



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 25, 2018

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

Re: Office of Indigent Legal Services Budget Request for FY 2019-2020

Dear Mr. Mujica,

Enclosed please find the Office of Indigent Legal Services (ILS) budget request for FY 2019-2020. We request an appropriation of \$215,400,000; consisting of \$6,900,000 for State Operations and \$208,500,000 for Aid to Localities. Please note that this budget request was approved by the Indigent Legal Services Board at its meeting on September 28, 2018.

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). These obligations are now being met with respect to legally mandated criminal defense representation, under Chapter 59 of the Laws of 2017, Part VVV, § 11-13 and the April, 2018 appropriation that initiated statewide extension of the key components of the 2014 Settlement Agreement in *Hurrell-Harring v. The State of New York*. However, the representation of indigent parents in Family Court – equally mandated by our Constitution and our laws – continues to languish.

This appropriation request seeks the second installment of funding under the five-year schedule for complying with the statewide expansion of the *Hurrell-Harring* settlement reforms, and progressing toward fulfillment of the State's constitutional obligation by the statutory deadline of April 1, 2023. It also seeks to jump-start parental representation reform, as described below.

The statewide extension of the three major criminal defense 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 – is now underway and promises to vault New York into full compliance with its Sixth Amendment obligations, and to national prominence with its fulfillment of the promise of *Gideon* by the statutory compliance date of April 1, 2023. Its fulfillment depends upon the continuation

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

of the appropriation amounts we identified as needed in our December 1, 2017 Implementation Plan, including the funding necessary to establish, in this budget cycle, our first Regional Support Center in far western New York.

I emphasize that our proposal to establish our first Regional Support Center in the 8th Judicial District is essential not only for successful implementation of these reforms, but also to assure the most efficient use of the State's significant fiscal investment. With respect to implementation of the H-H reforms, the Center 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 three years. With respect to fiscal efficiency, the Center will serve three very important functions: first, to ensure the collection of complete, accurate and consistent data that is essential to measuring implementation progress; second, to help ILS identify and rectify perceived areas of inefficiency; and third, 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.

Please see our memorandum, **A Regional Support Center for Far Western New York: An Imperative for Successful Public Defense Reform** and its attached position descriptions for more detailed information about this essential component of our Implementation Plan for statewide public defense reform.

State Operations: \$6,900,000 (increase of \$1.2 million):

We request an appropriation of \$6.9 million in State Operations for FY 2019-20, which includes the funding highlighted below to accomplish these necessary and vital goals:

- An increase of \$1.1 million will assure the continued effective operation of our office as it continues to implement the Settlement reforms in the five *Hurrell-Harring* counties and the historic statewide public defense reform in the remaining 52 counties and New York City, and as it acts to improve the quality of mandated parental representation in Family Court. These increases would annualize salaries for employees hired in FY 2018-2019, including members of our Hurrell-Harring and Statewide Implementation Units; and would enable the hiring of four critical new positions in FY 2019-20. Please see the attached memorandum **FY 2019-20 ILS Staff Positions**.
- One hundred thousand dollars (\$100,000) of this increase would support modest, merit-based salary increases for career employees who have been performing with great distinction for a minimum of five years, and whose Management Confidential status makes them ineligible for step increases.

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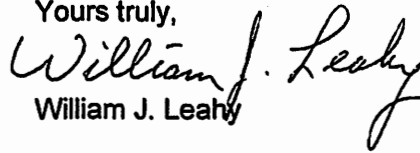
Aid to Localities: \$208,500,000 (increase of \$53 million):

We request an appropriation of \$208.5 million in Aid to Localities, an increase of \$53 million, to accomplish the following necessary and vital goals:

- \$50 million to finance the second year of our five-year implementation of the *Hurrell-Harring* reforms statewide, pursuant to plans that we filed on December 1, 2017 and that we are now implementing statewide. Of this amount, we request that \$1.25 million be transferred to State Operations to fund our 8th Judicial District Regional Support Center.
- \$3 million to fund a new RFP that will enable a significant number of counties to reduce excessive caseloads and/or make important quality improvements in their delivery of mandated parental representation. Please see the attached memorandum, **Parent Representation Caseload Relief and Quality Improvement: Replicating a Successful Public Defense Initiative**.

Thank you for your careful consideration and support 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,


William J. Leahy

cc: Alphonso David, Counsel
Robert Barbato, Chief Budget Examiner
Adam Silverman, Assistant Counsel

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**New York State
Division of the Budget
All Funds Budget Request FY 2019-20
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 legislative 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 approved by the Board in late 2016, Distribution #8 quality improvement funding approved at its meeting on September 22, 2017, and most recently, the Board approved Distribution #9 funding in the amount of \$7.4 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 (CAFA #1). We entered into contracts with 25 counties for a total of \$12 million over a three-year period for that purpose. We have since issued a 2nd CAFA RFP to continue, establish and expand the CAFA #1 RFP programs. On August 22, 2013, we issued an RFP for Upstate Quality Improvement and Caseload Reduction (Upstate Quality #1), to which 47 of the 57 upstate counties successfully responded. We have since issued a 2nd Upstate Quality RFP to continue, establish and expand the programs of the Upstate Quality #1 grant. Our third RFP, for the development of Regional Immigration Assistance Centers (RIAC #1), in the amount of \$8.4 million over a three-year period, was released on September 23, 2014. We established a statewide network of six such centers, 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). On September 28, 2018, the Board approved the issuance of a 2nd RIAC RFP with increased funding to continue, establish and expand the Centers of the RIAC #1 grant. In 2018 we made a tentative award for a Model Upstate Parental Representation Office, modeled after the successful offices that have been established in New York City during the past ten years, and will be reissuing that RFP in FY 2018-19. We will be issuing an Assigned Counsel Infrastructure RFP in FY 2018-19 for the purpose of encouraging counties with small or non-existent assigned counsel programs to regionalize these services with neighboring counties.

