



Andrew M.
Cuomo
Governor

STATE OF NEW YORK
OFFICE OF INDIGENT LEGAL SERVICES

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Improving the Quality of Mandated Representation Throughout the State of New York

October 18, 2017

Robert Mujica
Director of the Budget
Room 117
State Capitol
Albany, New York 12224

Re: Office of Indigent Legal Services Budget Request for FY 2018-2019

Dear Mr. Mujica,

Enclosed please find the Office of Indigent Legal Services (ILS) budget request for FY 2018-19. We request an appropriation of \$166,810,000; consisting of \$8,000,000 for State Operations and \$158,810,000 for Aid to Localities. Please note that this budget request was approved by the Indigent Legal Services Board at its meeting on September 22, 2017.

The State of New York has a constitutional obligation to provide effective representation to people who have been charged with a crime or threatened with the loss of their children, and who cannot afford to pay for a lawyer to represent them. See, e.g., *Gideon v. Wainwright*, 372 U.S. 335 (1963), *People v. Witek*, 15 NY 2nd 392 (1965), and *In re Ella B.*, 30 NY 2nd 352 (1972). That obligation had never been adequately addressed as to criminal defense until January, 2017, when Governor Cuomo proposed the state-funded and statewide extension of the key components of the 2014 Settlement Agreement in *Hurrell-Harring v. The State of New York*. And the obligation had never been fulfilled until April 9, 2017, when the Governor and Legislature agreed to enact historic legislation extending those reforms.

The statewide extension of these three critical reforms -- providing counsel at arraignment; funding new caseload standards that afford the time and support necessary for effective representation; and providing essential support services, training, supervision and oversight -- promises to vault New York into full compliance with its Sixth Amendment obligations, and to national prominence with its fulfillment of the dream and the promise of *Gideon* by the statutory full compliance date of April 1, 2023. This appropriation request seeks the first year of funding under the five-year schedule for complying with the statutory reforms and the constitutional obligation.

I emphasize that our proposal to establish a statewide network of Regional Support Centers is essential not only for successful statewide implementation of these reforms, but also to assure the most efficient use of the State's significant fiscal investment. With respect to implementation

"The right... to counsel may not be deemed fundamental and essential to fair trials in some countries, but it is in ours."

Gideon v. Wainwright, 372 U.S. 335, 344 (1963)

of the reforms, these Centers – one in each of the nine Judicial Districts outside New York City, and one in the city – will provide hands-on, locally accessible ILS expertise, advice and support that will replicate the problem-solving approach that our Hurrell-Harring Implementation Unit has utilized with great effectiveness to implement these same reforms in the five lawsuit counties during the past two years. With respect to fiscal efficiency, the Centers will serve two important functions: first, to help ILS identify and rectify perceived areas of inefficiency; and second, as a creative catalyst for driving both intra-county and especially regional approaches that improve both quality and efficiency. The Hurrell-Harring team's promotion and facilitation of the Tompkins County-Schuyler County combined Assigned Counsel Program (ACP) stands as a model of what may be accomplished.

To assure that these Centers serve the fundamental goals of quality improvement and fiscal efficiency, I will personally oversee the performance of the staff, including the attorney in charge of each office. Working closely with our Counsel and our Statewide Chief Implementation Attorney, I will aggressively seek opportunities to promote efficiencies such as regional provision of services and assigned counsel program oversight.

State Operations: \$8,000,000 (increase of \$3.17 million):

We request an appropriation of \$8 million in State Operations for FY 2018-19, which includes the funding highlighted below to accomplish these necessary and vital goals:

- \$6 million, including \$1.17 million in new funding, to assure the continued effective operation of our office as it assumes the responsibility of implementing historic statewide public defense reform, and continues to improve the quality of mandated parental representation in Family Court. These increases would provide fully annualize funding for employees hired in FY 2017-2018, including members of our Hurrell-Harring and Statewide Implementation Units; would enable the hiring of four critical new positions in FY 2018-19; and would support modest salary increases for several long-time highly valued employees.
- \$2 million in new funding to establish the first two of our statewide network of ten **Regional Support Centers**, which are essential for the provision of uniform high quality representation, delivered efficiently, in every county and region. Please see the description above and the attachment, **Regional Support Centers: An Essential Component of Statewide Reform**.

