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## NYCLA PRESIDENT TESTIFIES AT CITY COUNCIL HEARING ON FUNDING FOR INDIGENT DEFENSE SERVICES

**March 10, 2010 – New York, NY** – On March 10, New York County Lawyers' Association (NYCLA) President Ann B. Lesk testified at a New York City Council preliminary budget hearing for fiscal year 2011 on the issue of funding for Indigent Defense Services, voicing opposition to the City's proposed changes to the Indigent Defense Plan. On February 3, the Criminal Justice Coordinator issued a Request for Proposals (RFP) from institutional providers to handle conflict cases, a move that, according to Ms. Lesk, "would eliminate the oversight role of bar associations in indigent defense and would dramatically reduce the role of the private bar in providing services to the indigent accused."

NYCLA, along with the four other county bar associations in New York City and City Bar, was an original sponsor of New York City's Assigned Counsel Plan, established in 1966 under Article 18-B of the County Law to provide representation to indigent criminal defendants in New York. The plan had two components – institutional providers and a panel of experienced private attorneys designated by the bar associations. As Ms. Lesk testified, "For 45 years, NYCLA provided institutional support for the Central Screening Committee in the First Department, which screens and trains assigned counsel. We helped organize the Indigent Defense Organization Oversight Committee, which sets standards for and reviews the performance of the institutional providers of indigent defense."

New York City has sought to limit the oversight role of bar associations in providing services to the indigent accused. In addition to this latest move of issuing an RFP from institutional providers, in June 2008, without any notice to or consultation with the signatory bar associations or, it appears, without consultation or consent of the Judicial Conference, unlike the original plan, Mayor Michael Bloomberg issued an Executive Order that purported to repeal the original plan. The Executive Order was followed by a Rule change, also done without consultation with the bar associations.

Acknowledging her concern about funding for institutional providers, Ms. Lesk said, "Nowhere [in the RFP] does the Criminal Justice Coordinator, who assumes near complete control of the Plan, describe a system that provides adequate resources for the institutional providers, which have been chronically underfunded and now face increased caseloads."

Ms. Lesk also questioned whether the Plan meets constitutional and statutory mandates given the requested level of funding. She went on to say, "We appreciate that the City is faced with serious fiscal challenges, but that does not excuse the City from its constitutional obligation to provide effective assistance of counsel to indigent defendants." Moreover, there will be, potentially, an increased number of New Yorkers qualifying for indigent counsel given the City's economic downturn.

Ms. Lesk urged the Committee “to examine the impact that such a measure will have, not only on the City’s budget, but on the quality of defense services available to all citizens of the City of New York.” The questions, she said, that need to be answered are, “Does the new Plan provide sufficient oversight of both institutional providers and assigned counsel?” and “Does the new Plan meet constitutional and statutory mandates in theory and in practice, particularly given the requested level of funding?”

The New York County Lawyers' Association ([www.nycla.org](http://www.nycla.org)) was founded in 1908 as the first major bar association in the country that admitted members without regard to race, ethnicity, religion, gender or sexual identity. Since its inception, it has pioneered some of the most far-reaching and tangible reforms in American jurisprudence and has continuously played an active role in legal developments and public policy.

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