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, was directed to develop written plans for providing counsel at arraignment, improve the quality of representation and develop and implement attorney caseload/workloads. These plans were submitted to the Executive on December 1, 2017, and in the Final FY 2018-19 Budget, \$50 million in Local Aid funding was appropriated for the first year of a five year phased in implementation of the three plans submitted by ILS on December 1st of 2017. These plans are to be fully implemented by April 1, 2023.

STATISTICAL TABULATION

**New York State
Division of the Budget
All Funds Budget Request FY 2019-20
Agency Summary
Recapitulation of Current Year Adjusted Appropriations
and Requested Changes for the Next Fiscal Year**

Agency: Office of Indigent Legal Services

(A)	(B)	(C)	(D)
Appropriation Category/Fund Type	Adjusted Appropriations 2018-19	Requested Change	Total Request (Column B+C) 2019-20
State Operations			
General Fund	\$ -	\$ -	\$ -
Special Revenue - Federal	\$ -	\$ -	\$ -
Special Revenue - Other	\$ 5,717,000	\$ 1,183,000	\$ 6,900,000
Enterprise	\$ -	\$ -	\$ -
Internal Service	\$ -	\$ -	\$ -
Private Purpose Trust	\$ -	\$ -	\$ -
Subtotal	\$ 5,717,000	\$ 1,183,000	\$ 6,900,000
Aid to Localities			
General Fund	\$ -	\$ -	\$ -
Special Revenue - Federal	\$ -	\$ -	\$ -
Special Revenue - Other	\$ 155,530,000	\$ 52,970,000	\$ 208,500,000
Enterprise	\$ -	\$ -	\$ -
Subtotal	\$ 155,530,000	\$ 52,970,000	\$ 208,500,000
Capital Projects			
Capital Projects Fund	\$ -	\$ -	\$ -
Special Revenue - Other	\$ -	\$ -	\$ -
Enterprise	\$ -	\$ -	\$ -
Internal Service	\$ -	\$ -	\$ -
Subtotal	\$ -	\$ -	\$ -
Debt Service			
Agency Total	\$ 161,247,000	\$ 54,153,000	\$ 215,400,000

**FY 2019-20 Budget Request
Office of Indigent Legal Services**

Program (4 of 4): Erie Regional Support Center (8th Judicial District) (1 (1 of 9 Centers)

Personal Service

<u>Position</u>	<u># of Positions</u>	<u>2018-19</u>		<u>2019-20 Requested</u>		<u>2019-20</u>
		<u>Annual Salary</u>	<u>Bi-weekly Salary</u>	<u>Pay Periods on Payroll</u>	<u>Annual Salary</u>	
Attorney-in-Charge/Director of Regional Planning.	1	\$0	\$0	26		\$95,000
Criminal Defense Counsel	1	\$0	\$0	26		\$90,000
Family Court Counsel	1	\$0	\$0	26		\$90,000
Appellate Counsel	1	\$0	\$0	26		\$90,000
*Support Resource Specialist	1	\$0	\$0	26		\$65,000
Data Specialist	1	\$0	\$0	26		\$60,000
Total PS	6					\$490,000 \$490,000

Non-Personal Service

Supplies & Materials	\$70,000
Travel Expenses	\$100,000
Contractual Services	\$150,000
Equipment	\$80,000
Fringe Benefits	\$323,841
Indirect Costs	\$16,317
Total NPS	\$740,158
Grand Total	\$1,230,158

Assumptions:

Assumes Projected 2019-20 Fringe Benefit rate = 66.09% and Indirect Cost rate = 3.33%

Contractual Services includes rental costs for office space

* It is expected that these services will be PS, but could possibly be contractual

FY 2019-20 ILS Staff Positions

Administrative Positions.

- **#1. Assistant Grants Manager 1 position (projected annual salary range: \$58,000 to \$68,000)**
- **#2. Grants Administrator 2 position (projected annual salary range: \$45,000 to \$55,000)**

The FY 2018-19 Final Budget provided funding to add four administrative positions to our Grants Unit to better address the workload (and backlog) generated by our eight distributions, five competitive grants, Hurrell-Harring settlement and, in the current year, implementation of the Statewide Expansion of *Hurrell-Harring* reforms. In FY 2018-19, in order to accommodate the expected growth of the Grants Unit, the Unit was restructured and a new series of internal titles created (Assistant Grants Manager 2, Assistant Grants Manager 1, Grants Administrator 2, Grants Administrator 1, and Auditor). This restructuring allows us to further professionalize the Unit, introduce specialization of work duties within the Unit, and create the framework needed for adding additional staff during the five year phase-in of the Statewide Expansion of *Hurrell-Harring* reforms.

The four positions funded in FY 2018-19 represent the first step in growing the Grants Unit to the size needed to properly manage over 400 active reimbursement contracts (with another 150+ contracts in the process of being developed in the next year), manage the *Hurrell-Harring* structured payment contracts, and undertake the immense new responsibilities of the five-year Statewide Expansion of *Hurrell-Harring* reforms.

As step two in the expansion process, we request two administrative positions in the FY 2019-20 Budget for Assistant Grants Manager 1 and a Grants Administrator 2 positions. The addition of these two positions will not only increase the overall work capacity of the Grants Unit, but will allow the Grants Manager and Assistant Grants Manager 2 more flexibility to manage the Unit.

Information Services Position.

- **#3. Assistant Manager of Information Services (projected annual salary range \$65,000 to \$75,000)**

At present, the technology needs of the Office are handled solely by one person, the Manager of Information Services. While this arrangement worked in the early years of the Office when it was small, it is no longer feasible for one person, however talented, to handle all of responsibilities attendant to an expanding Office with many new, complicated technology needs. The duties of the Manager of Information Services are extensive, highly specialized and include the following:

- acting as Office liaison with ITS and other external agencies and vendors on IT-related matters;
- implementing technical plans for network enhancement;
- installing appropriate equipment in the Office;
- enhancing and upgrading systems to collect and report data; and

- enhancing information systems and managing and upgrading the Office's website and other internet communication.