Aid to Localities: \$158,810,000 (increase of \$54 million):

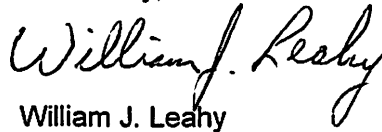
We request an appropriation of \$166.8 million in Aid to Localities, an increase of \$54 million, to accomplish the following necessary and vital goals:

- \$50 million to finance the first year of our five-year implementation of the Hurrell-Harring reforms statewide, pursuant to plans that we are developing pursuant to Executive Law § 832 (4), and which we will file on December 1, 2017.

- \$3 million to fund a new RFP that will enable up to four additional counties outside New York City to establish a Model Upstate Parental Representation office, as Monroe County is now doing pursuant to the RFP that we issued earlier this year.
- \$1 million in additional quality improvement funding, to further implement Section V of the *Hurrell-Harring* Settlement Agreement.

Thank you for your careful consideration of our budget request. We look forward to discussing it with DOB staff. Please feel free to call ILS Counsel Joe Wierschem or me with any questions.

Yours truly,

A handwritten signature in black ink that reads "William J. Leahy". The signature is written in a cursive, flowing style.

William J. Leahy

cc: James Rubin, Director of State Operations
Alphonso David, Counsel
Sandi Toll, First Assistant Counsel
Robert Barbato, Chief Budget Examiner
Adam Silverman, Assistant Counsel

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Gideon v. Wainwright, 372 U.S. 335, 344 (1963)

ALL FUNDS BUDGET REQUEST FY 2018-19
STATEMENT OF THE COMMISSIONER OR AGENCY HEAD

AGENCY: OFFICE OF INDIGENT LEGAL SERVICES

The New York State Office of Indigent Legal Services (Office), created by enactment in June, 2010, commenced operations on February 22, 2011. The mission of the agency, set out in Executive Law § 832 (1), is “to monitor, study and make efforts to improve the quality of services provided pursuant to article eighteen-B of the county law.” The creation of this agency, and the Indigent Legal Services Board (Board) to which it reports (§ 833), constituted the first concerted action by the State of New York since 1965 to address persistent and highly publicized concerns about the quality of the representation that the State now provides to persons in criminal and family court matters who are entitled to the assistance of counsel, yet cannot afford to hire an attorney.

BUDGET AND STAFF HIGHLIGHTS

The Office has promoted consultation between city and county governments and their indigent legal services providers, by requiring meaningful consultation between them as a precondition to the distribution of monies from the Indigent Legal Services Fund. Through this collaborative and quality-enhancing approach, virtually every county and New York City entered into contracts with the Office in 2011 for \$4.4 million worth of improvements in the quality of representation (Distribution #1). In 2012, we entered into agreements with localities for a total of \$8.1 million annually over a three year contractual period (Distribution #2) for the same purpose. In 2013, we announced a new three year distribution of \$7.4 million annually (Distribution #3), followed by the announcement for Distribution #4 funding in 2014. On September 26, 2014, the Board authorized the release of Distribution #5 quality improvement funding and on September 25, 2015 the Board authorized the release of Distribution #6 quality improvement funding. Through these distributions, every locality may receive funding from the state that equals the amount they received in 2010. Distribution #7 quality improvement funding was announced in late 2016 and at its most recent meeting on September 22, 2017 the Board approved the release of Distribution #8 funding in the amount of just under \$15.5 million per year for each of three years.

On November 30, 2012 we issued our first competitive RFP to the counties to provide Counsel at First Appearance. We then entered into contracts with 25 counties for a total of \$12 million over a three-year period for that purpose. On August 22, 2013, we issued an RFP for Upstate Quality Improvement and Caseload Reduction, to which 47 of the 57 upstate counties successfully responded. Our third RFP, for the development of Regional Immigration Assistance Centers, in the amount of \$8.4 million over a three-year period, was released on September 23, 2014. The statewide network of six such centers is now in place, making New York the first state in the nation to have established such a comprehensive statewide program to ensure compliance with the mandate of the United States Supreme court in *Padilla v. Kentucky*, 559 U.S. 356 (2010). We recently made a tentative award for a Model Upstate Parental

Representation Office that is modeled after the successful offices that have been established in New York City during the past ten years. In 2017, we also made tentative awards to thirty counties for a second Counsel at First Appearance RFP and have released and are in the process of reviewing proposals for our second Upstate Quality Improvement and Caseload Reduction RFP.

