ALL RISE!

Atticus Finch, the fictional lawyer in Harper Lee's *To Kill A Mockingbird,* for whom this publication is named, dedicated his advocacy to creating a more just system. His psyche, perhaps like all of ours, would only be at peace if a more just and fair criminal justice system could be established; one that doesn't discriminate against the poor or people of color. The recent New York State budget, containing historic criminal justice reforms, goes a long way towards granting us all some of that long-sought-after peace.

NYSACDL, on your behalf and the clients we all serve, has been dutifully advocating for criminal justice reforms for many years. To finally realize measures which will reduce mass incarceration, implicit bias, wrongful prosecutions and convictions ushers in a new era of accountability and fairness.

Before examining these reforms in detail, a brief synopsis of how we got here is in order. Ever since NYSACDL's Legislative Committee played a significant role in Rockefeller Drug Law Reform, it has deservingly enjoyed the recognition and platform as the "voice" of the criminal defense community. Year after year, state government has invited our comment on proposed criminal justice legislation and, in many cases, we have submitted memos in support, or in opposition to legislative initiatives. Upon the New York State Senate switching from a Republican controlled house to a Democratic majority following the 2018 midterm election, an opportunity for true significant criminal justice reform was realized. This Association, partnered with several other lawyer groups, exonerees, and community grassroots/activist organizations to form the *Repeal the Blindfold Coalition*, a reference to attorneys and the accused being forced to make critical decisions without being sufficiently informed about the case against them. While primarily devoted to advocating for discovery reform, the Coalition also provided legislative input on bail and speedy trial reform.

Governor Cuomo pushed to have these criminal justice reforms be part of his budget proposal rather than risk delay, inertia, and possible inaction this legislative session. The Governor succeeded and most of our preferred language was incorporated into the budget. These reforms will dramatically make the criminal justice system fairer and fundamentally alter our practice in many ways.

The reforms are effective January 1, 2020. They will apply to all cases pending on that date – regardless of when the case commenced. Until then, with respect to some of the reforms (especially bail and discovery), we strongly encourage, and several courts have already voluntarily assumed compliance based on legislative intent and fairness. Judges and prosecutors have enormous amounts of discretion to enact these changes today.

Here is an overview of some of the principal changes:

Discovery

Discovery is automatic – not by written "demands" or discovery motions.

Statute requires true "open file" discovery from DA. The provision listing the DA's discovery obligations states that DAs must disclose "*all items and information that relate to the subject matter of the case*" and that are in DA's or law enforcement's possession, "including *but not limited to*" all the listed items. It also states that when interpreting DA's discovery obligations, there is a **"presumption of openness"** and **"presumption in favor of disclosure."**

There is also a right to **full discovery before withdrawal of plea offers by the DA** (in situations where the offer requires a plea to a crime).

Discovery **from the defense** is also greatly expanded.

Timing of DA's Discovery:

DA's discovery occurs "as soon as practicable but not later than **15 calendar days after defendant's arraignment" on any accusatory instrument** – including a misdemeanor complaint, felony complaint, or any other instrument. This means that the DA's discovery clock starts to run at the town, village, city, or criminal court arraignment in almost all cases.

The DA's fifteen-day period can be extended without motion by up to 30 calendar days if discoverable materials are exceptionally voluminous, or if they are not in the DA's actual possession "despite diligent, good faith efforts." If DAs are allowed to invoke this extension, full discovery will be required 45 days after first appearance.

There are certain automatic timing extensions for some types of evidence (grand jury minutes, expert witness information, exhibits, electronically stored information).

DA can seek court-ordered modification of discovery time periods "in an individual case" based on showing of "good cause."

There is a special rule for the client's statements to law enforcement. Where the client has been arraigned on a felony complaint, the DA must disclose **all such statements no later than 48 hours before the scheduled time for defendant to testify at the grand jury**.

DA must file and serve a "certificate of compliance" upon completion of discovery (aside from items under a protective order). Certificate must affirm due diligence and reasonable inquiries; turnover of all known information; and list disclosed items.

As noted in the "speedy trial" summary above, **DAs cannot validly state "ready" to stop the CPL 30.30 clock until a proper certificate of compliance is filed/served** (unless court finds "exceptional circumstances" – a high standard under existing 30.30 case law).

