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New York County Bar Associations Raise Constitutional Challenges to Mayor's Plans to Change City's Indigent Defense Plan

New York, NY – On behalf of the bar associations for the counties of New York, Bronx, Kings, Richmond and Queens (the "County Bars"), Haynes and Boone, LLP litigators filed a new civil action against the City of New York and Mayor Bloomberg relating to the Mayor's attempt to overhaul the City's indigent defense system. This new action is a companion lawsuit to the Article 78 Proceeding filed earlier this month on behalf of the County Bars, which challenges the Mayor's actions as exceeding his executive powers under New York State law.

The new complaint goes further by alleging that the Mayor's attempt to change the indigent defense system violates various provisions of the Federal and State Constitutions. Citing the principle of equal justice for poor and rich, weak and powerful alike – including the right to counsel – as a constitutional mandate, the complaint alleges that the Mayor's actions threaten to dramatically undermine indigent defendants' access to meaningful and effective representation, and that they violate the guarantees of access to counsel, due process, equal protection and separation of powers.

In February and March, 2010 -- without input or agreement from the County Bars -- the Mayor and the Criminal Justice Coordinator took steps toward implementing a new system for indigent defense that would be based on contracts procured through a confidential and competitive bidding process. Together, the new lawsuit and the Article 78 Proceeding allege that the Mayor and the CJC are unlawfully prioritizing cost savings over constitutional rights, and that the Mayor's plan violates the Federal and State Constitutions, state statutes, and agreements with the County Bars.

The complaint seeks to halt the City's contract procurement process and preserve the status quo unless and until the City reaches an agreement with the County Bars that preserves indigent defendants' access to adequate legal counsel.

The Haynes and Boone team includes Partners Kendyl Hanks and David Siegal, Jon Pressment, Of Counsel, and associates Sarah Jacobson, Nora Van Horssen and Lauren Perotti.

Haynes and Boone, LLP is an international corporate law firm with offices in New York, Texas, California, Washington, D.C., and Mexico City, providing a full spectrum of legal services. With more than 550 attorneys internationally and over 40 attorneys in New York, Haynes and Boone is ranked among the largest law firms in the nation by *The National Law Journal*. The firm has been recognized as one of the "Best Corporate Law Firms in America" (*Corporate Board Member Magazine*, 2001-2009), as one of "The Best 20 Law Firms to Work For" (*Vault.com*, 2009), and as a Top 100 law firm for both diversity (*MultiCultural Law Magazine*, 2009) and women (*Women 3.0*, 2008).