On March 11, 2015, a Settlement Agreement among the State of New York, the five county defendants and a plaintiff class represented by the New York Civil Liberties Union in *Hurrell-Harring v. The State of New York* was approved by the Albany County Supreme Court. The agreement vests ILS with the responsibility of implementing the terms of the settlement, which focuses on four issues: Counsel at Arraignment (Section III); Reduction of Caseloads (Section IV); Improving the Quality of Representation (Section V); and Eligibility Standards for the Assignment of counsel (Section VI). In close cooperation with the above-named parties, and with appropriate funding provided by the State, ILS has been implementing each of the four settlement provisions in each of the five lawsuit counties.

As part of the FY 2017-18 Final Budget, Executive Law 832 was amended to expand the Office's current list of duties and responsibilities to include extending the reforms in the *Hurrell-Harring* settlement statewide. The Office, in consultation with the ILS Board, is directed to develop written plans to provide counsel at arraignment, improve the quality of representation and develop and implement attorney caseload/workloads. The plans are to be submitted by December 1st of this year, and will include interim steps for each county and New York City to fully implement the plans by April 1, 2023.

NEW YORK STATE
 DIVISION OF THE BUDGET
 ALL FUNDS BUDGET REQUEST FY 2018-2019
 AGENCY SUMMARY- OFFICE OF INDIGENT LEGAL SERVICES
 RECAPITULATION OF CURRENT YEAR ADJUSTED APPROPRIATIONS
 AND REQUESTED CHANGES FOR THE NEXT FISCAL YEAR

Appropriation Category/Fund Type (A)	Adjusted Appropriations 2017-2018 (B)	Requested Change (C)	Total Request (Column B + C) 2016-2017 (D)
STATE OPERATIONS General Fund Special Revenue – Federal Special Revenue – Other Enterprise Internal Service Fiduciary	4,830,000	+3,170,000	8,000,000
SUBTOTAL	4,830,000	+3,170,000	8,000,000
AID TO LOCALITIES General Fund Special Revenue Fund – Federal Special Revenue Fund – Other Enterprise Fiduciary	104,810,000	+54,000,000	158,810,000
SUBTOTAL	104,810,000	+54,000,000	158,810,000
CAPITAL PROJECTS Capital Projects Funds Special Revenue – Other Internal Service Fiduciary Enterprise	-0-	-0-	-0-
SUBTOTAL	-0-	-0-	-0-
DEBT SERVICE			
AGENCY TOTAL	109,640,000	+57,170,000	166,810,000

FY 2018-2019 ILS Staff Positions

#1. 2nd & 3rd Grants Administrator positions (projected annual salary range: \$45,000 to \$55,000).

Our grants and distributions unit is in great need of additional staff to handle the current workload generated by our seven distributions and three competitive grants available to all of the counties outside New York City. The Grants unit is currently managing well over 400 active reimbursement contracts, with another 150+ contracts to be developed in the next half year (for the eighth distribution and second set of contracts for Counsel at First Appearance and Upstate Caseload). In addition, the *Hurrell-Harring* settlement has generated five sets of structured payment contracts that require quarterly submission of detailed expenditure reports, quarterly reconciliations of payments and, where appropriate, a detailed review of supporting documentation.

While the FY 2017-18 Final Budget contained funding for the Office to add a Grants Administrator position (we are currently in the process of interviewing candidates to fill this position), with the expansion of the Office's duties and responsibilities in the FY 2017-18 Final Budget to develop and implement plans to extend the *Hurrell-Harring* reforms statewide, we are looking ahead in order to continue building our Grants unit to address both our current workload and the new challenge of the Statewide Expansion.

The Grants Administrator would review and process claims for reimbursement and assist the Grants Manager in preparing contracts, contract extensions and modifications and communicating with counties to keep them current on submitting their paperwork. The addition of these positions would allow for the Grants Manager and Assistant Grants Manager to spend more time on developing RFPs and working with the counties, providers and the Office of General Services, Business Service Center and State Comptroller's Office, to ensure the most effective utilization of state funds.

