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For Immediate Release

Legal Services Organizations Call on Lawmakers to Reject Sweep of \$234 Million of Public Defense Funding

(Albany, NY) – Today, the Chief Defenders Association of New York and more than 70 public defense and legal services organizations statewide [sent a letter](#) to Governor Kathy Hochul, Senate Majority Leader Andrea Stewart-Cousins, and Assembly Speaker Heastie urging they reject a proposed sweep of \$234 million from the Indigent Legal Services Fund (“ILSF”) and appropriate adequate funding for public defense in the FY25 Executive Budget. Funding appropriated to the ILSF is critical to ensure that low-income New Yorkers receive the high-quality legal representation they deserve and are entitled to by the United States Constitution.

After widespread outcry, the [Governor removed the executive budget’s \\$100 million proposed sweep of the IOLA Fund](#), which supports civil legal services, in the 30-day amendments released in February. Yet the ILSF, created to improve the quality of public defense in criminal and family courts and managed by the Office of Indigent Legal Services, remains at risk of losing its \$234 million to the general fund. While the Senate rightfully rejected the ILSF sweep in its one-house budget and appropriated additional funding for public defense, the Assembly and Governor have yet to make the same commitment.

The legal services organizations stated:

“The ILS fund was created to ensure equity, justice, quality representation and family unification for indigent New Yorkers. The proposed sweep of \$234 million undermines these goals and sets a dangerous precedent that will harm New Yorkers who depend on public defense. We collectively urge Governor Hochul, Assembly Speaker Heastie, and Senate Majority Leader Stewart-Cousins to instead appropriate the funds in the ILSF for their intended purpose of improving public defense throughout New York State.”

The letter outlines why the ILSF’s funds should be restored:

- **The ILS Fund was created twenty years ago to ensure high-quality public defense for all low-income New Yorkers.** These monies are used to ensure people have access to the zealous representation required to defend themselves in criminal court, to fight to have their children returned to them in family court, to receive constitutionally-mandated immigration advice, and to navigate technical and complicated appeals processes.
- **The ILS Fund protects counties from otherwise unfunded mandates.** Prior to the settlement of the *Hurrell-Harring* lawsuit, which clarified it is the state's obligation to fund constitutionally-mandated public defense, counties were responsible for 100% of the costs. The source for that funding became the ILS Fund, and without these funds, the state risks going backwards in its obligation.

Additionally, [The New York State Bar Association opposed the sweep](#) and urged the ILSF be used as intended to improve the quality of public defense consistent with ILS's budget request.

[Read the full letter here.](#)

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