

New York State Bar Association

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Memorandum in Support

NYSBA Memorandum #5

March 17, 2015

S.2003

By: BUDGET

A.3003

By: BUDGET

Senate Committee: Finance

Assembly Committee: Ways and Means

Effective Date: Immediately

THE NEW YORK STATE BAR ASSOCIATION **SUPPORTS ADEQUATE FUNDING FOR PRISONERS' LEGAL SERVICES**

We commend the Governor for including in the proposed Executive Budget funding for an important program that the Association helped initiate after the Attica riot – Prisoners' Legal Services ("PLS").

Based on the concern that prisoners in New York State lacked access to lawyers in order to deal with civil legal matters, in 1976 the State Bar Association helped establish PLS. One year later, the United States Supreme Court ruled that the states have an affirmative obligation to ensure that convicted felons have adequate, effective and meaningful access to courts, *Bounds v. Smith*, 430 U.S. 817 (1977). In 1978, the State of New York began to fund PLS as a state program.

PLS helps to provide equal access to our system of justice for those who are incarcerated and would otherwise be deprived of such access. The program reflects one of the State Bar's highest priorities -- the concept that the impoverished or unpopular individual should be able to invoke the power of the world's most advanced legal system to protect his or her rights.

We believe that PLS helps inmates resolve problems and reduce tensions associated with incarceration. Also, we submit that PLS helps to foster a sense of fairness and to enhance the positive attitudes and behavior of prisoners. It also helps in the development of sound correctional policy. One of the greatest values of PLS is that it works to avoid conditions of confinement that resulted in the devastating Attica riot.

PLS is--and should remain--a vital, integral part of the state's criminal justice system and a critical component of public safety.

We respectfully urge that you work with the Governor to ensure adequate funding for PLS in the 2015-16 fiscal year.