#2. Administrative Officer (projected annual salary range: \$70,000 to \$90,000).

Under the direction of agency Counsel, the Administrative Officer would be responsible for a wide variety of administrative duties, particularly as they relate to financial management, procurement, and the agency's provision of funding to counties, vendors and indigent legal service providers. Responsibilities would include assisting agency Counsel in working with state and local agencies such as the Division of Budget, Office of General Services and State Comptroller's Office to identify problem areas, prepare documents, determine solutions, and obtain necessary authorizations for use of ILS funding in order to advance agency procurements and programs. The Administrative Officer would assist in various aspects of managing contracts, review and analyze reports and make recommendations, as requested, and perform other duties as assigned.

#3. Parental Representation Policy Analyst/Researcher (projected range: \$60,000 to \$70,000).

Reporting to the Director of Quality Enhancement for Parental Representation, the Policy Analyst/Researcher will be responsible for collecting and analyzing information and data regarding the programmatic, operational and fiscal aspects of the systems for delivering legally mandated representation in Family Court cases, and will work closely with the Director of Research to analyze and

evaluate such data and information in order to consider and recommend measures to improve the quality of parental representation.

NEW YORK STATE
 DIVISION OF THE BUDGET
 ALL FUNDS BUDGET REQUEST FY 2018-2019
 OFFICE OF INDIGENT LEGAL SERVICES
 REAPPROPRIATIONS OF CURRENT APPROPRIATIONS IN FORCE

Column A	Column B	Column C	Column D	Column E	Column F	Column G
<p><u>Aid to Localities</u></p> <p>FY 2010-11</p> <p>Special Revenue Funds - Other</p> <p>ILSF</p>	<p>Appropriation: Ch. 50, Laws of 2010.</p> <p>Reappropriation: Ch. 53 of Laws of 2011.</p> <p>Reappropriation: Ch. 50 of Laws of 2012.</p> <p>Reappropriation: Ch. 50 of Laws of 2013.</p> <p>Reappropriation: Ch. 50 of Laws of 2014</p> <p>Reappropriation: Ch. 53 of Laws of 2015</p> <p>Reappropriation: Chapter 53 of Laws of 2016</p> <p>Reappropriation:</p>	<p>Office of Indigent Legal Services</p> <p>Aid to Localities</p> <p>Consists of statutory payment (90% of 2010 amount to non-NYC counties and \$40 million to NYC) and Distribution #1</p>	<p>\$77,000,000</p>	<p>\$7,300,000</p> <p>Consists of remainder of undisbursed funds per May, 2011 Board distribution and \$6,800,000 of unallocated funds (see column G).</p>	<p>Up to \$500,000</p> <p>\$6,800,000 has not been allocated.</p>	<p>For the May, 2011 ILS Board distribution of \$4.4 million ("Distribution #1"): to date, 41 contracts of a total of 53 contracts have been paid out in full and closed; claims for reimbursement in the amount of \$4.0 million have been submitted.</p>