DA discloses defendant's **prior bad acts** that will be offered under either *Molineux* or *Sandoval* "not later than **15 calendar days before trial."**

DA's Discovery (Within 15/45 Days of First Appearance) Includes:

Defendant's and co-defendant(s)' statements to a public servant engaged in law enforcement activity. This is no longer limited to "jointly tried" co-defendants, and no longer excludes statements made in course of criminal transaction.

Grand jury transcripts of <u>any person</u> who testified in relation to the subject matter of the case, including defendants. Obviously, in many cases, grand jury proceedings will not have occurred (or minutes will not have been transcribed) when discovery is due 15 (or 45) days after first appearance. The DA gets an additional automatic 30-day extension if grand jury transcripts are unavailable due to limited court reporter resources (so disclosure in that situation can occur 75 days after first appearance). Beyond 75 days, DA must seek court-ordered modification of discovery time period, and the minutes are subject to the general "continuing duty to disclose."
Names and "adequate contact information" for <u>all persons</u> (not just testifying witnesses) whom DA knows have information relevant to any charged offense or potential defense. DA also must designate witnesses who "may be called." Physical address not required, but defense can move for disclosure of physical address for "good cause."

All written or recorded statements of <u>all persons</u> whom DA knows have information relevant to any charged offense or potential defense, including all police and law enforcement agency reports and notes of police and other investigators.

Expert opinion evidence, including credentials (CV, list of publications, and proficiency tests/results from past 10 years) and all written reports or, if no report exists, a written summary of facts/opinions in testimony and grounds for all opinions.

All electronic recordings, including all 911 calls and all other recordings up to 10 hours in total length. If more than 10 hours exist, DA must turn over those it intends to introduce at trial or hearing, plus known information describing additional recordings. Defense counsel then has right to obtain any of the other recordings it wants within 15 calendar days of request.

All photos and drawings.

All reports of scientific tests/examinations, including all records, underlying data, calculations and writings

All favorable evidence and information known to DAs and law enforcement personnel acting in the case. This provision uses the same categories as OCA's "Brady Order," but all disclosures are moved up to 15 days (or 45 days) after first appearance. It also specifies that DAs must disclose "expeditiously upon its receipt."

List of all potentially suppressible tangible objects recovered from defendant or co-defendant, with DA's designation of actual or constructive possession, or abandonment, and whether DA will rely on statutory presumption of possession, and location from where each item recovered if practicable.
Right to inspect or test property as well.

Search warrants and related documents.

"All tangible property" that relates to subject matter of case, including designation of which exhibits DA will introduce at trial or pretrial hearing.

Complete record of judgments of conviction for all intended DA witnesses and all defendants.

DWI cases – records of calibration/certification/inspection/repair/maintenance for all testing devices for the periods 6 months before and 6 months after the test, including gas chromatography reference standard records.

Electronically stored information ("ESI" – from computers, cell phones, social media accounts, etc.) seized or obtained by or on behalf of law enforcement, either from the defendant or from another source that relates to the subject matter of the case. If device/account belongs to the defendant, DA must disclose complete copy of all of the ESI on device/account.

***Pre-Plea Discovery*:**

If the DA makes an offer that requires a plea to a crime (but not a violation), the DA must disclose all items and information that would be discoverable prior to trial **not less than 3 days before the plea deadline for felony complaints or not less than 7 days before the plea deadline for other accusatory instruments**. The shorter period for felony complaints is designed to accommodate CPL 180.80 deadlines. Note that the pre-plea discovery provisions do not seem to apply to a sentencing promise by the judge on a plea to the top charge.

DAs cannot condition making a plea offer on waiver of discovery rights.

Where the defendant has rejected the plea offer and a violation of this discovery requirement is discovered, then the judge must consider the impact of the violation on defendant's decision to accept or reject the offer. **If the violation "materially affected" the decision and DA refuses to reinstate the offer, the court "must" – "as a presumptive minimum sanction" – "preclude the admission at trial** of any evidence not disclosed as required" by statute.

Courts may also take "other appropriate action as necessary" on pre-plea discovery violations. For example, if the discovery violation involved a defendant who entered a plea (as opposed to one who did not accept the offer), the remedy could be vacating the conviction when the discovery violation involved a *Brady* violation that would have changed the defendant's decision.

***Discovery From Defense*:**

Defense must provide its discovery to DA **30 calendar days after service of DA's "certificate of compliance"** affirming DA completed discovery. There are automatic timing extensions for certain types of evidence (expert witness information and exhibits).

