

Dear Mandated Representation leaders, County and City officials, and all,

All of us at ILS wish each of you happy and restful holidays, near the end of a year of intense activity.

2017 has been a year of significant accomplishment. From January, when Governor Cuomo proposed the statewide expansion at state expense of the *Hurrell-Harring* right to counsel reforms, through the April enactment of those reforms via amendments to County Law § 722-e and the addition of Executive Law § 832 (4), to the timely delivery of our written plans for statewide implementation to the Director of the Budget on December 1, the State of New York has come together as one to improve the right to counsel for people charged with a criminal offense, who cannot afford to hire an attorney. From our first day of operations in 2011, it has been our goal to encourage and enable every provider of legally mandated representation to furnish high quality, effective representation for every client. With respect to criminal defense, acknowledging both the dramatic advances already being made in the five lawsuit counties and the hard statewide work ahead of us, we are getting closer and closer to achieving that goal. We are very grateful to the Governor, the Assembly and the Senate for their support of our efforts.

Parental representation – equally mandated under our law – did not see this degree of progress this year. And it must.

There are hopeful signs. Our Director of Quality Enhancement for Parental Representation, Angela Burton, has forcefully presented the need for reform, and has enlisted allies to empower that effort. The Indigent Legal Services Board, under the leadership of Chief Judge Janet DiFiore, has made it a top priority to improve dramatically the quality of parental representation throughout the state. As the Board emphasized recently in its Sixth Annual Report:

“Even as the Board acknowledges and applauds and prepares to implement the statewide reforms in public defense, it is keenly aware that...the quality of parental representation in Family Court has not yet achieved statutory reform or fiscal relief. While incremental progress is being made, and alliances are being established, we have a long way to go before it can be said that structures and funding are in place to assure effective representation of every client in every case. The achievement of those twin goals, structural reform and appropriate state funding, is a core priority of the Office and Board going forward.”

Looking ahead, 2018 will be full of opportunities and responsibilities. With respect to criminal defense representation, our Statewide Implementation Unit, under the leadership of Attorney Joanne Macri and building upon the success of our *Hurrell-Harring* Implementation Unit led by Patricia Warth, will be reaching out to public defense leaders and local officials in every county and New York City to advance the interim and long-range planning for Counsel at Arraignment, Caseload Relief and Initiatives to Improve the Quality of Indigent Defense. It is important to note that the ILS Office and each County and New York City have serious statutory responsibilities that we all must meet. “Each county and the city of New York shall, in consultation with the office, undertake good faith efforts to implement” the plans for each of the three reforms. See Executive Law § 832 (4) (a) (iii), (4) (b) (iii), and (4) (c) (iv). For its part, the Office “shall, on an ongoing basis, monitor and periodically report on the implementation of, and compliance with, the plan in each county and the city of New York.” § 832 (4) (a) (iv), (4) (b) (iv), and (4) (c) (ii).

In discharging our statutory responsibilities, we intend to build upon our years of effective collaboration with providers of representation and county or city officials. We will be reaching out to newly elected or appointed providers and county leaders, to continue and to build upon these cooperative relationships in the exercise of our mutual responsibilities under the new legislation. Working together, with the invaluable support of the New York State Association of Counties (NYSAC), the New York State Defenders Association (NYSDA) and the Chief Defenders Association of New York (CDANY), we will dramatically improve the quality of criminal defense representation throughout the State of New York.

With respect to parental representation, we look forward to the third statewide **Families Matter** training conference, which will be held at Albany Law School on April 20-21, 2018. Angela Burton and Lucy McCarthy (NYSDA) have led the planning for two highly successful previous conferences, and we are very excited about this third such event. Early in the new year, we will be contracting for our first (of many, we intend) Upstate Model Parental Representation Office. In addition to the efforts of our Office and Board, we also look forward to important activity by the New York State Bar Association and judicial leadership in support of significant parental representation reform.

We hope that all of you have a chance to enjoy the holidays, and return rested and refreshed to seize the opportunities and face the challenges that the new year will bring.

Our best to everyone,

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