	Chapter 53 of Laws of 2017					
<p><u>Aid to Localities</u></p> <p>FY 2011-12</p> <p>Special Revenue Funds - Other</p> <p>ILSF</p>	<p>Appropriation: Ch. 53 of Laws of 2011.</p> <p>Reappropriation: Ch. 50 of Laws of 2012.</p> <p>Reappropriation: Ch. 50 of Laws of 2013.</p> <p>Reappropriation: Ch. 50 of Laws of 2014.</p> <p>Reappropriation: Ch. 53 of Laws of 2015</p> <p>Reappropriation: Chapter 53 of Laws of 2016</p> <p>Reappropriation: Chapter 53 of Laws of 2017</p>	<p>Office of Indigent Legal Services</p> <p>Aid to Localities</p> <p>Consists of statutory payment (75% of 2010 amount to non-NYC counties and \$40 million to NYC); Distribution #2 (year 1); Counsel at First Appearance competitive grant (year 1); and Regional Immigration Resource Centers grant (year 1).</p>	\$77,000,000	\$7,000,000 Consists of remainder of undisbursed funds for 3 components: Distribution #2; counsel at first appearance grant and regional immigration resource centers (see column G).	Up to \$7,000,000 in FY 2018-19; remainder in out-years.	On 9.27.11, the ILS Board approved four components for the FY 2011-12 \$77 million Local Aid appropriation, as follows: (1) \$62,084,022 in the March, 2012 75% statutory distribution (funds were disbursed in their entirety in March, 2012); (2) \$8,126,902 in general distributions to restore counties/NYC to level of state funding in 2010 (Distribution #2) (three year contract with end date of May 31, 2015) (3) \$4,000,000 in grants to provide counsel at first court appearance in upstate counties (three year contract with end date of May 31, 2016; and (4) \$2,789,076 in grants establishing regional Immigration Resource Centers (three year contract with end date yet to be determined).
<p><u>Aid to Localities</u></p> <p>FY 2012-13</p> <p>Special Revenue Funds - Other</p> <p>ILSF</p>	<p>Appropriation: Ch. 50, Laws of 2012.</p> <p>Reappropriation: Ch. 50 of the Laws of 2013</p> <p>Reappropriation:</p>	<p>Office of Indigent Legal Services</p> <p>Aid to Localities</p> <p>Consists of statutory payments (50%</p>	\$81,000,000	\$20,000,000 Consists of remainder of undisbursed funds for Distribution #3; Distribution #2;	Up to \$20,000,000; remainder in out-years.	On 9.28.12, ILS Board approved five components to the FY 2012-13 \$81 million Local Aid appropriation, as follows: (1) \$54,722,696 in the March, 2013 statutory distribution (50% of 2010 distribution for counties outside NYC; \$40 million for NYC); (2) \$15,488,288 in general distributions to restore counties (and NYC) to their level of state funding in 2010

	<p>Ch. 50 of Laws of 2014</p> <p>Reappropriation: Ch. 53 of Laws of 2015</p> <p>Reappropriation: Chapter 53 of Laws of 2016</p> <p>Reappropriation: Chapter 53 of Laws of 2017</p>	<p>to non-NYC counties and \$40 million to NYC); Distribution #3 (year 1) Distribution #2 (year 2) ; Counsel at First Appearance grant (year 2); Immigration Resource Centers grant (year 2) and Upstate Caseload Reduction grant (year 1).</p>		<p>Counsel at First Appearance grant; immigration resource centers grant; and upstate caseload reduction grant (see column G).</p>		<p>(Distribution #2 – year 2 and Distribution #3); (3) \$4,000,000 in grants to provide counsel at first court appearance in upstate City Courts and Town and Village Courts (year 2); (4) \$2,789,076 in grants establishing regional Immigration Centers throughout New York State (year 2); and (5) \$4,000,000 in grants to finance programs to alleviate excessive caseloads in excess of maximum national norms in counties outside New York City. Note that (2), (3), (4) and (5) are three year distributions and grants.</p>
<p><u>Aid to Localities</u></p> <p>FY 2013-14</p> <p>Special Revenue Funds - Other</p> <p>ILSF</p>	<p>Appropriation: Ch. 50 of the Laws of 2013</p> <p>Reappropriation: Ch. 50 of Laws of 2014</p> <p>Reappropriation: Ch. 53 of Laws of 2015</p> <p>Reappropriation: Chapter 53 of Laws of 2016</p> <p>Reappropriation: Chapter 53 of Laws of 2017</p>	<p>Office of Indigent Legal Services</p> <p>Aid to Localities</p> <p>Consists of 25% statutory payment/\$40 million to NYC; Distribution #4 (year 1); Distribution #3 (year 2) Distribution #2 (year 3) ; Counsel at First Appearance grant (year 3); immigration</p>	\$81,000,000	<p>\$35,000,000</p> <p>Consists of remainder of funds for Distribution #4; Distribution #3; Distribution #2; Counsel at First Appearance grant; immigration resource centers grant; and upstate caseload reduction</p>	<p>Up to \$35,000,000; remainder in out-years.</p>	<p>On 9.27.13, ILS Board approved five components to the FY 2013-14 \$81 million Local Aid appropriation, as follows: (1) \$47,361,341 in the March, 2014 statutory distribution (25% of 2010 distribution for counties outside NYC; \$40 million for NYC); (2) \$22,849,544 in general distributions to restored counties (and NYC) to their level of state funding in 2010 (Distribution #2 – year 3; Distribution #3 – year 2; and Distribution #4 – year 1); (3) \$4,000,000 in grants to provide counsel at first court appearance in upstate City Courts and Town and Village Courts (year 3); (4) \$2,789,076 in grants establishing regional Immigration Centers throughout New York State (year 3); and (5) \$4,000,000 in grants to finance programs to alleviate excessive caseloads in excess</p>