Defense discovery obligations have been expanded to include witness names and statements within this 30-day period. But when the defense intends to call a witness for the "sole purpose of impeaching" a DA's witness, it does not have to disclose the person's name/address or statements until after DA's witness has testified at trial.

Discovery from defense applies only to 8 specific things that defense "intends to introduce" at trial or hearing, including:

1) Names, addresses and birth dates of witnesses whom defense intends to call at trial or hearing.
2) Written and recorded statements of witnesses whom defense intends to call at trial or hearing (other than the defendant).
3) Expert opinion evidence for experts whom defense intends to call at trial or hearing, including credentials and reports and underlying documents. If no written report was made, a written statement of facts/opinions to which the expert will testify must be disclosed.
4) Recordings that defense intends to introduce at trial or hearing.
5) Photos/drawings that defense intends to introduce at trial or hearing.
6) Other exhibits ("tangible property") that defense intends to introduce at trial or hearing.
7) Scientific testing/examination reports and documents that the defense intends to introduce at trial or hearing.
8) Summary of promises/rewards/inducements to intended defense witnesses, and requests for consideration by intended defense witnesses.

Defense counsel must file/serve a "certificate of compliance" upon completion of discovery (aside from items under a protective order). Certificate must affirm due diligence and reasonable inquiries; turnover of all required information; and list disclosed items.

Other Notable Discovery Provisions:

Every New York police or law enforcement agency must, upon DA's request, **make available to DA a "complete copy of its complete records and files"** relating to case to facilitate discovery compliance.

Arresting officer or lead detective must expeditiously notify DA about **all known 911 calls, police radio transmissions, and other police video and audio footage and body-cam recordings** "made or received in connection with the investigation of an apparent criminal incident" – and DA must expeditiously take all reasonable steps to ensure all known recordings "made or available in connection with the case" are preserved. If DA fails to disclose a recording due to any failure to comply with this provision, court "shall" impose an appropriate sanction.

Defense may move for a **court order that grants defense access to a relevant location or premises** to inspect, take photographs, or make measurements.

Defense may move for a **court order that grants discretionary discovery of any other items or information** not covered by the statute.

There are newly codified standards for imposing sanctions/remedies for discovery violations, based on existing case law.

Either party can obtain **expedited review by a single appellate justice of a ruling that grants or denies a protective order** relating to the name, contact information or statements of a person.

Note on Varying Start Dates for Different Statutory Clocks:

It is imperative to remember that the new CPL Article 245 (discovery), CPL 710.30 (statement/identification notices), and CPL 30.30 (speedy trial) will each have different triggering dates! Specifically:

1) Under the discovery statute (Art. 245), the DA's 15-day (or 45-day) period to provide discovery starts to run upon defendant's *arraignment on any accusatory instrument*, including a misdemeanor complaint or felony complaint.
2) Under the statement/identification notice statute (710.30), the DA's 15-day period to give notices starts to run upon defendant's *arraignment on an information or indictment*.
3) Under the "speedy trial" statute (30.30), the clock starts to run upon *filing of any accusatory instrument*, including a misdemeanor complaint or felony complaint.
4) But for DATs (which will be more common given the new bail reforms), the 30.30 clock starts to run *on the date when the defendant first appears* in court in response to the DAT [see 30.30(5)(b)] (for discovery in DAT cases, the DA's clock to provide discovery will still begin when defendant is *arraigned on a complaint*).

Bail

In honoring the presumption of innocence, the bill that passed does not include a "dangerousness" (community safety) consideration. The new bill drastically reduces the use of cash bail through mandatory release and provides additional procedural and due process safeguards.

The bill has a mandatory DAT provision that provides court notifications for everything up to an E Felony. At the arrest phase, the bill mandates that an arresting officer must issue a Desk Appearance Ticket in all cases except those where the arrest is for a Class A, B, C, or D felony or a violation of some sex offenses, escape, and bail jumping. There are circumstances where the police are not required to issues DATs even on eligible cases, for example if the court can issue an order of protection or suspend/revoke a driver's license. The arrestee "may" provide contact information to receive court notifications, including a phone number or email address.

The bill has a mandatory release or release with nonmonetary conditions for almost all misdemeanors and non-violent felonies. All persons charged with misdemeanors (except sex offenses and DV contempt), non-violent felonies, robbery in the second, and burglary in the second, must be released on their own recognizance unless it is demonstrated and the court makes a determination that the principal poses a risk of flight to avoid prosecution. Otherwise, they must be released with nonmonetary conditions (pretrial services) that are the least restrictive condition(s) that will reasonably assure the principal's return to court.

