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**IMMEDIATE PAST CHAIR**

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**To: NYSBA Executive Committee**  
**From: NYSBA Criminal Justice Section**  
**Date: June 23, 2020**  
**Re: Task Force on the Parole System Report**

The Criminal Justice Section supports the recommendations of the Task Force on the Parole System's May 27, 2020 Report.

We emphasize the following:

Currently, there is a void in organizations or programs that provide continuous, consistent, and reliable parole training. Such training is plentiful throughout other areas of mandated representation (criminal and family law), yet remains sparse in the area of parole. Only well-established 18-B organizations that provide in-house training to their members currently provide such training (i.e., the Bar Association of Erie County), leaving a plethora of 18-B attorneys without readily available resources to be able to tackle the nuances of parole. Consistent with enhancing quality mandated representation, adequate systematic training of attorneys representing releasees must be provided.

We believe that standards should be developed for the representation of inmates and releasees in the area of parole, similar to standards that currently exist for representation in criminal and family law matters. Those standards may serve as an additional guide to training programs.

Currently, Executive Law 259-i provides safeguards for an inmate; it provides a statutory right to counsel for administrative parole appeals. It is imperative the right to counsel continue if the appeal process changes. If denials of release to parole supervision require direct review by a supreme court judge via an Article 78 proceeding in lieu of the administrative parole appeal process, then the inmate must be provided counsel at that Article 78 proceeding. Trained, experienced, and learned counsel can identify and argue law within the given statutory time frame that inmates simply cannot. Eliminating the right to counsel in a proceeding designed to permit review of a parole decision is an invitation to disaster. Pro se litigation for review of parole decisions which involve liberty interests goes against the very core and principles of the right to counsel and due process. Furthermore, we encourage the right to assigned counsel during the Article 78 appeal process of all administrative denials of parole (including matters involving parole revocation and parole rescission) rather than limiting that right to matters involving only the denial of release to parole supervision.

Sincerely,

Robert J. Masters, Esq.  
Chair, NYSBA Criminal Justice Section