August 5, 2016

The Honorable Andrew M. Cuomo
Governor of New York State
Executive Chamber
NYS State Capitol Building
Albany, NY 12224

Dear Governor Cuomo:

The American Bar Association, with over 400,000 members, including 42,000 members in New York, is the voice of the legal profession in the United States. Since its inception, it has advocated for the right to counsel. Thus, the ABA urges you to sign Bill A.10706, which will guarantee state funding for New York public defense.

More than half a century ago, the United States Supreme Court recognized the sixth-amendment right to counsel in state court criminal proceedings. See Gideon v. Wainwright, 372 U.S. 335 (1963). The duty to fund the right to counsel rests with the state. See ABA Ten Principles of a Public Defense Delivery System, Principle 2 (2002); Hurrell-Harring v. State, 15 N.Y.3d 8, 19 (2010). Yet New York has long abdicated this duty, burdening its 62 counties with funding public defense. The results—grossly inadequate funding leading to widespread constitutional and ethical violations, the subject of numerous reports and lengthy litigation—have been disastrous.

The nation now turns its eyes to you. Unanimously approved by the legislature, Bill A.10706 will ensure that attorneys can meet their ethical and constitutional duties, and that clients can receive quality legal representation. Because county-based public defense funding has recently become the subject of class action litigation in several other states, your decision will pave a way forward for criminal justice in the United States. The ABA therefore strongly urges you to sign Bill A.10706 and thanks you in advance for your consideration.

Sincerely,

Paulette Brown

cc: The Honorable Janet DiFiore, Chief Judge, Court of Appeals, State of New York
Senator John J. Flanagan, Temporary President, New York State Senate
Assembly Member Carl Heastie, Speaker of the New York State Assembly