



Association of Legal Aid Attorneys UAW 2325 (AFL-CIO)



March 19, 2019

City Council Budget Hearing

Testimony by:

Association of Legal Aid Attorneys (U.A.W. 2325)

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Good evening and thank you Chairman Lancman for holding this important meeting. Thank you for giving us the opportunity to speak with you all about why compensation parity is a justice issue, and why parity will benefit low-income New Yorkers. My name is Jared Trujillo, and I am the President-Elect for the Association of Legal Aid Attorneys, United Autoworker's Union Local 2325. I represent 1200 attorneys that zealously and tirelessly fight for the civil rights and dignity of low income New Yorkers every day in every borough.

Our members are juvenile rights lawyers that tirelessly advocate for the wishes of the children who are subjects of abuse and neglect proceedings. We are criminal defense attorneys, where we first meet our clients while they are locked in a cage on the worst day of their lives. With extremely limited time, we build our clients' trust and passionately fight for their freedom in courts where they are often viewed as less than human. We are the last hope of thousands of immigrant to stay in a country that they call home. Our housing attorneys represent thousands of low income New Yorkers and their children who are desperate and struggling to stay in their homes. We fight to ensure special needs children get all of the services they need in school and from the foster care system. We are tax lawyers that help terrified New Yorkers navigate the complexities of dealing with the IRS. We help disabled New Yorkers and their children access the benefits they need to survive. We work in close collaboration with social workers, paralegals, investigators, and interpreters to ensure the best possible outcomes for our clients. We do this work nearly 24 hours per day, 365 days per year. We work nights, early mornings, weekends, and holidays.

Our dedication to the civil rights of low income New Yorkers extends beyond the courtroom. Our members advocate for better laws and policies for our clients at the state and local level. We

host Know Your Rights workshops. We volunteer and serve on boards of numerous charitable organizations. We educate communities on the systems that our clients struggle to survive in. Unfortunately, we also drive for Lyft, bartend, babysit, work as dog walkers, DJ, work retail, and tutor because we cannot survive in New York City with our inadequate and unequal salaries otherwise.

The City Council heard from the chief defenders about how much lower are salaries are than attorneys in the Law Department, as well as Assistant District Attorneys, so I won't repeat all of that information. However, I will highlight that our members start off making nearly \$10,000 less than ADAs. It takes one of our attorneys four years of tirelessly fighting for low-income New Yorkers to match their starting salary. We do not get bonuses like they do. *We are often the only workers in the courtroom that do not have defined benefit pensions, which exacerbates the pay inequality.*

While our salaries are much lower than attorneys in the Law Department, we are burdened with the same student debt, which continues to grow. 65% of our members have student loans. Of that 65%, 20% owe between \$50,000 and \$100,000, 29% owe between \$100,000 and \$200,000, and **38% owe over \$200,000**. Many of our members do not qualify for any loan forgiveness programs, and they will be paying their public and private loans for a quarter century or more. The increased debt load has been primarily taken by our most junior attorneys (years 0-4), the majority of whom owe over \$150,000, which is the cost of going to law school.

Our members simply cannot survive with our inadequate salaries, and as a result of unequal pay our members are leaving The Legal Aid Society in droves. Our attrition is highest among our middle attorneys (years 5-9). As people think about having children, paying for

childcare, retiring, getting married, moving into a studio, or even adopting a dog, they have to consider whether doing a job that they love is sustainable. Our senior attorneys are terrified about their financial futures, and do not know if they will ever be able to retire. Attrition is particularly high for our attorneys of color. Representing the communities we come from is deeply personal to us, and leaving our clients because we cannot afford to stay at Legal Aid is painful. It is disheartening and offensive to look across the court room at ADA's and attorneys in the Law Department, and notice that the city is committed to paying them a more sustainable wage, while we do the same work but need to work multiple jobs. This attrition means that low income New Yorkers will not get the benefit of experienced attorneys.

We are happy that many members of the City Council are working to address many of the issues that impact our clients, including criminal justice issues, fixing the school to prison pipeline, immigrant rights, LGBTQ+ rights, employment rights, and racial justice. Similarly, paying our members fairly is a justice issue. It allows attorneys for the indigent to stay at Legal Aid, and it gives low income New Yorkers the benefit of experienced representation. Compensation parity allows our membership to be less stressed about affording student loans and rent in New York City, which will allow us to be more present for our clients. We are not less valuable than attorneys in the Law Department. We ask that the city invest in those fighting for the civil rights and human dignity of hundreds of thousands of New Yorkers by compensating us fairly, so we can stay at Legal Aid Society.

Testimony by Anonymous Attorney

I am a public defender at the Criminal Defense Practice at the Legal Aid Society. I have been working at the Legal Aid Society as a public defender since I graduated from law school. I went to law school with the sole goal of becoming a public defender. I wanted to fight for the rights of low -income New Yorkers, and to treat my clients with respect and dignity. Working at the Legal Aid Society as a public defender was my dream job, and I can truly say that after several years, I still love doing this work. For me, my clients are everything. I get out of bed every morning with motivation to come to work, and to continue to fight on their behalf. I am dedicated to going above and beyond for my clients, and care deeply about what happens with my cases. I work hard every day, and I find this work to be personally and spiritually fulfilling.

