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NYSDA Statement Welcoming The Report of the Special Adviser on Equal Justice

The New York State Defender's Association (NYSDA) welcomes the October 2020 [report](#) of the Special Adviser on Equal Justice in the New York State Courts. The Executive Summary says, "this is a moment that demands a strong and pronounced rededication to equal justice under law by the New York State court system" and that "credibility will only be earned if the public sees both strong commitments to reform at the front end and a sustained effort to follow through on those commitments" NYSDA agrees.

Limited to a review of court system structures and practices intended to address racial bias, rather than a comprehensive look at criminal and civil justice throughout the system for evidence of racial bias, the report nonetheless points out much that needs to be changed. It describes an entrenched, dehumanizing, "cattle-call culture" in high-volume courts resulting in "a second-class system of justice for people of color in New York State." A particular problem, "long-simmering racial tensions and intolerance within the court officer community," receives attention. The lack of diversity on the bench is noted, as is the obscurity that currently cloaks entities within the court system that are intended to deal with race and racial bias. In addition to such broad issues, the report reveals telling details, like the "established practice of scheduling litigants who have sufficient resources to retain paid counsel before clients represented by" public defense attorneys; those litigants may miss work, incur child-care costs they can ill afford, etc., and as a result fall behind on rent and face eviction. NYSDA appreciates that the Special Adviser and his team engaged with public defense programs and lawyers during its review and highlighted issues affecting public defense clients. Public defenders work every day to counter the second-class treatment too often imposed on their clients; this burden falls particularly heavily on Black people and other people of color.

The recommendations are made within the confines of the Special Adviser's mandate to focus on changes "that center on operational issues that lie within the power of the court system to implement administratively and unilaterally." They are nonetheless wide-ranging. Among issues addressed are bias training for judges, non-judicial court personnel, and jurors; promoting and strengthening court entities entrusted with addressing racial issues; and improving or adopting a series of improvements from improving data collection and human resources practices to continuing progress on language services for people whose English is limited. NYSDA hopes that in undertaking implementation of the recommendations, the Chief Judge and court system personnel will seek public defense participation in every step of planning, execution, and evaluation, and NYSDA offers its assistance in this regard.

In its statement, [Black Lives Matter to the New York State Defenders Association](#), NYSDA pledged to continue its efforts "to expose and end the overt racism and implicit biases that traumatize and re-traumatize entire communities." The Special Adviser's report reveals the immediate need for improvements and NYSDA stands committed to holding systems accountable so that public defense clients of color, and all clients, are afforded fundamental due process and equal access to justice.