

Memorandum in OPPOSITION to Increasing the Biennial Attorney Registration Fee

NYSBA #5-A

March 16, 2017

S.2005-B Part D, §14
A.3005-B Part D, §18

By: BUDGET
By: BUDGET

Senate Committee: Finance
Assembly Committee: Ways and Means

THE NEW YORK STATE BAR ASSOCIATION STRONGLY OPPOSES INCREASING THE BIENNIAL ATTORNEY REGISTRATION FEE

Section of Law Amended: An Act to amend Section 468-a of the Judiciary Law, in relation to increasing the Biennial Attorney Registration Fee.

Our Association has long been a leader in advocating for the provision of legal services for the poor and otherwise disadvantaged. Over 100 years ago, NYSBA created a special committee dedicated to that issue and endorsed the concept of public defenders to provide representation to indigent criminal defendants.

We commend the Governor for proposing to extend the substance of the Hurrell-Harring settlement to counties throughout the state. This would be a critical step to improve indigent criminal defense services in New York State. Nevertheless, we **STRONGLY OPPOSE** funding the proposals, in part, by increasing the Biennial Attorney Registration Fee. This is a societal, constitutional obligation, the expense of which is properly funded by the State's General Fund. We commend the Senate for eliminating this fee increase in its one-house budget proposal. We call on the Assembly and Governor to join with the Senate in eliminating this surcharge on the legal profession to pay for the State's constitutional, societal obligation, which should be funded out of the General Fund.

The Association continues to support a statewide, state-funded system with an independent entity to oversee quality and delivery of public defense services, to ensure that indigent defendants receive effective representation in New York's criminal justice system, as part of the 2017-18 budget. However, this proposal should not include imposing the expense of New York State's constitutional obligation on the legal profession.