However, there is a shame that I carry with me every day as well. This shame is the reason that I am submitting this testimony anonymously. I have been unable to stay financially afloat doing this job. I am stressed about my financial situation every day, and find that have started to develop having anxiety attacks as a result of this financial stress. I have student loan debt that is over 150, 000. Making these payments, as well as paying for my ever- increasing rent and the general cost of living in New York is overwhelming. I am about to be 40 years old, and still find that I am living paycheck to paycheck. I have been barely getting by since I started working as a public defender at Legal Aid. In order to continue to survive, I have had to go in to more and more credit card debt to meet the rising cost of living, which is unsustainable. I live with the heartbreaking knowledge that I will be unable to ever get out of debt if I continue to live on this salary. Any small raise that I receive gets swallowed up by my rent increases, and again, I am back to counting down the days until my next paycheck, and scraping by.

I am not asking for a huge salary. I did not go in to the practice of law in order to make lots of money. But somehow, I expected that I would be able to be at least comfortable. I expected that I could afford to pay my rent and to live a healthy lifestyle while doing this job. It is heartbreaking that this is not the case.

I would love to have a child, but am not able to do so, because I could never afford it on this salary. Even though, I am almost 40, I do not see any way that I could support a child on this income, since I can barely support myself. I feel embarrassed about this.

When we go to court, we are expected to look like a “lawyer” and to dress in a suit, and to be well groomed. When I meet my clients, I want to present the image of a person who is good at what they do (because I know that I am). However, being in court feels like such a farce, because I know the truth- that I am barely surviving, and I am literally worrying about how I am going to eat for the rest of the week after paying my bills.

I have stayed in this job- barely surviving- because I really believe in this work and love my clients. I am hoping that the city will do the right thing, and choose to prioritize low income New Yorkers, and the attorneys who represent them. Being stressed about money takes away from my abilities as an attorney. It is a painful distraction that is always there. It is unconscionable that the Assistant District Attorneys that I am in court with every day make more money than we do, as public defenders. In a system that is already stacked against our clients, paying the prosecutors in this city more than the public defenders sends a very strong message- that New York does not care about poor people.

-Anonymous

Testimony by Roslyn Morrison, Esq.

I am an African American woman, who has been a Public Defender in the Criminal Defense Practice at The Legal Aid Society for the past fifteen years. Since this past December, I have been working on bail reform issues in the Decarceration Unit in Queens. Prior to that, I was the specialty attorney in the Brooklyn Drug Treatment Court for six years, and before that, I represented clients from arraignment through misdemeanor and felony trial, or other disposition.

I entered public service because it is important for me to help empower people from historically disenfranchised communities, who have often been written off by society. For me, being a Public Defender is not just a job, it is an integral part of who I am, how I manifest community support, and the values that I impart to my twelve year old son. At times, however, it can feel like a lonely and loveless endeavor. While I am blessed that my clients have been overwhelmingly supportive and appreciative of my work, the paltry pay and insufficient pension impacts my family in substantial ways. I am a single mother; my former partner and father of my son had a heart attack and died two years ago. His unexpected passing was emotionally devastating to my family and me, and it has also made me acutely aware of our financial precariousness. The cost of academic and athletic program and higher education, whether I will be a burden on him when I retire, what (if any) legacy I will leave him-- these all weigh heavy on my mind and on a budget that often falls short and doesn't allow me to provide a secure future for our family. Not having pay (and pension) parity is an unnecessary and unjust burden on my family, me and countless other advocates who, regardless of their title, literally work themselves into the ground to make this City, and our world a better place.

Testimony by Elizabeth Rieser-Murphy, Esq.

My name is Elizabeth Rieser-Murphy. I am staff attorney in the Immigration Law Unit at Legal Aid and have been a New York barred attorney since 2013. Before becoming a lawyer, I was a New York City schoolteacher in the Bronx. My work and my economic struggles as a lawyer often mirrors my work as a teacher. As a lawyer, I work with unaccompanied immigrant children – vulnerable youth who travel thousands of miles in search of a safe home. The work is difficult but so rewarding. Although my main focus is my client’s legal case, there are often more immediate needs which must be met first – where they will sleep, what they will eat, how they will make it to school with all the supplies they need. I am often the one that triages these needs with my client. For example, one client recently told me that when he was asked who should be his emergency contact, he listed me. As a result, I have purchased coats for my clients, backpacks, school supplies, and even groceries out of my own earnings. I do all this despite living paycheck to paycheck most months.

I am middle-aged and went to law school later in life with the understanding that my school debt would be forgiven if I worked for ten years in public interest. However, the latest budget proposal indicates that the President wants to eliminate this program in the future. What once was a perfect plan has now begun to crumble before my eyes. I have put off many experiences that my friends have been able to embrace due to my concerns regarding their economic viability – owning a home, having children, and taking care of my aging parents. Sadly, I have little in savings because I can barely afford my rent plus my loan payments along with other monthly expenses. Although I am a middle-aged lawyer, I am unable to afford my own living space and must always live with others. Being a person dedicated to public interest has its costs.

A few summers ago, I had an intern work with me in my practice. He was an eager and passionate law student but I had to teach him a lot about the daily practice of law. At the end of the summer, my intern asked me if he should go into public interest and I had to tell him the truth – do it if you can afford it; do it if it is possible for you taking on the financial burden yourself because the future of public loan forgiveness is not promised. So, he instead went to a firm. His starting salary? \$190,000. The student I had trained would be making nearly triple my salary. This disparity is shocking. However what is more shocking is that we do not even have pay parity with our fellow public servants in the city Law Department. How can City Council expect talented staff to remain in demanding jobs where they are being underpaid? It is unjust and unsustainable. Pay parity is a justice issue.