		resource centers grant (year 3) and upstate caseload reduction grant (year 2).		grant (see column G).		of maximum national norms in counties outside New York City (year 2).
<p><u>Aid to Localities</u></p> <p>FY 2014-15</p> <p>Special Revenue Funds - Other</p> <p>ILSF</p>	<p>Appropriation: Ch. 50 of the Laws of 2014</p> <p>Reappropriation: Ch. 53 of Laws of 2015</p> <p>Reappropriation: Chapter 53 of Laws of 2016</p> <p>Reappropriation: Chapter 53 of Laws of 2017</p>	<p>Office of Indigent Legal Services</p> <p>Aid to Localities</p> <p>Consists of \$40 million statutory payment to NYC; Distribution #5 (year 1) Distribution #4 (year 2); Distribution #3 (year 3) Counsel at First Appearance grant (year 1); upstate caseload reduction grant (year 3); and three small grants/pilot programs (year 1).</p>	\$81,000,000	\$40,000,000 Consists of remainder of funds for Distribution #5; Distribution #4; Distribution #3; Counsel at First Appearance grant; upstate caseload reduction grant and three small grants (see column G).	Up to \$40,000,000; remainder in out-years.	On 9.26.14, ILS Board authorized allocation of FY 2014-15 \$81 million Local Aid appropriation, as follows: (1) \$40 million in March, 2015 statutory distribution (\$40 million for NYC); (2) \$30,210,924 in general distributions to restore counties (and NYC) to their level of state funding in 2010 (Distribution #3 – year 3; Distribution #4 – year 2; and Distribution #5 – year 1); (3) \$4,000,000 in grants to provide counsel at first court appearance in upstate City Courts and Town and Village Courts (year 1); (4) \$870,138/yr. for each of three small grants – year 1 for each); (5) 4,000,000 in grants to finance programs to alleviate excessive caseloads in excess of maximum national norms in counties outside New York City (year 3); and (6) \$80,000 and \$98,658, respectively, for two single source contracts (year 1 for each).
<p><u>Aid to Localities</u></p> <p>FY 2015-16</p> <p>Special Revenue Funds - Other</p>	<p>Appropriation: Ch. 53 of Laws of 2015</p> <p>Reappropriation: Chapter 53 of Laws of 2016</p>	<p>Office of Indigent Legal Services</p> <p>Aid to Localities</p>	\$84,000,000	\$40,000,000 Consists of remainder of funds for Distribution #6; Distribution	Up to \$44,000,000	On 9.25.15, ILS Board authorized allocation of FY 2015-16 \$84 million Local Aid appropriation, as follows: (1) \$40 million in March, 2016 statutory distribution (\$40 million for NYC); (2) \$30,210,924 in general distributions to restore counties (and NYC) to their level of

