



**BROOKLYN  
DEFENDER  
SERVICES**

**TESTIMONY OF:**

**Danielle Regis – Criminal Defense Practice**

***BROOKLYN DEFENDER SERVICES***

**Presented before**

**The New York City Council**

**Committee on Justice System**

**Oversight Hearing on Pay Parity and Retention Rates**

**for ADAs and Public Defenders**

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My name is Danielle Regis and I am a senior staff attorney in the criminal defense practice of Brooklyn Defender Services (BDS). Our organization provides multi-disciplinary and client-centered criminal defense, family defense, immigration, civil legal services, social work support and advocacy in nearly 35,000 cases involving indigent Brooklyn residents every year. I have been defending clients in Brooklyn criminal and Supreme Court for more than seven years.

I thank the New York City Council Committee on Justice System, and in particular Chairperson Rory Lancman, for the opportunity to testify about the urgent need for pay parity for public defenders and assistant district attorneys with other city-funded attorneys. My testimony today will focus on the challenges that I and my colleagues at Brooklyn Defender Services face as we struggle to remain in a rewarding profession that makes it difficult for us to pay off our student loans, rent an apartment or start a family.

In September and October 2018, Brooklyn Defender Services conducted interviews and a focus group with public defenders willing to share their personal stories with the Council. Many of our defenders are plagued with growing student loan debt. Most expressed struggling to save as a top concern. The majority disclosed their need for therapy - and the struggle to cover its costs. Others disclosed opting not to pursue therapy because of its cost - and having to find other ways to ensure self-care.

A common topic of concern: starting a family. A vivid example of the enormity of this concern comes from someone who expressed that in deciding to start a family they have had to come to grips with the ways in which this decision will clash with their professional commitment to this work. They shared, “No one becomes a public defender for the money, but at a certain point the low pay and student loan debt that the vast majority of lawyers face become untenable when faced with the financial challenges of raising a child in New York City.”

We discovered those financial challenges present in a variety of ways for our defenders. One defender disclosed, “[My spouse and I] live in a rent stabilized apartment and still struggle to make ends meet, with no hope of saving for the future.”

All of the defenders conveyed that there has been at least one occasion when they had to reflect on the seemingly inevitable existential question - which one defender characterized best: whether “being a public defender is incompatible with the goals” of financial stability and starting a family. All of the defenders who participated in the interviews and focus group expressed a profound sadness at having to confront this question.

### **Defender Stories**

**Story #1:** My spouse and I decided to start our family. However, financial necessity is forcing me to consider ways to make more money which would force me out of the profession I love. It’s a devastating issue for me and my family.

**Story #2:** If I have a second child, in order to send them to daycare with my first child, I would have to use my entire take home salary on childcare.

**Story #3:** I’ve been in a seemingly eternal battle with my student debt. I come from a working class family, and am the first in my family to ever go to college and I am also the only lawyer in my family. My parents could not help me with tuition and now I have so much debt. Our salary, and the costs of living in New York City force me to make minimal payments so I have only been chipping away at the debt. If we get a salary raise, I tend to use that money to make some additional payments on my loans. I feel like I will never be financially stable if I stay a public defender. I hate that this insurmountable debt threatens the work I love.

**Story #4:** I am single. I have roommates. I need to have roommates in order to afford to have a roof over my head. I also need therapy because our job takes a toll on me sometimes. I can’t afford therapy. I also can’t afford to fly home to see my family on the west coast as often as I would like. I attempt to save but I have come to realize that it’s not a realistic goal I can achieve.

**Story #5:** I lived at home with my parents for my first couple of years as a public defender. The commute to work was rough but I had to endure it. I just couldn't afford to move out. To move out, I had to implement a strict budgeting plan in order to save enough money to have for a security deposit. Then the year we got a salary raise I had a little more to work with and was able to save more. I now have my own place, but I have a long commute to work because I cannot afford rent anywhere in the vicinity of our office. I love the work that I do. Even though the financial aspect of it is challenging, you try to make it work.

**Story #6:** I'm the one that's supposed to be helping my aging parents, not the other way around. I have to be honest and truthful and disclose: my parents still buy my fights to go home to see them for the holidays. Recently, my laptop got damaged and needed replacement. When I couldn't afford to pay for it my father helped with me with the costs to purchase a new one. I am so grateful that my parents are able to help me but it's a source of stress for me that they do so. Each year I am forced to think about how this system of support from my parents is not sustainable. My parents are retired now and I know they use up their savings when they help me financially. I worry about how, one day, my parents are going to depend on me, their only child. I really don't know how I am every going to get out of this cycle of debt to be able to really assist and support them.

I tried to rent my couch on AirBnB as a way to get extra income so that I am in a better financial situation. That didn't last very long because my landlord didn't agree with it and almost evicted me.

I've opted not to marry because the legal consequences of my student loan debt would be disastrous for my partner.

**Story #7:** My spouse and I decided that we were only going to be able to afford to raise one child, even though we both want more children. We are lucky that my spouse works in a different field and makes more money than I do. And even with that, we have struggled a lot financially. Those financial struggles placed a strain in our marriage and affected us deeply over the years. We had to undergo counseling and therapy. Therapists are expensive, and are not really covered by our insurance. Therapy and counseling have helped us immensely. My spouse and I are still struggling financially, but we have learned to accommodate as we go along and we work hard at making sure that financial issues don't take over.

**Story #8:** A surprising consequence of my decision to pursue a lifelong career in public defense is the impact it has had on my marriage. My husband and I have been through some very tough times, not because I work long hours and work too many night shifts (causing childcare havoc) but because we didn't know if we can make ends meet. I cannot begin to adequately describe the level of anxiety our financial instability has brought to us. I have had to defer payments on my student loan debt so many times I don't think I will ever be eligible for loan forgiveness even though I've satisfied the requirement of practicing for at least 10 years in the field. Things have gotten better mostly because my husband has taken advantage of opportunities to earn extra money here and there. I'm not able to do that mostly because I don't have time and take care of our daughter takes priority. We are now homeowners, but it was an extremely difficult path. It took multiple us tries at mortgage applications to be able to buy our house - and now that we

have it, the financial troubles only continue because the costs of repairs are eating up our savings. I know that by choosing to pursue the work I love, I am also choosing to continue down this difficult financial path. I didn't choose this work for the money.

**Story #9:** I recently put in my notice at BDS. I have accepted a job as an attorney at a different non-profit organization that is funded by foundations and thus able to pay higher salaries. I have been a public defender for eight years and it is more than just a job – being a public defender is my identity. But I am in my mid-thirties and my husband and I are ready and eager to start a family. We did the math and realized that there was no way for us to pay for infant care that costs nearly \$2,000 per month. We do not have an extra \$2,000 per month. We do not have an extra \$500 per month after rent and student loan payments and we do not have family in the area who can help with childcare. I am very sad to leave but I had to choose between doing this work and starting a family. I chose starting a family.

### **Conclusion**

Defenders in New York City cannot wait five years, or two years, or even one year to see an increase in pay. If New York City wants to continue to ensure that we provide high-quality public defense to all New Yorkers, regardless of their ability to pay, we must increase wages for our attorneys and social workers on the front lines. We ask the Council to act in the next budget cycle to increase the allocation for public defenders to ensure that we can raise pay to meet that of attorneys at other city agencies, including corporation counsel.

Thank you for your time and consideration of this important issue. If you have any questions, please feel free to reach out to Daniel Ball, Communications & Development Coordinator, 718-254-0700 ext. 579 or [dball@bds.org](mailto:dball@bds.org).