Testimony from Jennifer Hose, Esq.

I have been a staff attorney at the Criminal Defense Practice in the Manhattan office since October 2017. Prior to that I was a fellow with the Decarceration Project where I worked tirelessly on the Manhattan Pilot Project litigating excessive bail decisions.

I now represent a variety of people who are indigent in court. I am available to them whenever they need me. My job involves going to different court parts for calendar calls, hearings and trials. My caseload averages around 80 with a mix of misdemeanors and felonies both indicted and unindicted. I meet people during one of the worse times of their lives where many of their life issues spill into the criminal case. I try my best to help my clients in whatever area of their lives that I can.

I did not always know that being a public defender was my calling. Had I known I would not have chosen to attend the George Washington University Law School- one of the most expensive law schools in the country. I learned that this job was meant for me during my first internship at a public defender's office. I knew there was no other area of law or job for me the first time my words kept someone out of jail and he said thank you to me with tears in his eyes. In this moment, I knew that this was the essential role I was meant to do for my community. I was in a criminal defense clinic my third year of law school. At graduation I won an award for my clinic work called the Richard C. Lewis Memorial Award, which is awarded to a student who has shown extraordinary compassion and care for the clinic's clients and staff. I don't say this to brag but to say that I deeply care about what happens to my clients and I will do whatever it takes to serve them. And because of that I used to think that helping people would be the only payment that my soul would ever need but I was naïve to think it was all I would need to be able to keep doing this job.

Now I think how do I survive when I am the lowest paid attorney in the courtroom?

I live in Manhattan because being accessible to the community that I serve makes me better at my job. This means I can be in arraignments in 15 minutes if I know that my client got rearrested. This is important because me personally being present could be the difference between being released or bail being set. It is my job to be there in that moment. But because I live in Manhattan, my entire first paycheck of the month goes to rent. I struggle to survive on the rest while paying my six figure student loans.

I recently got engaged. This is supposed to be one of the happiest times in my life but now I am deciding whether I can financially afford to get legally married. I can only afford my student loan payments if I am on an income based repayment plan which is calculated based on my household income reported on my taxes. So getting married means either my loan payments are going up. Do I file taxes separately and take on a bigger tax burden for a slightly lower payment or do we file jointly and let my student loans payments quadruple? I certainly will not be able to keep living in Manhattan which means being less accessible to my clients. And that is just getting married. What if we have a child? Will I be able to keep doing this job that I love? Will I

have to choose between being a mother and being a public defender when if I was paid a fair wage I could do both?

I've watched dozens of the most brilliant attorneys leave Legal Aid in the last year because they had to choose their family over the job. Because they could not afford it any longer. I've watched attorneys I wanted to mentor me leave. I've watched attorneys who fought tirelessly for their clients and do whatever it takes to help them leave when they could have stayed had the city given Legal Aid the same money they give our counter parts in the courtroom. The people who really suffer because we lost these great attorneys are the clients and the people of New York.

We are not asking for more. We are asking for the same as what every other attorney that is doing the work is getting. We deserve to be paid the same as the Assistant District Attorneys that we are beside every single day. The people who live in this city deserve to have the attorneys who are appointed to represent them be people who deeply care about them and who can afford to keep doing the job they love because they are compensated fairly.

I pray that I can work for Legal Aid and serve my community for my entire career but without pay parity right now I cannot see how that is possible.

Testimony By Shana Knizhnik

My name is Shana Knizhnik, and I live in Brooklyn with my partner, Hillela, and pet dog Lola. I have been working as a staff attorney in the Manhattan office of the Legal Aid Society's Criminal Defense Practice for 6 months. I graduated from NYU Law in 2015 and spent a year clerking for a federal appeals judge on the Third Circuit in Philadelphia, after which I spent two years at an impact litigation fellowship with the ACLU of DC, before coming back to New York to be a trial-level public defender.

I am thrilled to be back in New York City, doing exactly what I want to be doing—representing people every day in criminal court who cannot afford an attorney. Every day, my colleagues and I stand as the sole representative for each and every one of our clients. We are the one person on their side in a system that is in many ways confusing, arcane, and unfair. Although our adversaries in criminal court nominally represent “the People of the State of New York,” it is actually us public defenders that represent individual human beings, with all of their complexities, in our system of justice.

Despite the ways in which the court system is stacked against our clients, it is a privilege to be in the position to protect and enforce their constitutional rights and, hopefully, to provide them some dignity in an otherwise dehumanizing process.

And yet, in addition to the way the system is stacked against our clients, our “progressive” city indicates that it does not value our work as much as the work of those in the District Attorneys Office, and the Law Department, by paying us less than our adversaries.

My partner also works as a public defender, at The Bronx Defenders. Neither of us chose the path we have for the monetary benefits. We have consciously decided to do the work we love and care about, and therefore to live with the heavy burden of student debt, in lieu of the six-figure salaries of our private sector peers. But the financial weight of living in New York City on public defender salaries is already affecting the decisions we can make in our lives, both now and into the future. These include whether to have children and how much we need to save to ever retire.