These responsibilities are in addition to meeting the day-to-day technology needs of the entire Office and the constant need for arranging remote access meetings with indigent legal service providers and county officials.

The Assistant Manager of Information Services would not only assist the Manager of Information Services to ensure that the immediate technology needs of the Office are met but would also satisfy a longer term concern of the Office – providing the necessary training and development of expertise to ensure continuity in the delivery of technology services, in the event the Manager of Information Services is unable to do so.

Assigned Counsel Plan Attorney Position.

#4. Director of Quality Representation - Assigned Counsel Plans (projected salary range \$80,000 to \$99,000)

The FY 2018-19 Budget amended County Law § 722 (3) (b) and (c) to transfer authority to approve plans of bar associations to operate an assigned counsel program or office of conflict defender from the Chief Administrator of the Courts to the Office of Indigent Legal Services. Under the statute, approval of bar association plans to operate assigned counsel programs or conflict defender offices is required before counties are permitted to put these plans in operation. This transfer of authority takes effect April 1, 2019.

Along with our development of standards for the administration of assigned counsel programs and the funding made available through the *Hurrell-Harring* Settlement and Statewide Expansion of *Hurrell- Harring* reforms, obtaining the authority to approve bar association assigned counsel plans and conflict defender offices is the final piece needed for the development and upgrade of quality assigned counsel programs and conflict defender offices.

The Director of Quality Representation – Assigned Counsel Plans would work directly with counties, providers and bar associations to develop bar association plans that satisfy the ILS standards for the administration of assigned counsel program. The Director would also spearhead the effort to address the large backlog of bar association plans that have been submitted by counties in the past few years, but have not been acted upon in anticipation of this authority being transferred to the Office.



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**A Regional Support Center for Far Western New York:
An Imperative for Successful Public Defense Reform**

The most famous and most fundamental finding in the historic Final Report of Chief Judge Judith Kaye's *Commission on the Future of Indigent Defense Services* was its declaration that:

"New York's current fragmented system of county-operated and largely county-funded indigent defense services fails to satisfy the state's constitutional and statutory obligations to protect the rights of the indigent accused."

Final Report to the Chief Judge of the State of New York (June 18, 2006) at 15.

Twelve years later, in 2018, we can say that the Kaye Commission's condemnation of over-reliance on local funding has been addressed in several important ways: by the 2009 legislation and 2010 Order of the Chief Administrative Judge that provided state funding to reduce public defenders' caseloads in New York City and annual state funding to accomplish that goal; by the 2014 settlement of the *Hurrell-Harring v. The State of New York* lawsuit and implementation by the Office of Indigent Legal Services (ILS) of its three critical reforms – caseload limits, counsel at arraignment, and the assurance of adequate support for quality improvement – fully funded by the state, in the five defendant counties; by the 2017 amendment of County Law §722-e and enactment of Executive Law § 832 (4) that expanded those critical reforms statewide at state expense for full implementation by April 1, 2023 pursuant to plans filed by ILS on December 1, 2017; and finally by the appropriation in the FY 2018-2019 state budget of the first \$50 million of the projected \$250 million annual cost of implementing those reforms.

In our December 1, 2017 plans for statewide implementation, we highlighted the need to address the structural deficiencies identified in the Kaye Commission's Report. Specifically, we emphasized a) the compelling need to collect accurate data from every one of the 126 providers of public criminal defense representation in the 52 non-*Hurrell-Harring* counties and New York City; and b) the equally compelling need for ILS to provide locally based state expertise for local providers and governments, to assure that these critical reforms will be implemented as effectively and as efficiently as possible in every one of the 53 localities. We have been heartened by the affirmative response to our appropriation request for Data Specialists in every county and on the ILS staff. Yet, to date, there has not been specific funding of the Regional Support Center component of our plan. That component is essential and indeed it is indispensable, if these reforms are to be implemented successfully and with maximum efficiency.

Since we filed our Implementation Plans almost eleven months ago, we have honed and streamlined our vision for these Centers. We have also decided to focus this fiscal year on just one, in the 8th Judicial District covering far western New York. We have reduced the number of staff from eight to six, and have

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targeted those positions specifically to the highest priority implementation needs to achieve effective and efficient reform. Please see the attached **Job Descriptions for Regional Support Center Personnel**.

On September 28, 2018, I presented this specific component of our FY 2019-20 budget request to the Indigent Legal Services Board, which unanimously approved it. Please see my memorandum to the Board, attached and entitled **Creation of ILS Regional Support Center for the 8th Judicial District**. As indicated in that memorandum, this Judicial District is at the farthest remove from Albany. Its 1.5 million people, almost two-thirds of whom reside in Erie County, are spread over more than 8,100 square miles. For decades, the rural counties in the District have been left to their own devices in trying to comply with the mandate of the Sixth Amendment right to counsel, without meaningful funding or guidance by the State. They need both.

As the Job Descriptions and Board Memorandum demonstrate, and as our December 1, 2017 Plan for Implementation emphasizes, these Regional Centers are essential not only to achieve effective implementation of these reforms: they are equally needed to ensure that the State's investment in public defense reform is cost-effective and smart. These Centers will promote best practices in data collection, they will ensure a higher and more consistent quality of criminal defense representation, and they will encourage and facilitate regional approaches for delivering constitutionally mandated representation that are at once more effective and more efficient.

