



May 10, 2024

The Honorable Kathy Hochul
Governor of New York State
NYS State Capitol Building
Albany, NY 12224

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President Pro Tempore and Majority Leader
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Legislative Office Building, Room 907
Albany, NY 12247

Assemblymember Carl Heastie
Speaker
Legislative Office Building, Room 932
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RE: Statement of the Franklin H. Williams Judicial Commission Regarding the Recent Diversion of Monetary Resources from the IOLA Fund of New York State

The Franklin H. Williams Judicial Commission is deeply concerned about the diversion of funds from the Interest on Lawyer Accounts (IOLA) Fund of New York State. Our mission includes promoting equal access to justice for all New Yorkers. Similarly, the IOLA Fund's board is charged with distributing grants to nonprofits for the purpose of delivering civil legal services and improving the administration of justice. The nonprofit grantees have historically been underfunded and overwhelmed by the demand for free legal assistance. The IOLA Fund provides essential financial resources to ensure legal services and access to representation are available for vulnerable disadvantaged New Yorkers.

Ensuring that legal services organizations are properly and fully funded is crucial for New York to live up to its motto of "Excelsior," which is founded on the principles of impartiality and fairness. Individuals utilizing IOLA-funded services are mostly low income and, particularly in New York City, often individuals of color. Organizations providing these critical services need to be sufficiently funded to operate effectively. Any reduction in funding inevitably results in a reduction of available services, which adversely impacts access to justice.

The Hometown Protection Program and the Emergency Rental Assistance Program are worthy programs that should be properly funded. However, diverting IOLA funds to those programs is not a viable long-term solution. Moreover, the diversion's impact will be immediately felt by the 81 non-profit organizations that currently receive and depend upon stable funding. In addition, redirecting the funds from civil legal services may seriously undermine their fiscal stability since IOLA is based on interest and the available account funds can fluctuate.

The Williams Commission sincerely hopes that the diversion of IOLA funds was a one-time event and supports efforts to ensure that a diversion does not occur in the future. The Commission urges continued consideration of long-term viable funding for the Hometown Protection and Emergency Rental Assistance Programs, as well as other deserving programs. The Williams Commission implores Governor Hochul and the New York State legislature to protect legal services funding, including the IOLA Fund, to safeguard equal access to justice for all New Yorkers.

Sincerely yours,

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