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

To: Mandated Legal Services Providers, County and City Officials

From: Bill Leahy

Re: *An Estimate of the Cost of Compliance with Maximum National Caseload Limits in Upstate New York*

Cc: Members of the Indigent Legal Services Board and Office

Date: December 11, 2013

The attached report provides a comprehensive and detailed estimate of the cost of compliance with national maximum caseload limits in the fifty-seven counties which lie outside the boundaries of the City of New York, and which therefore are not covered under the existing program that provides state funding for caseload reduction for the City's institutional indigent defense providers. It is a critical component of our FY 2014-2015 state budget request, which seeks a significant and long overdue increase in state funding support for the alleviation of excessive caseloads and lack of adequate support services in the upstate counties.

We believe that this report provides compelling evidence for significantly increased state funding to address the ongoing crisis in the delivery of indigent legal services throughout New York State. We ask the State of New York to recognize, as NYSAC Executive Director Stephen Acquario has stated, that "[t]his is a constitutional responsibility. It lies squarely on the shoulders of the state of New York. That is the entity that is sworn to uphold the federal and the state constitutions." (NY Law Journal, March 18, 2013).

We are pleased to be working with you to improve the quality of legally mandated representation in many ways. Currently, we are reviewing proposals submitted by forty-five counties for a total of \$4 million per year over three years, in what we hope will be the first installment of state caseload reduction and quality improvement funding.

We invite your careful review of this report, we encourage your questions, and we are deeply grateful for your continued support.

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"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)