At the same time, we are luckier than many of our peers. I do not need to support additional family with my salary. I am lucky enough to not have remaining undergraduate educational debt. I also happen to be the co-author of a bestselling biography of Supreme Court Justice Ruth Bader Ginsburg entitled *Notorious RBG*. I am lucky to have additional income from that project to supplement our public defender salaries. However, it should not be necessary to have supplemental employment or income in order to survive as a public defender in this city.

My colleagues and I represent dozens of clients at a time, often spending many extra hours on weeknights and weekends working on their cases—all to provide the representation the United States and New York State constitutions guarantee. Until this city and state do the bare minimum

of providing pay parity for public defenders, it cannot claim to be committed to those rights. I sincerely hope that the government takes this step, and begin to actually demonstrate the ideals of justice for all.

Testimony from Anonymous Attorney

I am a sixth-year Staff Attorney in the Criminal Defense Practice at the Legal Aid Society. I am in my mid-30's, I live with two roommates, and I have \$200,000 in law school debt. I live in the Bronx.

Last week, my apartment that I share with my two roommates in a dilapidated brownstone, flooded for the third time in the past year. I would love to move, but I don't make enough money to save for a deposit/first month's rent, nor do I make enough money to pay rent somewhere else, since to live in a decent one bedroom/studio in a safe neighborhood would cost almost \$1800 a month. \$1800 a month is half of my monthly take home pay. Tack on things like my \$543 monthly student loan payment (which goes up to \$602 next month), a few dollars to my retirement/life insurance since I don't have a pension, getting my suits cleaned for court, helping out my disabled mom, and simply purchasing food. So, I stay in my apartment and I do my best to get by. I also proctor exams on the side for extra money.

Every day I think about leaving the Legal Aid Society. Not because I don't love the work, because I've dreamed of being a public defender and defending the rights of my black and brown brothers and sisters for years, but simply because I don't make enough money to live in New York City. I want to have kids and at least own a co-op, but my pay makes it impossible to think about paying for day care, saving a down payment for a house, or even maintaining an emergency fund for a rainy day.

Never would I have imagined, that at 34 years old, working as a lawyer in New York City, that I would be financially unable to live without a roommate. Never would I have imagined, that I would have to think/save long and hard before buying a new blazer or shoes that I need for work. Never would I have imagined, that by pursuing my dream of becoming a public defender, I would be putting myself in the most uncomfortable financial position imaginable. It literally makes me sick to think that if I stay at the Legal Aid Society the possibility of a comfortable retirement will be nonexistent. Sometimes I try to push it out of my head and say "maybe I'll marry rich" or "it'll get better when I get to a higher pay step" but the reality is it won't. Every time my pay increases my student loan payment increases. My super smart colleagues that love the work we do are leaving the Legal Aid Society in droves to work at private firms that pay more or live in cities with a lower cost of living because of the financial strain. The older lawyers in my office that deserve to retire, simply can't retire because they won't be able to afford Medicare gap insurance or afford life in general. Meanwhile, everyone else in the courtroom with us receives a pension. The other people in the court room worry that if they stay at their current position, they won't be able to retire comfortably.

When I found out that district attorneys that are working across the aisle from me made so much more than me, I literally cried in my office. Not because money means that much to me but because we literally do the same job on opposite sides and people really don't think we deserve the same pay. I work just as hard, I write just as many motions, I have just as many

cases, I have the same financial burdens from law school, yet the same value is not placed on my work and I receive lower pay. It's not right and it's not fair. Fighting for my clients while simultaneously fighting to stay afloat is draining, and a burden I shouldn't have to bear.

Testimony by Steven Wasserman, Esq.

I am Steven Wasserman, an attorney with the Legal Aid Society's Criminal Practice. Thank you for the opportunity to testify at this public hearing before the New York City Council Committee concerning the need for pay parity between attorneys who represent the poor in criminal, civil, and family court proceedings, and the lawyers who represent the government at the same proceedings .

I have been employed at the Legal Aid Society Criminal Practice since graduating from Columbia Law School nearly 40 years ago. I was an intern with the US Attorney in Lower Manhattan in the summer of 1979. I considered making a career there, but decided against it on the day that President Reagan appointed Rudolph Giuliani to head the office.

That was my good fortune. I have found great fulfillment in defending poor New Yorkers against criminal charges. But my earnings at Legal Aid never sufficed to support a family in New York City, much less to save for retirement. I began teaching night courses at John Jay College when my second child arrived, just to maintain a modest lifestyle in a 2 bedroom apartment. I needed every dollar of that second income to finance my children's education. Today, my wife and I are working into our 70s to achieve financial security.

My classmates who became prosecutors had it much easier on their government salaries and pensions. Consequently, they were able to focus more of their energy on their work. I believe that the lack of pay parity between prosecution and defense attorneys in New York City ultimately works to the detriment to poor people accused of crimes, as well as those facing eviction, deportation, and the loss of public benefits.

Testimony by Elysia Fedorczyk, Esq.