For all other charges the system will largely remain the same. When charged with a "qualifying offense" the court may release the person on his or her own recognizance or under non-monetary conditions, fix bail, or if the offense is a qualifying felony, the court may remand the person. The offenses that qualify for money bail or remand are: violent felony offenses (except Rob 2 [aided] and Burg 2 [of a dwelling]); felony witness intimidation; felony witness

tampering; Class A felonies other than drugs (except a "director of a drug organization" under 220.77); some felony sex offenses under 70.80; incest involving children; terrorism charges except 490.20; conspiracy to commit Class A felony under P.L. 125; and misdemeanor sex offenses and DV misdemeanor contempt (still not remand eligible, continue to be eligible for bail as under current law).

Money bail now has additional protections from abuse. If monetary bail is set on a person charged with a qualifying offense, the court must set it in three forms including either *unsecured* or *partially secured* security bond. When setting money bail, the court must consider the principal's financial circumstances, ability to post bail without posing an undue hardship, and the principal's ability to obtain a secured, unsecured or partially secured bond. Courts will now have to issue on the record findings to justify their decision-making.

New options will be available to courts to aid people in returning to court instead of using money bail. In all instances, the court or a designated pretrial service agency will notify all people ROR'd or released with conditions of all court appearances in advance by text messages, telephone call, email or first-class mail. Prior to issuing a bench warrant for a failure to appear for a scheduled court date, the court will provide 48 hours' notice to the principal or principal's counsel that the principal is required to appear in order to give him or her the opportunity to voluntarily appear.

Additionally, electronic monitoring will be available for a limited subset of cases but will be placed behind rigorous due process protections. Electronic monitoring is considered incarceration for 180.80 and 170.70 purposes and may only be imposed for 60 days with the option of continuing only upon a de novo review before a court. Electronic monitoring must also be the least restrictive means to ensure return to court and be "unobtrusive to the greatest extent possible."

There are many more provisions in the bill. NYSACDL, Office of Court Administration, and other bar associations will undoubtedly be providing future trainings.

Speedy Trial / CPL 30.30

DA's "ready" statement is not valid unless DA has filed a proper "certificate of compliance" affirming that discovery obligations under new CPL 245.20 discovery statute are complete (unless court finds "exceptional circumstances").

"Partial readiness" / "partial conversion" is no longer a valid doctrine for misdemeanors – DA cannot state "ready" on some counts without certifying that all other counts are converted or dismissed.

VTL infractions are considered "offenses" for 30.30 purposes – this eliminates the problem of a lingering VTL 1192(1) or 509 count after a 30.30 dismissal of higher charges.

Where DA states "ready" for trial, the judge must make an inquiry on the record as to their actual readiness.

30.30 release motions no longer must follow the procedural rules for motions to dismiss – so they can be made orally and do not need to be on advance notice to DA. Where periods are in dispute, the judge must conduct a prompt hearing and DA has burden of proving excludability.

Denial of a 30.30 dismissal motion can be appealed following a guilty plea (and mandatory language indicates that the parties may not be able to waive such appellate review).

Subpoenas

The new statute discards the 24-hour notice requirement for defense subpoenas on government agencies, as well as any requirement of service on the DA. The defense now only needs a court-indorsed subpoena for governmental agencies, with minimum of 3 days for the agency to comply. The DA is not notified unless the agency voluntarily informs DA.

When a subpoena is challenged by a motion to quash or questioned by the judge prior to indorsement, **the defense must only show a factual predicate that the item or witness is "reasonably likely to be relevant and *material* to the proceedings."** The prior standard set by case law was an advance showing that the item or witness was likely be "relevant and *exculpatory*."

364-Day Maximum Sentence for Misdemeanors

The bill reduces the maximum sentence of Class A and certain unclassified misdemeanors from 1 year to 364 days. This law will benefit immigrant New Yorkers in several important ways.

