

NYCBA – Fact Sheet

1. Who We Are

We are a group of expert, experienced, dedicated state and federal criminal practitioners, who for the past half century, have appeared daily in local state and federal criminal courts to passionately advocate for our clients. We have over 500 active and recent members; and work in concert with several hundred other assigned counsel on the state (18-B) and federal (CJA) levels, indigent defender office attorneys and the private bar in the NY Metropolitan area. Over the past decades, hundreds of other criminal practitioners in and outside of NY have participated in our outstanding CLE presentations (see 3b, below).

2. What We Do

Our core mission is to support the state and federal criminal defenders representing their clients in every way possible. In the words of our founder, the Hon. Robert Louis Cohen, *"I founded the New York Criminal Bar Association in 1972 for two primary purposes: first, to enhance the stature of defense counsel so that the defense bar would not be ignored in the decision-making process with respect to court administrative matters, such as scheduling, judicial appointment and reappointment, discovery rules, and the like; and second, to improve the professionalism of the criminal bar in terms of support by colleagues, quality of representation, training, and working conditions."*

So we strive to provide the advocates fighting for their clients with the tools necessary to protect and preserve the rights of accused persons, and to serve as a unifying force for those engaged in that pursuit.

We do so by providing professional education to enhance our members skills in and out of the courtroom; supporting efforts to reform and improve criminal law and procedure, and conditions in and out of the courts and correctional facilities that affect our clients and their families; by advocating for our members to be appropriately compensated and provided with the necessary resources, information and tools to fulfill and indeed *exceed* their 6th Amendment mission to provide effective assistance of counsel; and to be a

source of support, collegiality and friendship to those engaged in this difficult, but vital work.

3. Membership Benefits:

a. 100 Centre Street Courthouse Attorney Conference Room/Workspace/Office Suite (formerly, “the Lounge”):

For over 50 years, we have maintained a multi-room conference room/workspace/office suite (loosely and mistakenly referred to as “the Lounge”) on the 16th Floor of the 100 Centre Street criminal courthouse in downtown Manhattan (Room 1618). Judge Cohen wrote about its origins: *Prior to the organization of the New York Criminal Bar Association, many lawyers had to discuss such serious matters as whether to accept a plea offer, or what trial strategy to employ, in the courtrooms or in the hallways: there was no place for defense counsel and her client to speak privately about such serious matters. The late Justice Jawn Sandifer, then Administrative Judge of the Manhattan Supreme Court, recognized the need for a private space for defense lawyers, and graciously arranged for us to occupy the office suite we still do. We should be forever grateful to him for this.* Administrative Judges Micki Scherer and Michael Obus reaffirmed our use of the rooms, in 2007 and thereafter. The space has been renovated at our expense three times (including the current work) since its inception.

The three-room conference room/workspace/office suite serves several important purposes: It is a place where lawyers can confer with each other and prepare their cases. It is equipped with up-to-date legal research and word processing equipment (computers, printers and scanners), as well as large-screen TVs to enable counsel to research and create written materials for their cases on-site - motions, briefs, requests to charge, case- and trial-related documents, correspondence and the like - all without having to leave the courthouse and return to their offices. Affording lawyers with cases on the calendar in court that day a place to stay in the courthouse is *essential*, with the space serving especially as an office-away-from-home when counsel are litigating hearings or are on trial. It also makes counsel more readily available throughout the day for clients, their families, co-counsel, colleagues, judges, prosecutors and court personnel, since they can easily remain at 100 Centre

Street. Having this space is also a significant aid in these post-COVID days - a time when many lawyers do not necessarily maintain separate offices, but rather are working from home when they are not in court. The rooms also allow our members (private and assigned counsel) the same facilities that prosecutors and institutional defenders enjoy in the offices that they maintain at the courthouse. The on-site work and conference space provides equal professional support facilities for all defense and prosecution stakeholders, and does not advantage or disadvantage some at the expense of others.

The importance and value of the Attorney Conference Room/Workspace/Office Suite can be seen in the incredible numbers of attorneys who use its facilities. In the past two years, the space has been used *5,000* times annually, averaging out to over 200 uses a month, or 5 uses daily!