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Job Descriptions for ILS Regional Support Center (RSC) Personnel

1. Attorney in Charge/Director of Regional Planning:

- Forges and strengthens relationships with local government officials and providers of mandated representation throughout the region;
- Promotes the most effective implementation of the ILS reform plans within the region;
- Maximizes the most efficient use of state funding by all providers and counties within the region;
- Promotes regional cooperative efforts including shared services agreements between and among counties;
- Oversees progress of Data Specialist to ensure accurate and consistent caseload, quality initiatives and counsel at arraignment data; also staffing, spending, case outcome and other data as ILS requires for each provider and county;
- Oversees performance of Support Resources Specialist to assure compliance with Executive Law § 832 (4) (c), Initiatives to improve the quality of public defense.
- Oversees work of Criminal Defense Counsel, Family Court Counsel and Appellate Counsel in the exercise of their responsibilities to support reform implementation and improve the quality of representation by all providers of mandated representation within the region;
- Reports to ILS Chief Statewide Implementation Attorney, who reports to agency Counsel and Director;
- Participates in scheduled meetings with agency leadership and communicates regularly with leaders of other ILS Regional Centers

2. Data Specialist:

- Primary responsibility to collect accurate and consistent caseload, quality initiatives and counsel at arraignment data; also staffing, spending case outcome and other data as ILS requires for every county and provider within the region;
- Works closely with the Data Officer in each county within the region to ensure consistent tracking of all required data pursuant to ILS instructions and definitions;
- Maintains familiarity with all ILS data collection requirements and is prepared to assist regional providers and counties with compliance as needed;
- Develops understanding of data collection techniques and technology in each provider and county;
- Communicates effectively with RSC Criminal Defense and Appellate Counsel, County Data Officers, ILS researchers and Statewide Implementation Unit to assist compliance by ILS with Executive Law § 832 (4);
- Consults regularly with the ILS Director of Research and Data Specialists in other regions to assure data accuracy and uniformity;
- Reports to Attorney in Charge/Director of Regional Planning

3. Support Resource Specialist:

- Primary responsibility to cultivate and communicate to all providers of mandated representation contact information for available providers of non-attorney support services including but not limited to investigators, expert witnesses, social workers, translators, mental health evaluators and sentencing advocates, in furtherance of effective implementation of Executive Law § 832 (4) (c), Initiatives to improve quality;
- Communicates requests made by mandated representation providers within the region for such services to the appropriate RSC Counsel for consideration;
- Tracks available funding for utilization of non-attorney support services;
- Consults regularly with the ILS Statewide Implementation Attorney – Quality Enhancement and Support Resource Specialists in other regions to assure uniformity;
- Reports to Attorney in Charge/Director of Regional Planning

4. Criminal Defense Counsel:

- Responsible for effective implementation of Executive Law § 832 (4) (a), Counsel at arraignment, § 832 (4) b), Caseload relief and § 832 (4) (c), Initiatives to improve quality with respect to Trial Court cases;
- Provides consultation to providers of mandated criminal defense representation upon request in complex cases;
- Facilitates regional initiatives and efficiencies in the delivery of mandated trial level representation within the region;
- Works closely with the Data Specialist and the Support Resource Specialist to ensure accurate collection and reporting of all relevant data, and with Family Court Counsel and Appellate Counsel to identify areas where quality improvement and greater efficiencies may be achieved;
- Consults regularly with the ILS Director of Quality Enhancement for Criminal Defense Trial Representation and Criminal Defense Counsel in other regional centers;
- Reports to Attorney in Charge/Director of Regional Planning

5. Family Court Counsel:

- Responsible for improving the quality of representation of parents within the region, not only in Family Court but also in Integrated Domestic Violence (IDV) Court;
- Works closely with Criminal Defense Counsel and Appellate Counsel to assure continuity and quality of representation of clients whose cases overlap criminal and civil proceedings;
- Furthers statewide reform implementation by working closely with Criminal Defense Counsel and Appellate Counsel to identify inefficiencies and propose structural improvements in the delivery of representation;
- Consults regularly with the ILS Director of Quality Enhancement for Parent Representation and Family Court Counsel in other regional centers;
- Reports to Attorney in Charge/Director of Regional Planning

6. Appellate Counsel:

- Responsible for effective implementation of Executive Law § 832 (4) (b), Caseload relief and § 832 (4) (c), Initiatives to improve quality with respect to appellate cases;
- Provides consultation to providers of mandated appellate representation upon request;
- Facilitates regional initiatives and efficiencies in the delivery of mandated appellate representation within the region;
- Works closely with Criminal Defense Counsel and Family Court Counsel to identify areas where quality improvement and greater efficiencies may be achieved;

- Consults regularly with the ILS Director of Quality Enhancement for Appellate and Post-Conviction Representation and Appellate Counsel in other regional centers;
- Reports to Attorney in Charge/Director of Regional Planning



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To: Indigent Legal Services Board

From: Bill Leahy

Re: Creation of ILS Regional Support Center for the 8th Judicial District

Date: September 25, 2018

The Board has been on record since 2012 as supporting the establishment of ILS Regional Support Centers in every upstate Judicial District, because, as we argued in the December 1, 2017 submission of our Statewide Implementation Plan pursuant to Executive Law § 832 (4), they are "a necessity for improving the quality, the consistency, and the efficiency of legally mandated representation throughout New York." See **Regional Support Centers: An Essential Component of Statewide Reform**, attached.

In our Statewide Plan, we argued for the creation of nine RSCs – one in each upstate JD and one in New York City – over a three-year period. However, in subsequent discussions with Executive Branch staff, we agreed to defer this priority for a year, to focus our attention and resources on the goal of reaching agreement on contracts including first year funding with 52 counties and NYC.

During this period, we have also reviewed and amended the details of our vision for these Centers. We have analyzed how local needs have been altered by the HH Settlement and the passage of statewide reform, which has led us to recognize that the collection of accurate data is essential to the success of statewide reform. We have reconsidered whether the provision of local training (as opposed to its facilitation) should be a task of these Centers, when other entities are already so engaged. We have heeded providers' concerns that the Centers not duplicate quality improvements that local programs are making. Finally, we have made it clear that the encouragement and support of regional planning and cooperation is the primary responsibility of the RSC Attorney in Charge.