It will eliminate the possibility of New York misdemeanors becoming aggravated felonies because of a one-year sentence. The Immigration and Nationality Act defines many aggravated felony offenses – including Theft offenses, Crimes of Violence, and counterfeiting offenses – by an actual sentence of one year or longer. By reducing the possible maximum sentence, the bill eliminates the potential plea bargain of "an A and a year" and the possibility of a non-citizen defendant receiving an aggravated felony as a result of being convicted of an A misdemeanor after trial. In addition to subjecting a non-citizen to mandatary detention while in removal proceedings and to barring a lawful permanent resident from applying for United States citizenship, an aggravated felony conviction after 1996 leads to certain deportation.

The new law will also mean that one New York misdemeanor conviction that is a crime involving moral turpitude will no longer render a lawful permanent resident deportable from the United States. As a result of this bill it will take at least two misdemeanor crimes involving moral turpitude – whether they be A or B misdemeanors – to trigger the deportation statute.

Finally, under current immigration law, one crime involving moral turpitude that is an A misdemeanor or more serious bars non-citizens from applying for Non-LPR Cancellation of Removal – the only form of relief available in removal proceedings to many undocumented individuals who have children, spouses, or parents who are U.S. citizens or lawful permanent residents. The new law should make it possible for many more of non-citizens to successfully defend themselves against deportation and to remain with their families as contributing members of our communities.

MUGSHOTS

The budget legislation curbs the release of booking photos by police agencies. The legislation amends the State's Freedom of Information Law, saying it would be an "unwarranted invasion of personal privacy" to allow disclosure of "law enforcement booking information about an individual, including booking photographs, unless public release of such information will serve a specific law enforcement purpose and disclosure is not precluded by any state or federal law." How those changes to the State's Freedom of Information Law will play out remains to be seen. It currently appears that the prohibition would certainly apply to State Police, which is a state agency governed by the Personal Privacy Protection Law. It might permit, but not require, local police to withhold booking photos. This measure drew criticism from news industry groups who assert that reporting on crimes in communities is an important function of the news media and the law, as well intentioned as it may be, constitutes a threat to the media's ability to report arrests, information they argue the public should be entitled to receive.

ASSET FORFEITURE

Included as part of the state budget is an amendment to civil asset forfeiture, which is currently used by prosecutors in some cases to either freeze or collect the assets of a defendant throughout a criminal proceeding. These reforms become effective six months after passage (October 12, 2019) and won't apply to alleged crimes committed before that date. There are three major provisions of the legislation, all of which are opposed by the District Attorneys Association of the State of New York.

1) Prosecutors are prevented from freezing a defendant's assets unless they can show they're "tainted" or the direct proceeds of the crime the accused is charged with. This aligns New York's statute with federal case law. Previously, assets could be frozen that were not traceable to the criminal activity in situations where prosecutors would calculate what a defendant earned from their alleged crimes and then get a restraining order against all of the defendant's assets up to that amount. This technique would often interfere with the defendant's ability to pay for their legal defense.
2) Under current law, prosecutors can secure assets from a defendant to award to a victim regardless of whether those funds are the direct proceeds of the crime. The new law will only allow prosecutors to seize untainted funds if they can't find the direct proceeds of the crime. At that point, it will be up to the judge overseeing the case to decide whether a prosecutor is

able to require those funds be seized. In other words, if you obtain a money judgment and the DA can't find the traceable assets, the DA must apply to the court for permission to attach untainted assets. Only tainted funds can be frozen pretrial by the claiming authority.

3) Judges are prohibited from considering whether funds were obtained illegally when deciding on a motion to release them to pay for attorney's fees and reasonable living expenses. This allows those funds to be released to pay for defense counsel and the client's day-to-day expenses, even if they're alleged to be the direct proceeds of a crime.

Other Significant Reforms

An end to license suspension for non-driving drug convictions.

A prohibition on employment and housing discrimination against people with open ACDs.

Application of Article 23A protections against baseless discrimination for people with criminal records to certain state-operated professional licenses.

An expedited closure of 3 state prisons.

A requirement for local police chiefs to report to DCJS on police use of force with demographic data and for the latter agency to release it publicly annually, and a version of the Domestic Violence Survivors Justice Act.

Despite Governor Cuomo's proposal to increase attorney biennial registration fee from $375 to $450 to help fund constitutionally mandated legal services, the state budget does not provide for the increase. Even without the fee increase, the budget still allocated almost $50 million more to the Office of Indigent Legal Services this year, an increase of more than 30% over last year's budget. The additional funding is mostly directed at the state's obligations under the 2014 landmark settlement in the *Hurrell-Harring* case. Unfortunately, the budget also does not increase the rate of pay for 18-B (assigned counsel) attorneys. Increasing assigned counsel rates is expected to be a legislative priority of NYSACDL next session.