ILSF	Reappropriation: Chapter 53 of Laws of 2017	Consists of \$40 million statutory payment to NYC; Distribution #6 (year 1) Distribution #5 (year 2) Distribution #4 (year 3); Counsel at First Appearance grant (year 2); Upstate caseload reduction grant (year 1); three small grants/pilot programs (year 2); and Hurrell-Harring funding (\$1 million CAFA "interim" funding & \$2 million Quality Improvement funding).		#5; Distribution #4; Counsel at First Appearance grant; Upstate caseload reduction grant; three small grants; and Hurrell-Harring funding (see column G).		state funding in 2010 (Distribution #4 – year 3; Distribution #5 – year 2; and Distribution #6 – year 1); (3) \$4,000,000 in grants to provide counsel at first court appearance in upstate City Courts and Town and Village Courts (year 2); (4) \$870,138/yr. for each of three small grants – year 2 for each); (5) 4,000,000 in grants to finance programs to alleviate excessive caseloads in excess of maximum national norms in counties outside New York City (year 1); (6) \$80,000 and \$98,658, respectively, for two single source contracts (year 2 for each); (7) \$3,000,000 to implement the Hurrell-Harring settlement (\$1,000,000 in "interim" funding for counsel at first appearance and \$2,000,000 for Quality improvements).
<p><u>Aid to Localities</u></p> <p>FY 2016-17</p> <p>Special Revenue Funds - Other</p> <p>ILSF</p>	<p>Appropriation: Ch. 53 of Laws of 2016</p> <p>Reappropriation: Chapter 53 of Laws of 2017</p>	Consists of \$40 million statutory payment to NYC; Distribution #7 (year 1) Distribution #6 (year 2) Distribution #5 (year 3); Counsel at First Appearance	\$96,200,000	\$56,000,000 Consists of remainder of funds for Distribution #7; Distribution #6; Distribution #6;	Up to \$56,000,000;	On 9.23.16, ILS Board authorized allocation of FY 2016-17 \$96.2 million Local Aid appropriation, as follows: (1) \$40 million in March, 2017 statutory distribution (\$40 million to NYC); (2) \$30,210,924 in general distributions to restore counties (and NYC) to their level of state funding in 2010 (Distribution #5 – year 3 - \$15,488,228; Distribution #6 – year 2 - \$7,361,326); and Distribution #7 – year 1 - \$7,361,326; \$4,000,000 in grants

		grant (year 3); Upstate caseload reduction grant (year 2); three small grants/pilot programs (year 3); and Hurrell-Harring funding (\$2 million Counsel at Arraignment funding; \$2 million Quality Improvement funding; \$800,000 continued RFP funding; and \$10.4 million Caseload Relief "tangible steps" funding).		Counsel at First Appearance grant; Upstate caseload reduction grant; three small grants; and Hurrell-Harring funding (see column G).		to provide counsel at first court appearance in upstate City Courts and Town and Village Courts (year 3); (4) \$870,138/yr. for Family Court RFP pilot program – year 3; (5) redirected funding to supplement Counsel at Arraignment RFP (\$1,740,278); (6) 4,000,000 in grants to finance programs to alleviate excessive caseloads in excess of maximum national norms in counties outside New York City (year 2); (6) \$80,000 and \$98,658, respectively, for two single source contracts (year 3 for each); (7) \$15,200,000 to implement Hurrell-Harring settlement (\$2,000,000 in funding for counsel at first appearance and \$2,000,000 for Quality improvements; \$800,000 to ensure continued Counsel at Arraignment RFP funding; and \$10,400,000 for interim caseload relief funding.
FY 2017-18 Special Revenue Funds - Other ILSF	Ch. 53 of Laws of 2017	Consists of \$40 million statutory payment to NYC; Distribution #8 (year 1) Distribution #7 (year 2) Distribution #6 (year 3); Counsel at First Appearance grant (year 1); Upstate Caseload	\$104,810,000	\$70,000,000 Consists of remainder of funds distributions, competitive grants and Hurrell-Harring reforms.	Up to \$70,000,000	On 9.22.17, ILS Board authorized allocation of FY 2017-18 \$104.8 million Local Aid appropriation, as follows: (1) \$40 million in March, 2018 statutory distribution (\$40 million to NYC); (2) \$30,210,924 in general distributions to restore counties (and NYC) to their level of state funding in 2010 (Distribution #6 – year 3 - \$7,361,326; Distribution #7 – year 2 - \$7,361,326; and Distribution #8 – year 1 - \$15,488,228); (3) \$5,740,000 in grants to provide counsel at first court appearance in upstate City Courts and Town and Village Courts (year 1); (4)