In the end, we have reduced staffing in the Centers from eight in our October, 2017 budget request to six in our current proposal. Finally, given the enormous continuing challenge of getting contracts executed and underway, we have decided to establish just one Regional Center this fiscal year, in far western New York in the 8th JD. In sum, the plan for RSCs has evolved to fit current conditions, to maximize the efficiency with which each Center will operate, and to prioritize the area of greatest immediate need.

The 8th Judicial District is our first RSC priority because of both need and opportunity. As to need, its public defense offices lie at the farthest remove from ILS headquarters in Albany (The Chautauqua County Public Defense office is 352 miles west of the ILS office in Albany, the Cattaraugus County office 306 miles, the Erie County offices 288 miles and Niagara County 287). Its eight counties contain seventeen providers of mandated representation; 220 courts of which 193 (87.7%) are Town or Village Courts; and a population of 1.5 million spread over 8,100 square miles. Its institutional criminal defense providers suffer some of the highest average caseloads in the state; and all lacked sufficient data capacity to provide accurate data under the ILS Caseload Standards for inclusion in our December, 2017 Plan. Except in Erie County, its assigned counsel programs are either non-existent or in need of enhanced support and consideration of regional approaches. Outside of Buffalo and its suburbs, it is very rural.

As to opportunity, Erie County has long supported mature and efficient institutional and assigned counsel providers, the Legal Aid Bureau of Buffalo and the Assigned Counsel Program under the Erie County Bar Association. The city of Buffalo is centrally located within the Judicial District. Erie County public defense providers and government leaders understand the need for a Regional Center and support its establishment. Interest in regional initiatives is strong throughout the District, and there is a regional appellate program in place covering some but not all counties and providers. In short, the need and the opportunity are present.

"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)



Andrew M. Cuomo
Governor

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

**Parent Representation Caseload Relief and Quality Improvement:
Replicating a Successful Public Defense Initiative**

The immediacy and the urgency of our request for three million dollars to reduce excessive caseloads and provide access to appropriate professional support services for providers of mandated parent representation has been made apparent by the findings and recommendations of the New York State Bar Association Committee on Families and the Law (January 2018) and their approval by the NYSBA House of Delegates in April; and even more recently by the plethora of testimony received by Chief Judge Difiore's Commission on Parental Legal Representation this fall. That the delivery of mandated parental representation in New York in 2018 is in dire need of state funding and support cannot seriously be questioned.

The efficacy of our chosen approach to begin redressing these well-established deficiencies is not in question. We plan to replicate our low-cost, high-impact, *pre-Hurrell-Harring* offering of limited but targeted funding to county providers, for the purposes of reducing caseloads and accessing appropriate support services such as investigators, social workers and parent advocates.

This approach has worked very well in the past with respect to the delivery of mandated criminal defense representation. In an April 19, 2016 memorandum to the Indigent Legal Services Board, I reported on the impact of similarly modest and targeted state funding upon public defense staffing and caseloads in upstate counties between calendar 2012 and 2014. In that memorandum, which is attached, I reported a 12.5% increase in attorney staff numbers, a 17.8% increase in support staff, and a 14.3% decrease in average caseloads. These real and measurable impacts can certainly be replicated among providers of parent representation. We therefore request funding in the amount of \$3 million for this purpose.

"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)



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

To: Indigent Legal Services Board

From: Bill Leahy

Re: Indicia of Progress in the 57 Counties Outside of New York City

Date: April 19, 2016

Matthew Alpern
Director of Quality
Enhancement
Criminal Trials

Peter W. Avery
Manager of
Information
Services

Angela Burton
Director of Quality
Enhancement
Parent
Representation

Andrew Davies
Director of
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Tammeka
Freeman
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Risa Gerson
Director of Quality
Enhancement
Appellate and Post-
Conviction
Litigation

Karan Jackuback
Grants Manager

Joanne Macri
Director of Regional
Initiatives

Every fall for the past three years, our Director of Research, Andrew Davies, has produced an Estimate of the Cost of Compliance with Maximum National Caseload Limits in Upstate New York. Each report covers the previous calendar year – 2012, 2013, and 2014 have been analyzed thus far, using caseload data submitted to OCA by over 130 providers of mandated representation, and spending reports required to be filed by counties with the Office of State Comptroller (OSC).

Recently I took the time to review these annual reports, in search of trends between calendar 2012 and calendar 2104 that might help us assess our progress and influence future action. A few of our most prominent findings are highlighted below.

- **Higher Spending, especially in Institutional Provider Programs:** overall spending rose by almost \$16 million, or 9.5%. Almost all of increase occurred in Institutional Provider Programs (+ 17.2%), while Assigned Counsel Program (ACP) spending rose by only 0.5%.
- **Significant staff increases in Institutional Provider Programs:** attorney staff rose from an FTE of 654 to 736, an increase of 12.5%. Support staff rose from 297 to 350 FTE, an increase of 17.8%.
- **A Reduction in Institutional Provider Weighted Caseloads:** the average weighted caseloads of attorneys in upstate institutional providers declined by 14.3%, from 719 in 2012 to 616 in 2014. Note that this number remains far in excess of national and ILS caseload limits of 367 new weighted cases per attorney per year.
- **The Amount Spent Providing Representation per Case Increased:** The amount spent on each case is one indicator of effective lawyering. While the average cost per case among upstate providers is very low, it has increased by \$46.51 (22%) among institutional providers, and by \$52.95 (16%) in Assigned Counsel Programs.

- **Institutional Providers Spend Significantly Less per Case:** In 2014 the average spending per case was \$382.59 in Assigned Counsel programs, compared to \$255.28 in Institutional Provider Programs.
- **The Estimated Cost of Compliance with Maximum Caseload Limits Decreased:** The estimated cost of compliance declined from \$111.2 million in 2012, to \$105.2 million in 2013, to \$99.1 million in 2014; a two-year decrease of \$12.1 million or 10.9%.