UPDATE ON PROSECUTORIAL CONDUCT COMMISSION

The formal establishment of the new Commission on Prosecutorial Conduct which is to be tasked with reviewing complaints against the state's prosecutors may be delayed (again) following the District Attorneys Association of the State of New York (DAASNY) having filed for a preliminary injunction against the Commission's creation.

The new filing comes after Governor Cuomo signed an amended version of legislation into law in late March, despite an expected constitutional challenge to the legislation by state prosecutors, who continue to advocate that despite the "chapter amendments" to remedy earlier constitutional issues raised by DAASNY, the amended version still contains constitutional infirmities.

It is somewhat ironic that despite multiple organizations supporting this legislation, similar to other criminal justice reforms, there is only one Association which opposes it, just as they did all other recent measures to establish a more just system of justice. DAASNY. The New York Association of Criminal Defense Lawyers is closely monitoring the litigation and will, if appropriate, submit an *Amicus* memorandum. We are also seeking to identify suitable candidates to nominate to be members of the panel when appointments begin.

REMAINING CRIMINAL JUSTICE ISSUES

Despite what may be described as "criminal justice legislative exhaustion," there are several issues which state government hopes to address before the close of this legislative session in June.

Repeal/Amendment of Civil Rights Law Section 50-a

The statute has been used by members of law enforcement to withhold personnel records, including reports of alleged misconduct, from public view. The defense community believes that state court decisions have misinterpreted the statute in favor of law enforcement. The statute wasn't intended to shield police from making available their disciplinary records and history under the right circumstances. The legislature is discussing means to achieve more law enforcement accountability.

Tracking data on arrest and criminal patterns statewide

Consideration is being given to collect and publicly report the total number of arrests and tickets for violations and misdemeanors, as well as the demographics of those individuals, including race, ethnicity, and sex. State Senator Brad Holyman (D-Manhattan) has advocated for the bill, known as the Police STAT Act. According to the New York Law Journal, Holyman was quoted as saying "New York cannot truly claim to be a progressive state so long as we have a criminal justice system that disproportionately impacts marginalized communities, including LGBTQ New Yorkers and people of color. We need to fundamentally rethink the way police departments engage with the communities they serve."

Charitable Bail Fund

Under the new bail provisions, felonies will still be eligible for cash bail so State Senator Gustavo Rivera (D – Bronx) aims to amend the current charitable bail bill by:

1. increasing the cap from $2,000.00 to $10,000.00
2. to allow felonies to be eligible for the charitable bail funds, and
3. to allow such funds to bail people out across different counties.

Those who wish to totally eliminate cash bail fear that passage of this statute may further entrench the use of money bail. Those supporting the bill believe that as long as cash bail is in play, enlarging options to post bail for those who would otherwise be remanded with no possibility of bail, is the right thing.

Solitary Confinement

Negotiations continue regarding reducing the use of solitary confinement for people who engage in misconduct within state prisons. The suggested reforms would direct DOCCS to limiting the length of time spent in separation, providing for more humane conditions during separation, building dedicated housing units for rehabilitation and integration following a disciplinary sanction, and expanding therapeutic programming to reinforce positive and social behavior.

Adult Marijuana Legalization

In January 2018, Governor Cuomo directed the Department of Health to launch a multi-agency study to review the potential impact of regulated cannabis in New York. The study, issued last July, concluded that the positive impact of a regulated cannabis program in New York State outweighs the potential negative aspects. Although legalization did not make it into the budget, state government appears determined to pass recreational use by the end of this legislative session. The legislation is expected to include the establishment of a regulated cannabis program for adults 21 and over that protects public health, provides consumer protection, ensures public safety, addresses social justice concerns, and invests tax revenue. Initiatives should include reducing impacts of criminalization affecting communities of color, the sealing of cannabis-related criminal records, and invite new case law regarding probable cause issues in connection with search and seizure.

Thanks to the Legal Aid Society of New York City and attorney Steven Kessler for contributing content to this article. As you can see, while much has been accomplished, there remains more to be done. Your Association is on the front lines in advocating for a better criminal justice system and improved attorney client advocacy. With your support, we will continue to try to do the right thing. As Atticus Finch pondered, “Sometimes just trying to do the right thing IS the right thing.”