The space has been used for official bar association functions, such as NYCBA Board of Directors meetings, and is being contemplated as a venue for MCLE programs or meetings in the future (perhaps for 'Lunch and the Law' or after-work hours trainings). NYCBA has funded all of the expenses and renovations associated with the attorney conference room/workspace/office suite on its own: NYCBA members pay an extremely nominal one-time fee for a lounge access card, and have generously donated to the renovations.

b. Educating Lawyers - Our Continuing Legal Education Programs:

In the twenty-five years since Mandatory Continuing Legal Education was instituted in NY, NYCBA has offered high-quality, practical, immediately useful and engaging training programs to its members and other interested advocates. In the past five years, we have offered over three dozen in-person, virtual and hybrid presentations on topics relating to state and federal criminal practice, law reform efforts, court conditions and modifications during the COVID pandemic, advocacy skills, professional ethics and evidence. NYCBA has teamed up with the Legal Aid Society, the 1st Dept. Assigned Counsel Plan, the Bronx Defenders and the Marino Legal Academy to make this vital training available to practitioners. Recently, NYCBA has been presenting NY State CLE Board pre-approved sessions on its own, with the goal of becoming a fully MCLE Accredited Provider by the end of the coming year. The sessions are always offered for free to current NYCBA members (as a valuable membership

benefit) and institutional defenders (who are paid a fixed annual salary). Frequently, assigned counsel at the state and local level are also permitted to attend without cost, in recognition of the financial struggles they have endured getting proper rates of compensation and speedy payment for their case work. In many instances, the programs are free to all comers. The program fees when imposed are the most nominal of any bar association in New York or even nationally. Program attendance, particularly since the COVID pandemic, has been gratifyingly robust, frequently attracting as many as several hundred advocates and other interested parties, from the NY metropolitan area, upstate NY counties, and even out of state.

c. Our Website

Since the late 1990's, NYCBA has been in the vanguard of bar associations offering its own website, providing membership information; professional and organizational news; links to useful court, prosecution and law enforcement resources; and information about NYCBA CLE programs and events. Regularly updated, the website continues to be a helpful work-in-progress; with a 'Motions, Briefs and CLE Materials Bank,' being readied for launch in the coming year. (Simply providing access to the past several years' worth of useful cases, motions, briefs, articles, outlines and practice materials provided in the dozens of CLE programs presented by the NYCBA will constitute, in of itself, an incredible resource unavailable from any other source.)

d. Advocating for the Bar

NYCBA strives to serve as a supporter of, and advocate for the state and federal criminal practitioners in the NY metro area. It has taken public positions on criminal justice system and criminal law reforms, adequate compensation for state and federal assigned counsel, and equitable distribution of case work among the assigned, indigent defense providers. NYCBA strongly supported the NY City Assigned Counsel ("18-B") attorneys over the years, when city and court administrators sought to change the case assignment system. Besides publicly supporting the right of all defense stakeholders to be given appropriate and meaningful caseloads, an NYCBA officer was a named plaintiff in the initial test case lawsuit challenging those unwarranted and damaging changes. NYCBA has also supported reforms in the bail and criminal

discovery systems, and has advocated (and provided professional education programs) against precipitous and drastic changes involving virtual court hearings and trials during the COVID pandemic.

e. Communicating with the Bar

NYCBA has also provided vital, timely and practical federal and state practice information for NY metro area advocates. During the COVID pandemic, NYCBA passed along the myriad changes and modifications adopted by the state and federal courts, as well as law enforcement and correctional institutions, to keep its members and other interested advocates fully informed, thus enhancing their ability to effectively advocate for their clients. NYCBA has also cooperated with other NY metro area and defender advocacy bar associations to pass along relevant, current information about their activities and training programs.

f. NYCBA Membership

As with the fee structure for training programs and CLE presentations, NYCBA strives to make itself as easily affordable and accessible as possible. To that end, our membership dues (which have remained relatively constant over the years) are absolutely the most nominal of any NY metro area bar association, or local or national defender organization. This is by design - to promote the widest, broadest participation, to create the most diverse, inclusive and committed membership. NYCBA even offers a reduced fee membership for advocates who make less than \$75,000 annually.

g. What's Next?

NYCBA is working on further improvements to its website, including the launch of its 'Briefs, Motions and CLE Materials' Bank. It is continuing to renovate the 100 Centre Street Attorney Conference Room/Workspace/Office Suite, replacing our well-used furniture. NYCBA is continuing to offer its superb CLE presentations, with sessions on federal compassionate release applications, cybersecurity and privacy issues (the new required CLE category) and this year's annual Richard Ware Levitt Second Circuit Criminal Law Roundup, to name a few. And we anticipate qualifying and applying for NY State MCLE Accredited Provider status before the end of next year. NYCBA is

also contemplating a possible law student participation program; publicizing our events and activities on social media; and a broader, more diverse and inclusive membership drive. We are also re-incorporating to become a 501(c)(3) entity, to qualify for charitable contributions and bequests, tax benefits and exemptions, and access to not-for-profit online tools and programs. And in keeping with our history, membership and philosophy, we welcome all suggestions, ideas and comments.