This progress is primarily attributable, we believe, to several actions which the Office and Board have undertaken. First, we have required mandated representation providers and county officials to consult with each other, and have encouraged them to produce an annual proposal to use ILS funds to improve the quality of their representation. Many counties have done so, which has undoubtedly contributed to the staffing increases and reduced caseloads noted above. Second, by 2014 as many as 25 counties were providing representation at a defendant's first court appearance pursuant to the state funding provided under our Counsel at First Appearance grant program. And finally, a few of the 47 counties who responded to our RFP for Upstate Quality Improvement and Caseload Reduction RFP may have begun hiring before the end of 2014.

Can this progress be sustained and enhanced? Certainly it can and will be enhanced in the five counties in which we are implementing the settlement order in the *Hurrell-Harring* case. For the remaining 52 upstate counties which benefit neither from the New York City caseload reduction funding nor from the lawsuit settlement, the answer is much less certain. We have just witnessed a third consecutive state budget that contains no increase in funding for any of the 52 counties or their 120 providers of mandated representation, and we have heard concerns from some providers that the Eligibility Standards and Criteria that go into effect on October 3, 2016 may drive up costs in counties that can ill afford the additional expense. There is no question that our progress toward assuring a capable and uniform quality and availability of representation in every locality within the state of New York is in its very early stages, and faces daunting challenges. At a minimum, there remains a dire need for significant additional state funding and enhanced agency authority that the Fahy-DeFrancisco bill would provide; and for the Regional Support Centers and the statewide Appellate Resource Center that we have long proposed.

My hope is that this analysis will generate an ongoing discussion, in which Board members will be actively engaged, as to how we can best advance the day when New York will provide well-prepared and high-quality representation to every eligible client in mandated representation cases.

POLICY ADVICE ON REQUEST

New York State
Division of the Budget
All Funds Budget Request FY 2019-20
Reappropriations of Current Appropriations in Force

Agency: Office of Indigent Legal Services

Program: Grants & Distributions

(A)				(B)	(C)	(D)	(E)	(F)			(G)
Fund Type	Fund	Subfund	SO/ ATL	Chapter/ Section/ Year	Program Name/Appropriation	Original Appropriation Amount	Estimated Reappropriation Amounts (Next Fiscal Year)	Planned Disbursements			Justification for Requested Action
								2019-20 (Next Fiscal Year)	2020-21 (1st out-year)	2021-22 (2nd out-year)	
Special Revenue Funds - Other FY 2011-12	ILSF	-	ATL	Appropriation: Ch. 53 of Laws of 2011 Reappropriation: Ch. 50 of Laws of 2012 Reappropriation: Ch. 50 of Laws of 2013 Reappropriation: Ch. 50 of Laws of 2014. Reappropriation: Ch. 53 of Laws of 2015 Reappropriation: Ch. 53 of Laws of 2016 Reappropriation: Ch. 53 of Laws of 2017 Reappropriation: Ch. 53 of Laws of 2018	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).	\$ 77,000,000	\$ 588,000	\$ 500,000	\$ -	\$ -	Consists of remainder of undistributed funds for 3 components: Distribution #2; counsel at first appearance grant and regional immigration resource centers. 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) \$8,128,902 in general distributions to restore counties/ NYC to level of state funding in 2010 (Distribution #2) (three year contract) (3) \$4,000,000 in grants to provide counsel at first court appearance in upstate counties (three year contract); (4) \$2,789,076 in grants establishing regional Immigration Resource Centers (three year contract) Re-appropriation needed to support programs enumerated above.

(A)				(B)	(C)	(D)	(E)	(F)			(G)
Fund Type	Fund	Subfund	SO/ ATL	Chapter/ Section/ Year	Program Name/Appropriation	Original Appropriation Amount	Estimated Reappropriation Amounts (Next Fiscal Year)	Planned Disbursements			Justification for Requested Action
								2019-20 (Next Fiscal Year)	2020-21 (1st out-year)	2021-22 (2nd out-year)	
Special Revenue Funds - Other	ILSF	-	ATL	Appropriation: Ch. 50, Laws of 2012.	Consists of statutory payments (50% to non-NYC counties and \$40 million to NYC);	\$ 81,000,000	\$ 3,915,000	\$ 2,000,000	\$ 1,915,000	\$ -	Consists of remainder of undisbursed funds for Distribution #3; Distribution #2; Counsel at First Appearance grant; immigration resource centers grant; and upstate caseload reduction grant. 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 (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. Re-appropriation needed to support programs enumerated above. Expectation is that re-appropriation will continue one year.
FY 2012-13				Reappropriation: Ch. 50 of the Laws of 2013	Distribution #3 (year 1) Distribution #2 (year 2);						
				Reappropriation: Ch. 50 of Laws of 2014	Counsel at First Appearance grant (year 2);						
				Reappropriation: Ch. 53 of Laws of 2015	Immigration Resource Centers grant (year 2);						
				Reappropriation: Ch. 53 of Laws of 2016	and Upstate Caseload Reduction grant (year 1).						
				Reappropriation: Ch. 53 of Laws of 2017							
				Reappropriation: Ch. 53 of Laws of 2018							

(A)				(B)	(C)	(D)	(E)	(F)			(G)
Fund Type	Fund	Subfund	SO/ ATL	Chapter/ Section/ Year	Program Name/Appropriation	Original Appropriation Amount	Estimated Reappropriation Amounts (Next Fiscal Year)	2019-20 (Next Fiscal Year)	2020-21 (1st out-year)	2021-22 (2nd out-year)	Justification for Requested Action
Special Revenue Funds - Other	ILSF	-	ATL	Appropriation: Ch. 50 of the Laws of 2013	Consists of 25% statutory payment/\$40 million to NYC;	\$ 81,000,000	\$ 11,627,000	\$ 5,700,000	\$ 2,900,000	\$ 1,450,000	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 grant. 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 of maximum national norms in counties outside New York City (year 2). Re-appropriation needed to support programs enumerated above. Expectation is that re-appropriation will continue more than two years
FY 2013-14				Reappropriation: Ch. 50 of Laws of 2014	Distribution #4 (year 1) Distribution #3 (year 2) Distribution #2 (year 3);						
				Reappropriation: Ch. 53 of Laws of 2015	Counsel at First Appearance grant (year 3);						
				Reappropriation: Ch. 53 of Laws of 2016	immigration resource centers grant (year 3);						
				Reappropriation: Ch. 53 of Laws of 2017	and upstate caseload reduction grant (year 2).						
				Reappropriation: Ch. 53 of Laws of 2018							