My name is Elysia Fedorczyk. I work as a staff attorney in the criminal defense practice for the Legal Aid Society in Queens County, New York. I am a **PUBLIC DEFENDER**. I left a paralegal position with a corporate law firm, making well over \$60,000 a year, to go law school, knowing that was the path I wanted to take. I was fully aware that I would graduate with significant student loan debt and enter a profession with a reputation for over-working and under-paying its employees. I am not alone. This is the story of many of my colleagues at the Legal Aid Society. We did not pick this path to become wealthy, for notoriety, or any disillusioned belief that it would be an easy gig. But what I did not anticipate was that I would go into a legal profession and barely make a livable salary. I did not think I would not be able to afford to live in a 700 square foot apartment without a roommate, or be able to start a family, save for retirement, and help my aging mother so she wouldn't have to work well into her 80s.

We do this job, because we believe it's important to represent and defend the marginalized, disenfranchised, and indigent communities in New York City. We work day in and day out, beyond the regular 9-5 hours, on the front lines fighting for justice and equality, with other underpaid and overworked attorneys, social workers, investigators, paralegals, and support staff, **defending your constituents**.

Last week, after having worked from 9am-5pm handling several cases in court, I worked one of my scheduled night arraignment shifts. My last client of the evening saw the judge at 1:00AM. So after my 16 hour day, I finished my night by spending 30 more minutes explaining the intricacies of the legal and bail system to the distraught family that watched their family member walk away in handcuffs to be bussed off to Rikers Island.

When I first started with the society in 2013, my starting salary was \$47,550. In an attempt to save money for my own place, I lived with my single mother and made a two-hour commute in and out of the city each day. Needless to say, years later, saving enough hasn't happened. After five years, my annual salary has finally broken above \$70,000. Although that increase doesn't compare to the cost of living increases that I have faced living in NYC, or my significant and growing student loan debt, which most of my colleagues also face. I currently owe \$285,856.88 in student loans and interest (a mortgage without the house, as my boyfriend often jokes). When I take a vacation, which is desperately needed in this line of work, I must use a credit card, so on top of student loans, cost of city living, and bills, I also have mounting credit card debt. I have \$200 in my savings.

I am 33 years old. I live with a roommate who is also a public interest lawyer in a two bedroom apartment in Queens. Every day, I go to work, stand in front of a judge, with my client to my left and my adversary to my right. That adversary, who handles a similar caseload, and does the same job, just on the opposite side, and has the same years under their belt, makes approximately \$10,000 more a year and they have a pension. Your own corporate counsel, makes almost \$20,000 more. That disparity shows. It shows my clients that their attorney isn't worth as much as the government's. It shows society that we as public defenders, lawyers who represent the indigent disenfranchised, and marginalized people of this city, are less valuable. That **your constituents**, are not worthy. Everyday the reality that my dream job cannot sustain a future for me is very real. I watch as brilliant and dedicated people walk away from this

profession, simply because they must choose sustainable life over their passion for this career. It is your responsibility to correct this injustice. It is time, now, to give the public defenders of New York City, pay parity with city attorneys and prove that equal justice matters to City Counsel.

Testimony by Julia Boms, Esq.

My name is Julia Boms and I am one of the new attorneys at The Legal Aid Society's Criminal Defense Practice.

I have always recognized the disparities in the criminal justice system, through internships, classes, and news outlets and TV shows constantly portraying African American, low-income men as criminals. At an early age, I wanted to get involved and help change the injustices present in our society. While completing my criminal justice major in college, I became passionate about mental health in the criminal justice system. I was motivated to obtain my Master's degree in Forensic Psychology. While at John Jay College, I too quickly learned that individuals with mental health diagnoses are not getting the treatment required to prevent the "revolving door," and actually remedy the source of illness. It was at this point that I decided to become a public defender, to keep people out of jail and help them get resources necessary to improve their mental health.

I knew my decision was associated with a low salary, but what I did not anticipate was how much that would impact my life choices. For the first year and half of law school, I lived in Brooklyn. However, I quickly realized I needed to save money for when student loans would no longer be available. During my second year of law school, at 27 years old, I moved back in with my parents. When reality set in that public interest internships are not paid, nor was the stipend enough to even cover transportation, I sought out additional employment. I began working part-time as a bartender during my second semester of law school. I told the manager I would only be able to work until May 2018, when I graduated law school and began a full time job.

When I began working for Legal Aid this past September, I started looking for apartments thinking I could finally move out and feel like an actual adult with a "real job." However, the real estate in Manhattan does not coincide with our salaries. I stayed at home for about five more months. I continued bartending on the weekends and nights in hopes of being able to save enough to make rent when I did eventually move out.

After two months of training, I began representing indigent clients in Manhattan. I was able to scrape up enough money to move out of my parents' apartment last month. I moved into a two-bedroom apartment with two other young women. Yes, that's more people than bedrooms. At this point, I cannot enjoy living in the city or being out on my own, because I still have to work my part-time job on nights and weekends. Between my \$90k + student loans (which is extremely low for a law graduate), rent, utilities, and food, I'm barely making ends meet. Unfortunately, because the courts are open 24/7, I have to give up shifts at the bar when I'm in night or weekend arraignments, which really takes a toll on the extra income I was anticipating, especially because I make more money in the service industry than I do in a night or weekend shift.

Until I started working, I did not think about the extra costs of being an attorney. We must wear suits to court every day. Suits are not cheap; neither is dry cleaning them. Stockings rip and cost upwards of \$8.00 a pair. The MTA is constantly raising their prices. I make coffee at home, but sometimes need a pick-me-up during the very busy day. There's no coffee in the office, so I have

to purchase some. There's no plastic silverware, so I invested in metal set. There's no dish soap or sponges, so I bought some. These little costs were not in my original budget and certainly add up when just living in Manhattan costs me over \$2,000 a month.