		reduction grant (year 3); Assigned Counsel Program RFP; (year 1); and Hurrell-Harring funding (\$2 million Counsel at Arraignment funding; \$2 million Quality Improvement funding; \$800,000 continued RFP funding; and \$19.0 million Caseload Relief funding).				\$870,138/yr. for Assigned Counsel Program RFP program – year 1: (5) 4,178,000 in grants to finance programs to alleviate excessive caseloads in excess of maximum national norms in counties outside New York City (year 1); and (7) \$23,810,000 to implement Hurrell-Harring settlement (\$2,000,000 in funding for counsel at first appearance and \$2,000,000 for Quality improvements; \$800,000 to ensure continued Counsel at Arraignment RFP funding; and \$19,010,000 for caseload relief funding.
<p>State Operations</p> <p>FY 2017-18</p> <p>Special Revenue Funds – Other</p> <p>ILSF</p>	<p>Appropriation: Ch. 50 of Laws of 2015</p> <p>Reappropriation: Ch. 55 of Laws of 2016</p> <p>Reappropriation Ch. 50 of Laws of 2017</p>	Office of Indigent Legal Services	\$500,000	\$300,000	\$300,000 in FY 2018-19	Funds needed in FY 2018-19 to satisfy contractual obligations (\$500,000) under the terms of the Hurrell-Harring settlement, including a (1) <i>four-year single source contract</i> (approved by OSC) with the New York State Defender’s Association (NYSDA) in the amount of \$193,500 (in order to install and upgrade case management systems to track caseload/workload of all 18-b attorneys and collect data to assess quality and caseload standards; (2) <i>RFP for caseload standards</i> awarded to RAND corporation the spring of 2016 to develop caseload standards for each of the five lawsuit counties in accordance with the terms of the settlement; and (3) <i>approximately</i>

						<i>\$50,000 for a four-year single source contract with Onondaga County for costs related to tracking the caseload/workload of all 18-attorneys in accordance with the terms of the HH settlement and to collect data to assess quality and caseload standards (total amount to be determined).</i>
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Improving the Quality of Mandated Representation Throughout the State of New York

Regional Support Centers: An Essential Component of Statewide Reform

It is unmistakably clear to the ILS Office and Board that the creation of Regional Support Centers throughout the state is a necessity for improving the quality, the consistency and the efficiency of legally mandated representation throughout New York.

Five years ago, the **First Annual Report of the Indigent Legal Services Board** (November, 2012), advised that:

The current county-based system cannot long survive if it is not supplemented by Regional Resource Centers, operating as integral parts of the Office, to assist counties in each region. These resources can include not only the already-planned Regional Immigration Assistance Centers, but also such areas as investigation, social services, litigation training, forensic assistance, appellate representation, certification of counsel, and others: many of which have been identified in the 2012 *Report on Sharing Resources* of the New York State Bar Association Committee to Ensure the Quality of Mandated Representation. (First Annual Report at 13-14).

Every locality needs access to state-provided and locally accessible expertise, training, consultation and support. Once established, these Centers will help to assure that the quality of justice one obtains in New York does not fluctuate and often fail, depending solely on the happenstance of where one's case arises, or which provider assumes responsibility for one's representation. Now, given the state's commitment to fund expansion of the *Hurrell-Harring* settlement reforms to all New York counties, these Centers will not only provide invaluable assistance to the counties themselves; they will also be the linchpin of the dramatic statewide reforms.

Specifically, the Centers will assist local providers of mandated representation in the following areas: 1) criminal defense and family court representation, 2) legal research and advice, 3) appellate and post-conviction advice and assistance, 4) training for lawyers and staff, including supervisors; 5) development of and access to investigative, forensic and other litigation support services; and 6) regional cooperation and planning. These resources will be fully available to Assigned Counsel Programs, many of which lack the resources, expertise and independence to provide the effective representation that is required by law. In short, the Centers will improve quality and promote efficiency.

We envision a total of ten Centers: one in each of the upstate Judicial Districts (JDs 3 through 9), one on Long Island (JD 10), and one in New York City. Each Center would be staffed by an Attorney-in-Charge/Regional Planner, criminal defense counsel, family court representation counsel, appellate/post-conviction counsel, investigative and forensic support resource person, and an office manager. When fully operational, we estimate the annual cost of operating these Centers to be approximately \$10 million.

We want to begin building this essential support network in the new fiscal year, with the establishment of the first two Centers in far western New York (8th Judicial District, 4th Appellate Department: counties of Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Niagara, Orleans, Wyoming) and in the North Country (4th Judicial District, 3rd Appellate Department: counties of Clinton, Essex, Franklin, Fulton, Hamilton, Montgomery, Saint Lawrence, Saratoga, Schenectady, Warren, Washington).

These Regional Support Centers will enable the success of the Governor's commitment to extend the *Hurrell-Harring* reforms to every corner of the state. They will vividly express the State of New York's commitment to all counties, by providing state resources that are of immediate assistance to overburdened local providers of mandated representation. They are an idea for which we have long advocated, and whose time has arrived.