clients who are poor and cannot afford to pay an attorney. To do so, we have built training and supervision models such that our attorneys surpass any other jurisdiction in the country. We have forensics units that oversee analysis of often sub-par scientific and pseudo-scientific evidence being presented in court; we have specialized staff to work with clients experiencing mental illness; and we provide social work assistance to people with housing instability, people who are entitled to benefits but have been unable to access them, direct support and assistance with drug and alcohol issues, intensive work with adolescents and emerging adults and more, as we are often the only service our clients have ever been able to access.

And while we are proud of the hard work and zealous pursuit of justice and mercy that we do daily, we are exhausted by the lack of value given to our staff year in and year out by the City of New York. The pay gap is stark. Analogous positions right here in New York City include:

- Assigned Counsel attorneys who are paid to do the same work on an individual, hourly basis, earn \$158/hour, while our attorneys average only \$60/hour.
- The New York City Federal Defender's starting salary is \$105K and nearly doubles over the course of 10 years. The wages we can provide our staff with current budgets is 25% less at the bottom of the pay scale and about 50% less than the top pay, but the representation, experience, and dedication are the same.

In California, with a similar cost-of-living, the same positions average 25% above our staff salaries. As state employees, our counterparts in California also receive full pensions and other benefits we cannot provide our staff under the current structure.

Each year, we face our staff with the same message: that we cannot afford to pay them a living wage because the City of New York is unwilling to provide the resources they deserve. Whether in collective bargaining or with our non-union staff, such as the supervisors who train and oversee recent law graduates, the message from our offices to them is not only unfair but deeply disruptive to the morale of our offices.

We hold no hidden pockets of money that we can draw from to meet the need. Small increases by the city over the past few years fail to keep up with increased healthcare and office space costs or even the everyday price increases in basics like supplies and utilities.

Unlike the city agencies and District Attorneys' offices we work beside every day, which receive automatic cost-of-living increases and often have their rent paid outside their organizational budgets, our offices must pay for every expense for our offices' operations, staff, and our clients' cases. For example, while District Attorneys get the benefit of the police lab and medical examiners at no cost to their budget, our offices pay experts directly as part of our budget. Unlike our counterparts, who tend to have public buildings at their disposal for their staff, we must pay rent to landlords under leases that automatically go up each year, even with no increase in funds from the city. Unlike our colleagues who receive pensions from the city, our offices pay out retirement benefits from our budgets, usually in the form of 403(b) with matching dollars for our staff.

We are likely facing another year of contract extensions this year. We have generally been unsuccessful in obtaining additional funding during a contract extension, making it unlikely that the mayor's office will provide the additional funds we need without significant pressure from the City Council. We ask that this year, the City Council follow through on the promises that have been made to our staff by many of your members, as well as the mayor, and find the funds our offices need.

## **IMMIGRATION**

In the case of *Padilla v. Kentucky*, the United States Supreme Court ruled that when a non-citizen is charged with a crime, their criminal defense attorney must give the client appropriate and adequate advice about the impact of a guilty plea on their immigration status. In many cases, a person will face deportation after arrest. Immigration law is quite complex and there is a great deal of nuance in understanding the immigration status of an individual person based on their history, as well as the specific impact of the plea bargain they are offered. Given the high court's mandate, our offices have hired "Padilla" attorneys and other staff who provide direct immigration advice after consultation with the client and/or the criminal defense attorney to ensure we meet our ethical obligations.

Over the past year, increased ICE presence and enforcement in the city has created a sharp uptick in the need for our Padilla attorneys' assistance. And since our Padilla attorneys are often the only immigration experts our clients have access to, they receive frequent calls about check-ins with immigration authorities, ICE presence at the schools and homes of our clients and their families and generally fielding legitimate concerns about immigration issues for the people they represent.

The immigration legal landscape is notoriously complex and constantly evolving. Because it is largely rooted in federal administrative law and executive policy, it is subject to abrupt, dramatic shifts. These changes can occur rapidly, sometimes reshaping the legal consequences of criminal cases almost overnight. In recent years, immigration law, rules and procedures have become especially volatile. Even long-held professional norms and expectations, like the guarantee that immigration agents would not arrest people in immigration courthouses, have been abandoned. As a result, our staff have had to devote significant time and resources to tracking the near-daily policy changes, court rulings, enforcement practices, all while continuing to provide clear, reliable guidance to clients and trial teams. The constantly changing rules also make it necessary to revisit many advisals already provided to clients, to ensure we are accurate in real time under the constantly changing directives and Executive Orders.

There are other critical issues that are handled by our Padilla teams. For example, while New York City's Detainer Law protects non-citizens from law enforcement and ICE collusion, ensuring that this law is followed requires our staff to advocate and monitor DOC actions. Also, due to the limited access to representation in immigration removal proceedings, we work to ensure our clients can access available resources including the New York Immigrant Family Unity Program (NYIFUP), funded by the New York City Council, or other available resources if they are at liberty. When our clients are arrested and detained by ICE, our attorneys must locate them within the ICE detention system, attempt to contact and advocate for them to be returned to state court so that they can resolve their criminal cases.

The services our Padilla staff provide to our clients has never been more important. Our non-citizen clients are rightfully terrified. Even those with lawful status face the possibility that even minor criminal case could lead to detention, family separation, or permanent exile from the United States. We have numerous examples where a US citizen was approached by ICE, and even an unfortunate few that have been arrested, despite their US citizenship. Our Padilla staff are often the first responders in these circumstances.

To meet the needs of the growing and complex immigration issues facing the people served by our offices, including attending check-ins with ICE, attending criminal court proceedings, identifying and referring clients facing deportation to representation, as well as providing advice and counsel to our clients, their families and often broader communities, we are asking that \$10 million be added to our criminal defense budgets so they can be distributed along with our criminal defense contracts.

## **Conclusion**

New York City's public defense organizations are essential to ensuring fairness and justice for all people accused of a crime, regardless of income. However, without funding increases, we will continue to lose experienced attorneys, struggle with rising costs, and fail to meet the growing demands of our work.

Failing to invest in public defense undermines the integrity of our justice system and jeopardizes the rights of the people we serve and the communities of New York City. We ask the Council to act now to support the defenders who fight daily to uphold justice for New Yorkers.

Thank you for your time and consideration. We look forward to your support in the FY27 budget. If you have any questions, please feel free to contact any of our offices:

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