Fighting against injustice and for keeping indigent defendants out of jail has always been a calling. I strive to provide the best legal assistance I can for each of the 114 clients I have represented so far, and the 50+ clients I currently represent. Unfortunately, that is not an easy task because I am exhausted from having to work a second job to afford to live in the city where I work.

Pay parity would allow me to be a better attorney for the clients who need me. Pay parity is a criminal justice issue.

Black Attorneys of Legal Aid (BALA) Testimony

The Black Attorneys of Legal Aid caucus (BALA) writes this statement to advocate for compensation parity for our members, and for all attorneys who represent low-income New Yorkers.

For just about all of our members, public defense is more than a profession. It is no secret that Black people are overrepresented in the criminal judicial system. Our caucus recognizes that institutional racism, economic and educational inequality, racist and arbitrary policing, and the resulting hopelessness from all of those things all play a role in this overrepresentation.

In the majority of our clients, we see ourselves; we see our sisters and our brothers; our parents and our children; our aunts, uncles, cousins; our friends and our acquaintances. We see people who have been written off by society long before they ever set foot in a courtroom. We see human beings that society has been taught to hate, to despise, and to see as less than human. We take pride in representing our clients, and reminding the system, reminding prosecutors, reminding judges, reminding police officers that our clients are human beings and should be treated as such.

This profession is an important opportunity and responsibility to assist members of the community in navigating through the labyrinth known as the criminal judicial system, and it is a responsibility we take very seriously. However, it is very difficult for our members to take on this important profession because we are inadequately compensated for our work. Most of our members deal with crushing student debt by the time they start the job. Many of our members struggle mightily to raise families with our current salaries; and many more of our members have put off trying to start a family because doing so will place unbearable financial burdens on them. Living in New York City is another financial burden for our membership. Lastly, we have no real pensions, so our futures after retirement hang in the balance.

From the U.S. Supreme Court on down, the judicial system has placed great importance on the constitutional rights accused persons have and the vital part that lawyers play in protecting them. US public defenders fulfill a unique and much needed role in the system. There is, therefore no valid reason why we should be amongst the lowest compensated practitioners in the courts we practice in.

LGBTQ+ Caucus Testimony

The LGBTQ+ Caucus is a group of 87 LGBTQ+ identified attorneys at the Legal Aid Society. Members of the LGBTQ+ Caucus zealously represent low income New Yorkers every day in every borough. Our members are dedicated to all of our clients, and we have a special relationship with Legal Aid's LGBT clients because we share many life experiences with them. Unfortunately, LGBTQ+ New Yorkers are disproportionately represented in all three of Legal Aid's practices. In the Juvenile Rights Practice, LGBTQ+ teenagers are overrepresented in the foster care system, and they have more failed foster care placements than their non-LGBT counterparts. In the Criminal Defense Practice, LGBTQ+ humans are 3 times more likely than the general population to be incarcerated, and 47% of transgender black women are incarcerated at some point in their lives. Our members in the Civil Practice understand the dire consequences our immigrant clients will encounter if they are deported to countries that are hostile to their existence. In Housing, they understand how epidemic homelessness disproportionately impacts LGBTQ+ people, and in the Employment Law Unit our members serve people who face adverse employment consequences based on their LGBTQ status. In addition to the stressors that every public defender and indigent services attorney must encounter, we have other stressors related to our identities. Our transgender and gender non-conforming members are frequently and intentionally mis-gendered in court, and one member was referred to as "it" by court staff. It is emotionally exhausting to watch anyone dehumanized, and this is amplified when you share community with that person, like we do with many of our clients. Nevertheless, we persevere, because we adore our clients and we are invested in their outcomes.

The LGBTQ+ Caucus' dedication to low income LGBTQ+ New Yorkers extends beyond the courtroom. Our members serve as resources to our colleagues on how to best represent LGBT clients. We advocate for better laws for LGBTQ+ New Yorkers at the city and state levels. Our members have a robust mentorship program for LGBTQ interns. We serve on panels to educate the community about the systems our clients must survive in. We provide Know Your Rights trainings for young LGBTQ people. Unfortunately, we spend the little spare time we have working second jobs and stressing about how we can afford to survive in New York with our inadequate and unequal salaries.

Our caucus is proud that Albany and City Hall are working to address so many issues that impact our clients, including the criminal legal system, foster care, the school to prison pipeline, immigrant rights, employment rights, racial justice, and LGBTQ+ rights and dignity. Our members fight tirelessly to correct these injustices for low income New Yorkers. Paying us fairly is a criminal, juvenile, housing, employment, and immigration justice issue. Parity assures that we can stay at Legal Aid and give low income New Yorkers the benefit of experienced representation. Parity will allow our members to be less stressed by having several jobs while working as attorneys. Parity will enable our members to survive in New York City, pay rent, pay loans, and to overcome the barriers to parenthood that LGBTQ individuals encounter. We are not less valuable than attorneys in the Law Department. We ask this body to recognize that, and compensate us at the same level.

Testimony by Tarini Arogyaswamy, Esq.

