



NEW YORK
CITY BAR

COMMITTEE ON CORRECTIONS

SARA MANAUGH

CHAIR

105 COURT STREET

BROOKLYN, NY 11201

Phone/Fax: (718) 246-3270

SManaugh@sbls.org

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BERNADETTE JENTSCH

SECRETARY

299 BROADWAY, 4TH FLOOR

NEW YORK, NY 10007

Phone: (212) 417-3772

Fax: (212) 417-3891

bjentsch@mfy.org

The Honorable Andrew Cuomo

The Executive Chamber

State Capitol

Albany, New York 12224

Dear Governor Cuomo:

On behalf of the Corrections Committee of the New York City Bar Association, I write to urge that you provide funds in the final New York State budget required for the continued existence of Prisoners' Legal Services ("PLS"). PLS, founded in 1971 in the wake of the Attica prison riots, provides civil legal services to select New York State prison inmates with meritorious causes. PLS serves an essential function by providing an important, non-violent way to resolve disputes, saving the State money in the process. PLS relies on State funding to do its work. Without it, the organization will not be able to continue its critical mission and will in all likelihood cease to exist. Because the need for PLS remains as strong today as it did at the time of its creation, this would be a tragic, short-sighted result, one that can and should be avoided.

While PLS was included in the State budget from its founding in 1971 through 1995, it has for the past 15 years been funded as a member item. Because there are no member items for programs of any kind in the 2010-2011 budget, PLS will not receive State funds of any kind unless it is included in the State budget. PLS cannot continue to exist without State funds.

The reason for PLS's creation was to assure that at least a portion of the inmate population could have access to our system of justice by providing them with a peaceful means of resolving disputes. This mission continues today. PLS performs functions that are critically important not just to its clients but also to the criminal justice system. Most of the money that is invested in PLS is returned to the state in cost savings. In fact, on fiscal grounds alone there is more than ample justification for including PLS in this year's State budget:

- In 2008, as a result of its advocacy on disciplinary hearings, sentencing and jail time matters, PLS saved the state over \$3,000,000 by reducing sentences that had been incorrectly calculated, reducing time in solitary confinement, and using good time credits to obtain early release for clients. It did so in spite of significant decreases in staff brought about by stagnant funding.
- PLS provides cost-effective, effective representation in cases that raise meritorious issues. Its staff screens out cases that are frivolous, and by doing so saves the time and money of the judiciary, courts and the Attorney General's Office staff.

- PLS staff resolves most matters at the administrative level through negotiation, and actively discourages the filing of frivolous litigation. In so doing, it operates as a form of safety valve for the State's 69 prisons (and the Willard Drug Treatment Facility), helping to prevent unrest that could exact a high toll in cost and human suffering.
- PLS responded to approximately 16,000 inmate complaints in this past year.

PLS should likewise be funded as a matter of public safety in New York State communities outside the prison walls. Most prisoners will ultimately be released. New York State must ensure that prisoners return to their communities having been treated humanely and having had access to quality mental and physical health care and other programs while in prison. PLS' work towards those goals is a sound investment in public safety.

This essential function cannot be met by the private bar or by public defender offices, which are not funded to handle these cases. Other than PLS, there are virtually no other legal services available to most inmates. Private attorneys rarely take inmate cases, except to a very limited extent, despite efforts by the courts, bar associations and PLS. In 1998, when PLS was forced temporarily to close its offices for lack of State funding, State defender offices were overwhelmed with inmate complaints that previously would have gone to PLS. Unable to take the cases, the defender offices had nowhere to refer them: the sorts of cases PLS handles are not attractive to the private bar. This situation will no doubt repeat itself should State funding not be provided now.

Likewise, inmate law libraries – no matter how up-to-date or comprehensive – cannot serve as a substitute for trained lawyers to provide meaningful access to the courts. Experience demonstrates that people “on the outside” are not able to represent themselves adequately in litigation, particularly that which requires discovery or trial. Inmates who are not literate, who do not speak or read English well or who are mentally ill do no better pro se, and are entitled to the service of lawyers. The simple fact is that lawyers are essential to the fair administration of justice for prisoners.

The New York City Bar Association fully supports the continuation of Prisoners' Legal Services of New York at a reasonable level of funding. We know that the services it provides are essential and irreplaceable, and therefore urge you to provide funding for PLS in this year's State budget.

Respectfully,



Sara Manaugh
Chair, Corrections Committee

Cc: Speaker Sheldon Silver, New York State Assembly
Senator Dean Skelos, Majority Leader, New York State Senate
Senator John A. DeFrancisco, Chair, Senate Finance Committee
Assembly Member Herman Farrell, Chair, Assembly Ways & Means Committee
Assembly Member Jeffrion L. Aubry, Chair, Assembly Corrections Committee
Senator Michael F. Nozzolio, Chair, Senate Crime Victims, Crime & Correction Committee