(A)				(B)	(C)	(D)	(E)	(F)			(G)
Fund Type	Fund	Subfund	SG/ATL	Chapter/Section/Year	Program Name/Appropriation	Original Appropriation Amount	Estimated Reappropriation Amounts (Next Fiscal Year)	2019-20 (Next Fiscal Year)	2020-21 (1st out-year)	2021-22 (2nd out-year)	Justification for Requested Action
Special Revenue Funds - Other	ILSF	-	ATL	Appropriation: Ch. 50 of the Laws of 2014	Consists of \$40 million statutory payment to NYC;	\$ 81,000,000	\$19,402,000	\$ 9,701,000	\$ 4,600,000	\$ 2,400,000	<p>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</p> <p>On 9.28.14, ILS Board authorized allocation of FY 2014-15 \$81 million Local Aid appropriation, as follows:</p> <p>(1) \$40 million in March, 2015 statutory distribution (\$40 million for NYC);</p> <p>(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);</p> <p>(3) \$4,000,000 in grants to provide counsel at first court appearance in upstate City Courts and Town and Village Courts (year 1);</p> <p>(4) \$870,138/yr. for each of three small grants – year 1 for each);</p> <p>(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);</p> <p>and (6) \$80,000 and \$98,658, respectively, for two single source contracts (year 1 for each).</p> <p>Re-appropriation needed to support programs enumerated above. Expectation is that re-appropriation will continue more than two years.</p>
FY 2014-15				Reappropriation: Ch. 53 of Laws of 2015	Distribution #5 (year 1) Distribution #4 (year 2) Distribution #3 (year 3);						
				Reappropriation: Ch. 53 of Laws of 2016	Counsel at First Appearance grant (year 1);						
				Reappropriation: Ch. 53 of Laws of 2017	upstate caseload reduction grant (year 3);						
				Reappropriation: Ch. 53 of Laws of 2018	and three small grants/pilot programs (year 1).						

(A)				(B)	(C)	(D)	(E)	(F)			(G)
Fund Type	Fund	Subfund	SO/ATL	Chapter/Section/Year	Program Name/Appropriation	Original Appropriation Amount	Estimated Reappropriation Amounts (Next Fiscal Year)	2019-20 (Next Fiscal Year)	2020-21 (1st out-year)	2021-22 (2nd out-year)	Justification for Requested Action
Special Revenue Funds - Other	ILSF	-	ATL	Appropriation: Ch. 53 of Laws of 2015	Consists of \$40 million statutory payment to NYC;	\$ 84,000,000	\$ 28,868,000	\$ 14,500,000	\$ 7,100,000	\$ 3,500,000	<p>Consists of remainder of funds for Distribution #6; Distribution #5; Distribution #4; Counsel of First Appearance grant; Upstate caseload reduction grant; three small grants; and Hurrell-Harring funding</p> <p>On 9.25.15, ILS Board authorized allocation of FY 2015-16 \$84 million Local Aid appropriation, as follows:</p> <p>(1) \$40 million in March, 2016 statutory distribution (\$40 million for NYC);</p> <p>(2) \$30,210,924 in general distributions to restore counties (and NYC) to their level of state funding in 2010 (Distribution #4 – year 3; Distribution #5 – year 2; and Distribution #6 – year 1);</p> <p>(3) \$4,000,000 in grants to provide counsel at first court appearance in upstate City Courts and Town and Village Courts (year 2);</p> <p>(4) \$870,138/yr. for each of three small grants – year 2 for each);</p> <p>(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</p> <p>(6) \$80,000 and \$98,658, respectively, for two single source contracts (year 2 for each);</p> <p>(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> <p>Re-appropriation needed to support programs enumerated above. Expectation is that re-appropriation will continue more than two years</p>
FY 2015-16				Reappropriation: Ch. 53 of Laws of 2016	Distribution #6 (year 1) Distribution #5 (year 2) Distribution #4 (year 3);						
				Reappropriation: Ch. 53 of Laws of 2017	Counsel at First Appearance grant (year 2);						
				Reappropriation: Ch. 53 of Laws of 2018	Upstate caseload reduction grant (year 1); three small grants/pilot programs (year 2); and Hurrell-Harring funding (\$1 million CAFA "interim" funding & \$2						