I have been a staff attorney at the criminal defense practice in the Queens office at the Legal Aid Society since October 2012. I represent a variety of people who are indigent in court. I go to different court parts for calendar calls, hearings and trials. Some of my clients have been charged with minor offenses so I will represent them for a few court dates while other clients have been charged with serious offenses and I will represent them for months and often years. I have a case load of at least 80-90 cases at any given time.

I had always wanted to help the poor and marginalized and so I was ecstatic to start working at Legal Aid. What I didn't know then was that working at Legal Aid would test just how much I wanted to represent the poor because of the small salary that I would be working for. Not only do I feel that the work I do is not valued by the court system but I also know and feel that society as a whole especially those with the power to show that they respect and value what I do absolutely DO NOT value and respect what I do because they pay other lawyers and people much more than what they are willing to pay me. Yet, I continue!

Many of those who started at Legal Aid with me in October 2012 or even those who started in 2013 or later have already left Legal Aid. Why you ask? Well, because they just could not financially survive in this city on the salary that Legal Aid pays. They had to leave to pay off private student loans without which they couldn't have become lawyers. They had to leave to adequately provide for themselves, to take care of children, or to take care of aging parents.

So, how do I survive? I have made choices that maybe I wouldn't have had to make if those with the power and funds respected what I do; choices that I don't think I should have to make since I am a lawyer trying to help people and society. I have to teach as an adjunct in the summer and winter to bring in extra money to support myself and my family. Just to pay for our living expenses including rent and food, I have to be very cautious with what else I spend on every month. At this age, I still have to really watch where and when we eat out so that I can instead pay for other necessary things for my young daughter. I have to consider where I grocery shop and what I buy so that we have groceries for the month. I also have student loans that I am paying off while I also try to put away a few dollars/month for my young daughter's future college education. And if that leaves any money to put away for my retirement, I am lucky!

But, I guess a public defender should be single, shouldn't have kids and should not own property. I should just work and go to my hole in the wall where I have a couch and TV and eat alone every night. Because, having kids and owning property is difficult if not impossible on my Legal Aid salary. So, I get up and stay up at night not only thinking about my cases and clients but also about whether or not I will be able to pay bills to feed and clothe and shelter my family. And so to me, pay parity is a criminal justice issue that must be addressed sooner rather than later!

So, have I thought about leaving Legal Aid for a higher salary? Yes, I have. So, you ask what keeps me at Legal Aid? My commitment to helping those even less fortunate, the poor, the marginalized. Will that last forever as my children get older and our expenses increase? I don't know. But, I do hope that society and especially those with power will value my work going forward and pay me accordingly!

Testimony by Michael Gompers, Esq.

For close to 30 years, I have worked as criminal defense lawyer, either as a public defender in NYC or training legal aid lawyers in developing countries. For most of my career, I have been a senior staff lawyer with The Legal Aid Society. More than ever before, I sense the urgency of the work that I do. My clients' liberty is at stake. And increasingly, they risk the loss of employment, benefits, parental rights, and for my non-citizen clients, they face deportation. Some of my clients are falsely accused, many are grossly overcharged. The work I do as a public defender is very complicated and requires a lot of training and experience as a lawyer, especially so as the pace of forensic science changes exponentially. The indigent accused deserve and should expect qualified and properly funded indigent defense lawyers. They deserve a level playing field.

I live in Maplewood New Jersey, together with my wife and two elementary school children. We moved there several years ago from Manhattan because of the prohibitive high cost of living. Like so many other public defenders, I struggle to save for my retirement. As a parent, I worry about the rising rate of college tuition. Quite simply, my income has not kept up with the pace of inflation. This is increasingly frustrating, as I see that the District Attorneys Offices in NYC have seen their budgets increase and their staffing levels rise. Neither, District Attorneys or Legal Aid lawyers, are paid in line with what other similarly situated government city lawyers salaries. Across the board, this has led to a brain drain, as many DAs and fellow defenders have left. For Legal Aid, the task of retaining qualified and experienced lawyers has been especially difficult.

Just five years ago, in 2013, in marking the celebration of the landmark Gideon Decision, Attorney General Eric Holder marked that state of our nation's indigent defense "exists in a state of crisis". Any notion of due process under the law and fundamental fair trial rights for the indigent accused should be predicated on adequate funding for the defense.

Testimony by Emily Eaton, Esq.

My name is Emily Eaton, and I am a housing attorney at The Legal Aid Society. I defend low income New York City families in eviction proceedings. I've done this for a little over three years now. Many of the families that I represent have lived in their homes for years, and even decades. I've seen unscrupulous landlords in the hallways of housing court pressuring tenants like these to leave their homes, when in reality these families may have legal rights that would allow them to stay.

Today, more and more tenants are represented by attorneys, so that they don't have to face the pressures of an eviction proceeding alone. However, we are unable to hire enough attorneys to represent all of the families that need us in Housing Court. We simply cannot attract enough qualified applicants at the current salary levels. Three years out of law school, my classmates make four times as much I do. Personally, I would never consider leaving the work that I do because it is extremely important to me. However, considering the pressures of increases in cost of living coupled with staggering student loans, it's not mystery why we are seeing the current dearth in eviction defense attorneys.

I myself still have more than \$200,000 in outstanding law school debt. It's incredibly stressful to think about what will happen when I decide to buy a house and build a family. I find the notion that the attorneys who represent vulnerable populations don't deserve the same economic stability enjoyed by other attorneys to be incredibly disrespectful to the important work that we do. By underfunding legal services for indigent people, we are saying that their rights matter less. In fact, these are often the populations that have the most dire need legal for representation. Everyone deserves justice, and the City should make that a priority.

