

**HOUSE OF DELEGATES  
AGENDA ITEM #7**

**RESOLUTION**

1. Legislation should be enacted to increase assigned counsel rates. This increase should apply to all assignments as defined under “ Definition” in the NYSBA 2015 Revised Standards for providing Mandated Representation, which reads:

Mandated Representation - Legal representation of any person financially unable to obtain counsel without substantial hardship who is (1) accused of an offense punishable by incarceration; (2) entitled to or is afforded representation under §249, §262 or §1120 of the Family Court Act; Judiciary Law §35 including child custody and habeas corpus cases; Article 6-C of the Correction Law; §407 of the Surrogate’s Court Procedure Act; §259-i of the Executive Law; or §717 of the County Law; or (3) otherwise entitled to counsel pursuant to constitutional, statutory or other authority.

2. The rates of compensation should be comparable to the percentage increase of judicial and elected district attorney salaries.
3. The legislation should provide for an annual review and adjustment as needed of assigned counsel rates based on a formula using comparable compensation rates similar to the formula utilized by the Federal Criminal Justice Act.
4. The increase in rates should not result in an unfunded mandate to the counties and should be a state expense.