(A)				(B)	(C)	(D)	(E)	(F)			(G)
Fund Type	Fund	Subfund	SO/ATL	Chapter/Section/Year	Program Name/Appropriation	Original Appropriation Amount	Estimated Reappropriation Amounts (Next Fiscal Year)	Planned Disbursements			Justification for Requested Action
								2019-20 (Next Fiscal Year)	2020-21 (1st out-year)	2021-22 (2nd out-year)	
Special Revenue Funds - Other	ILSF	-	ATL	Appropriation: Ch. 53 of Laws of 2016	Consists of \$40 million statutory payment to NYC;	\$ 96,200,000	\$ 40,666,000	\$ 20,000,000	\$ 10,000,000	\$ 5,000,000	<p>Consists of remainder of funds for Distribution #7; Distribution #6; Distribution #8; Counsel at First Appearance grant; Upstate caseload reduction grant; three small grants; and Hurrell-Harring funding.</p> <p>On 9.23.16, ILS Board authorized allocation of FY 2016-17 \$96.2 million Local Aid appropriation, as follows:</p> <p>(1) \$40 million in March, 2017 statutory distribution (\$40 million to NYC);</p> <p>(2) \$30,210,924 in general distributions to restore counties (and NYC) to their level of state funding in 2010 (Distribution #5 - year 3 - \$15,468,228; Distribution #6 - year 2 - \$7,361,326; and Distribution #7 - year 1 - \$7,361,326;</p> <p>(3) \$4,000,000 in grants to provide counsel at first court appearance in upstate City Courts and Town and Village Courts (year 3);</p> <p>(4) \$870,138/yr. for Family Court RFP pilot program - year 3;</p> <p>(5) redirected funding to supplement Counsel at Arraignment RFP</p> <p>(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);</p> <p>(7) \$80,000 and \$96,658, respectively, for two single source contracts (year 3 for each);</p> <p>(8) \$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.</p>
FY 2016-17				Reappropriation: Ch. 53 of Laws of 2017	Distribution #7 (year 1) Distribution #6 (year 2) Distribution #5 (year 3);						
				Reappropriation: Ch. 53 of Laws of 2018	Counsel at First Appearance 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 - \$2 million Quality Improvement funding; \$800,000 continued RFP funding; and \$10.4 million Caseload Relief "tangible steps" funding.						

(A)				(B)	(C)	(D)	(E)	(F)			(G)
Fund Type	Fund	Subfund	SO/ ATL	Chapter/ Section/ Year	Program Name/Appropriation	Original Appropriation Amount	Estimated Reappropriation Amounts (Next Fiscal Year)	2019-20 (Next Fiscal Year)	2020-21 (1st out-year)	2021-22 (2nd out-year)	Justification for Requested Action
											Re-appropriation needed to support programs enumerated above. Expectation is that re-appropriation will continue more than two years.

(A)				(B)	(C)	(D)	(E)	(F)			(G)
Fund Type	Fund	Subfund	SQ/ ATL	Chapter/ Section/ Year	Program Name/Appropriation	Original Appropriation Amount	Estimated Reappropriation Amounts (Next Fiscal Year)	Planned Disbursements			Justification for Requested Action
								2019-20 (Next Fiscal Year)	2020-21 (1st out-year)	2021-22 (2nd out-year)	
Special Revenue Funds - Other FY 2017-18	ILSF	-	ATL	Appropriation: Ch. 53 of Laws of 2017 Reappropriation: Ch. 53 of Laws of 2018	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 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; \$500,000 continued RFP funding; and \$19.0 million Caseload Relief funding).	\$104,810,000	\$61,953,000	\$ 20,000,000	\$ 20,000,000	\$ 10,000,000	Consists of remainder of funds distributions, competitive grants and Hurrell-Harring reforms. 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) \$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 (6) \$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. Re-appropriation needed to support programs enumerated above.

(A)				(B)	(C)	(D)	(E)	(F)			(G)
Fund Type	Fund	Subfund	SO/ ATL	Chapter/ Section/ Year	Program Name/Appropriation	Original Appropriation Amount	Estimated Reappropriation Amounts (Next Fiscal Year)	Planned Disbursements			Justification for Requested Action
								2019-20 (Next Fiscal Year)	2020-21 (1st out-year)	2021-22 (2nd out-year)	
Special Revenue Funds - Other FY 2018-19	ILSF	-	ATL	Appropriation: Ch. 53 of the Laws of 2018	Consists of \$40 million statutory payment to NYC; Distribution #9 (year 1) Distribution #8 (year 2) Distribution #7 (year 3); Counsel at First Appearance grant (year 2); Assigned Counsel Program RFP (year 2); Parental Representation Quality Improvement RFP (year 1); Regional Immigration Center (year 1); 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); Statewide Expansion of HH reforms (\$50,700)	\$ 155,530,000	\$ 155,480,000	\$ 60,000,000	\$ 40,000,000	\$ 30,000,000	Consists of remainder of funds distributions, competitive grants, Hurrell-Harring reforms, and Statewide Expansion of HH reforms. On 9.28.18, ILS Board authorized allocation of FY 2018-19 \$155.5 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 #7 - year 3 - \$7,361,326; Distribution #8 - year 2 - \$15,488,228); and Distribution #9 - year 1 - \$7,361,326; (3) \$5,740,278 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 Assigned Counsel Program RFP program - year 2; (5) 3,308,520 in grants to finance programs to continue or establish Regional Immigration Assistance Centers (year 1); (6) \$870,139 in grants for Parental Representation Quality Improvement Grants (year 1); (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; (8) \$50,720,000 to implement the first year of the five year Statewide Expansion of HH reforms. Re-appropriation needed to support programs enumerated above.

(A)				(B)	(C)	(D)	(E)	(F)			(G)
Fund Type	Fund	Subfund	SO/	Chapter/ Section/ Year	Program Name/Appropriation	Original Appropriation Amount	Estimated Reappropriation Amounts (Next Fiscal Year)	Planned Disbursements			Justification for Requested Action
			ATL					2019-20 (Next Fiscal Year)	2020-21 (1st out-year)	2021-22 (2nd out-year)	
Special Revenue Funds - Other FY 2015-16	ILSF	-	SO	Appropriation: Ch. 50 of Laws of 2015 Reappropriation: Ch. 55 of Laws of 2016 Reappropriation Ch. 50 of Laws of 2017 Reappropriation Ch. 50 of Laws of 2018	Office of Indigent Legal Services	\$ 500,000	\$70,000	\$ 35,000	\$ 35,000	\$ -	Funds needed in FY 2018-19 to satisfy contractual obligations (\$500,000) under the terms of the Hurrell-Harring settlement, including: (1) four-year single source contract (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) RFP for caseload standards 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) approximately \$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). Re-appropriation needed to support programs enumerated above. Expectation is that re-appropriation will continue one year.