Testimony by Chandra Gomes, Esq.

I have lived in Flushing just about my whole life. My father was an immigrant who worked in a gas station. My mother stayed at home.

I attended PS 201, the Pomonok school, near Queens College., in fact, my brother went to school with Councilman Grodenchik; and my mother was on the PTA with Ex-Assemblyman Nettie Meyersohn. At PS 201, just about every day I had discussions with the principal over school rules that I thought were unfair. I would walk down the hall with him and tell him he should change these rules. The teacher's aid in the hallway who witnessed this told me that since I clearly like to argue so much, I should be a lawyer. The idea resonated with me, and at that time – the late 1960's I decided I would be a lawyer and fight against injustice. And here I am 50 years later, still fighting for the rights of low-income New Yorkers.

I attended Jamaica High School, where I got a first rate education. In fact, for those of you who remember Donald Manes, his daughter was in my class. I graduated from Queens College Phi Beta Kappa and Cum Laude. I went to NYU Law School. I got my first job through the city summer youth program with Helen Marshall. I worked at Queens Family Court. I paid for my education myself. I worked while I was in school. I lived in a double fare zone, so I was on the bus everyday at 6am so I could get to my job downtown and then get back to school, and then do homework until midnight. My spring break was spent taking intercession classes. It took me 13 years to pay off my school loans. The interest rate was 17 percent.

I started working for LAS in 1984. I made \$25,000. I was doing the job I loved. I am still doing that job. I have helped a lot of people. I am still helping a lot of people. I have a very difficult job. My clients have had very sad painful lives. Sometimes I just have to cry. Many of them are mentally ill. Many of them are innocent. Many of my cases have hundreds of pages of police reports and paperwork that need examination with a magnifying glass to uncover the exculpatory information that is often buried within them. Every day I bring home work with me. I am up until 3am almost every night writing motions and reading paperwork and preparing for the cases that I have on the next day. Judges and prosecutors are not kind to my clients. It takes a lot to make them see there is another perspective; sometimes they never see it. Sometimes I have to take them to trial, and only then will a jury see it. I have tried a lot of cases. When you're on trial you've working 24 hours a day. There are few breaks, except to grab a bite and get back to work. You work all weekend. You don't get a second chance if you miss something. I've had trials that have lasted 4-5 weeks. It's more stressful than anything you can imagine.

I work night court and weekends and holidays. I don't want to, but an experienced attorney always has to be working, and so many senior attorneys have left due to our inadequate wages. This year, I worked Christmas Eve, New Year's Eve, New Year's Day and Super Bowl

Sunday. I did not get overtime, or any extra compensation. Everyone else in the courtroom was making double time, or triple time, everyone was making more money than me.

When I first started at LAS, I was so thrilled. I had the job of my dreams. I got to work with fantastic colleagues in an exciting job. However, when you're young, you don't think about things like pensions, raises, benefits, children, and things your children will need – like childcare, afterschool activities, music lessons, sports fees, camp, SAT classes, etc.

When I started at LAS, I couldn't afford an apartment. I had to live with my mother. I drove a 76 Buick Skylark until it was 22 years old, and the mechanic said the gas tank was about to fall off. My family now has only one car.. i am not a frivolous spender, but I often have trouble paying my bills.

I have 2 kids in college, both at SUNY Geneseo. They attended PS 499 at Queens College and my daughter went to Townsend Harris and my son went to Francis Lewis. They both got an excellent education. My son was accepted to 2 prestigious private colleges. I didn't know how we would pay the tuition. My son said he would prefer to go to Geneseo. I was grateful he said that. However, I suspect he said it because he knew we would have trouble paying for the tuition at a private school. So although I was grateful, I was also humiliated. I feel like I am a lawyer—I should be able to pay for my kids to go to the best college they can get into. They deserve that because they've worked hard for it. It's painful for me to live with this. We have too much money to qualify for financial aid. But we don't qualify for free tuition at SUNY. It's been a struggle. When my daughter went to study abroad, that was an additional struggle to pay for. We still have graduate school to pay for.

I am about to be 60. I have no defined pension. I have worked incredibly hard, and I am still working incredibly hard, for my community and my city. It is unconscionable that I am so undervalued that every other city state and government lawyer makes more money than I do. We have strived for parity for decades, and I hope that the City Council takes us seriously. Treating Public Defenders the same as Corp. Counsel is a justice issue.

Anonymous

I am not rich. I did not take this job hoping to become rich. However, it is becoming increasingly hard to do what I love at my current salary. I have been working at Legal Aid as a staff attorney for the past 3 years. On average, my check is \$1800 semi-monthly. My rent is \$2650. My student loan is in the six figures. I pay light, heat, internet, cellphone, car insurance, and cable bills. Last year, I had a baby. I have been a saver my whole life-thanks to my mother. She taught me the importance of saving for a rainy day. However, I hadn't been able to save a penny for myself since I had a baby. I am in my third year as an attorney only making a little over \$67,000 annually. I sometimes work 16 hours days. When I am going to trial, I would have 80 hours work week. I did not take this job to become rich. I just need a living wage. I need real, comprehensive retirement benefits. Compensation parity is a justice issue.