

Memorandum in Support

NYSBA #5-A

March 25, 2013

S.2600-E

By: BUDGET

A.3000-E

By: BUDGET

S.2603-E

By: BUDGET

A.3003-E

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

The State Commission on the Future of Indigent Defense Services examined New York State's county-based indigent criminal defense system. The Commission 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 is an alarming and disheartening finding in a state once lauded for its policies to ensure that people of lesser means are not marginalized.

The Office of Indigent Legal Services (the "Office") was created in 2010. The State Bar views the establishment of the Office as a step in the right direction toward adopting standards for and evaluating existing programs and service providers, and the general supervision of New York's public defense system by an independent entity.

Given the important function of the Office – to provide support and relief to localities in fulfilling the mandate of the U.S. and New York constitutions – **the Legislature should appropriate the funds necessary to expand the operation of the Office and maximize the funds from the Indigent Legal Services Fund (ILSF) to county governments.**

State Bar positions relating to specific budget items:

The State Bar supports the \$81million indigent legal services appropriation for aid to localities. The final agreed upon budget provides for the restoration of \$4 million to help ensure relief from high caseloads and to enhance representation of indigent criminal defendants.

The State Bar supports \$1.8 million in funding for the operation of the Office. The final agreed upon budget includes \$1.8 million for operation of the Office. The ability of the Office to properly function would be impaired without the funds included in this appropriation.

We support these appropriations as an important part of furthering the cause of making the constitutional guarantee of effective assistance of counsel a reality for all.