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**Preliminary Injunction to Increase Assigned Counsel Compensation
A Result of New York County Lawyers Association Led Lawsuit
*New Payrate is Retroactive to February 2, 2022***

July 26, 2022, New York, New York – New York County Lawyers Association today announced the successful result of their 2020 [lawsuit](#). On July 25, Supreme Court Justice Lisa Headley issued a preliminary injunction requiring the State of New York and the City of New York to pay 18B assigned counsel for children and the indigent in criminal and family court cases in New York at the federal CJA rate of \$158 per hour, retroactive to February 2, 2022, and to revisit and consider an increase at the same rate and at the same time that federal assigned counsel receive an increase in compensation. 18B counsel are known by that term as a result of the [legislative section](#) that provides for them to be retained and paid.

The court decreed increase to \$158 per hour for 18B lawyers is a dramatic and welcome increase from the current rates for 18B lawyers of \$75 per hour in felony cases and \$60 for misdemeanors, and Attorneys for Children (AFC) rates of \$75 per hour. This increase brings compensation for state 18B lawyers in line with the compensation received by federal assigned counsel. Based in part on the precedent NYCLA set 20 years ago, the court today granted the preliminary injunction as “equitable . . . plaintiffs established a likelihood of success on the merits, that severe and irreparable harm to children and indigent adult litigants would occur without an injunction, and a balance of the equities favor in granting the injunction . . . plaintiffs have demonstrated that the quality of legal representation for children and indigent adults, as

well as their due process rights would continue to decline without a preliminary injunction.”

NYCLA applauds this just result and we extend our thanks to pro bono counsel Michael Dell of Kramer Levin who was pivotal in achieving it.

The New York County Lawyers Association is one of the largest and oldest bar associations in New York. Along with several other bar associations and the Association of 18B Attorneys, NYCLA brought suit in 2020 seeking to force New York to honor its constitutional obligation to pay 18B counsel rates sufficient to attract qualified counsel and to enable them to fulfill the mandate in the constitution to provide assigned counsel for the indigent in criminal and family court cases.

“Nearly 20 years ago, NYCLA also brought [suit to force an increase in compensation for 18B lawyers](#). Its successful lawsuit 20 years ago resulted in the last raise that 18B lawyers have received. As inflation has eroded the compensation of 18B lawyers, New York’s insufficient resources for 18B indigent defense have become increasingly violative of the Constitution. Justice Headley’s decision is a wonderful victory for children and indigent adults in New York City” said Vincent T. Chang, NYCLA President.

About the New York County Lawyers Association

The New York County Lawyers Association (www.nycla.org) was founded in 1908 as one of the first major bar associations in the country that admitted members without regard to race, ethnicity, religion or gender. Since its inception, it has pioneered some of the most far-reaching and tangible reforms in American jurisprudence. For more information on NYCLA please visit nycla.org.

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