

Memorandum in Support

NYSBA #30

March 23, 2018

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By: BUDGET
By: BUDGET

S.7500-B
A.9500-B

By: BUDGET
By: BUDGET

Senate Committee: Finance
Assembly Committee: Ways and Means

THE NEW YORK STATE BAR ASSOCIATION SUPPORTS ADEQUATE FUNDING FOR THE OFFICE OF INDIGENT LEGAL SERVICES AND AID TO LOCALITIES

Our Association has long been a leader in advocating for the provision of an adequate criminal defense for the poor and otherwise disadvantaged. Over 100 years ago, NYSBA created a special committee dedicated to that issue and endorsed the concept of public defenders to provide representation to indigent criminal defendants.

In 2004, then-Chief Judge Judith S. Kaye created the Commission on the Future of Indigent Defense Services to examine New York State's indigent criminal defense system.

The Commission's 2006 report concluded that there is "a crisis in the delivery of defense services to the indigent throughout New York State and that the right to the effective assistance of counsel, guaranteed by both the federal and state constitutions, is not being provided to a large portion of those who are entitled to it." This finding was both alarming and disheartening.

Since then, there have been developments in New York State to address this issue. In 2010 state leaders created the Office of Indigent Legal Services, an important step that the State Bar Association strongly supported. In 2014 the state entered into settlement in the case of *Hurrell-Harring v State of New York*, assuming adequate funding in five of New York's counties outside of the City of New York.

We commend the Governor and the Legislature for continuing their efforts to extend the substance of the *Hurrell-Harring* settlement to counties throughout the state. This is a critical step to improve indigent criminal defense services in New York State.

The Association continues to support, as part of the 2018-19 budget, a statewide, state-funded system with an independent entity to oversee quality and delivery of public defense services, to ensure that indigent defendants receive effective representation in New York's criminal justice system.