

Dear ILS Board members, public defense leaders, county and city officials, and my office colleagues,

The final “tentative” budget amounts in our latest chart (attached) demonstrate that we have apparently failed, for this year, in our effort to increase the amount of state funding for improving the quality of representation in all localities except the five counties within the contours of the *Hurrell-Harring* settlement agreement. (I say “apparently” because we have not stopped trying to change the decision). Specifically, we have failed in our effort to retain the \$3 million increase in Aid to Localities that the Assembly included in its One-House budget and, until very recently, for which it appeared that the Assembly members at the Public Protection budget table had been afforded sufficient funding authorization to make part of the final State appropriation.

Now some might say – and some have said – that this is a successful budget result, because the final agency appropriation of \$87 million constitutes a \$4.1 million increase over current funding. And indeed we not only acknowledge, but we are grateful, that the final budget will reflect that the State of New York has fulfilled the fiscal obligations which it undertook when it entered into the H-H agreement. Furthermore, we will put this additional funding to very good use as we work with the five counties and their public defense providers to plan and begin to implement the many vital improvements mandated by the settlement provisions. But in truth the final budget result is deeply disappointing; indeed it is galling. To have advocated so long and so hard on behalf of long-neglected clients and the providers who try their best to represent them effectively, in close cooperation with proud, substantive, serious and socially responsible organizations like NYSDA, NYSAC, NYSBA, Modern Courts, CDANY, and the NYCLU; to have sought \$28 million as a first installment of a five year statewide fiscal recovery plan that would address the needs of all counties, all providers, all clients; to have apparently come away with \$3 million of that amount - \$3 million which we would have targeted to the most desperate among the many distressing local deficiencies in representation; and then to have that \$3 million disappear at the eleventh hour: that hurts and hurts badly. That disappointment is real, it is shared by all of us, and it must be acknowledged.

All that said, let me assure you that no one in this Office or on the ILS Board is going to spend more than a New York Minute in mourning or passivity. We are moving ahead with Quality Improvement Distribution #5, with the selection and establishment of Regional Immigration Assistance Centers, with the development of new RFPs for two Model Upstate Parental Representation Offices, two Wrongful Conviction Prevention Offices, and six grants for the creation or upgrading of Assigned Counsel Programs. We are assessing the impact of the existing counsel at first appearance (CAFA) programs; our statewide criminal defense and parental representation list serves are flourishing; and we are working on Standards and Best Practices for parental representation and for assigned counsel programs. This quality improvement work goes on every day and involves every county and New York City. It does not stop because a budget disappoints.

With respect to H-H, we have created five internal implementation planning teams that have been hard at work since well before the settlement was final, and well before the hiring of new staff to take on the job of implementation. (Our Chief Implementation Attorney posting has an April 3 deadline. Four additional attorney positions should be posted in mid-April). On the morning following our receipt of the final settlement agreement, we wrote to the Executive or Administrator and the County Attorney in each of the five counties to schedule an initial planning meeting at the earliest possible time. Those meetings begin next week.

I want to return to the three words I underlined in the very first line of this message. I did this not just because I am a stubborn old cuss, but also because I think it is important for us to remember that this is the first year that we – all the organizations I mentioned above – have worked together so closely and so cooperatively. For example, under the leadership of Tim Donaher and Lisa Schreibersdorf, the Chief Defenders Association of New York (CDANY) conducted a successful Lobby Day at the State Capitol in its very first year. Jonathan Gradess devoted the lion's share of NYSDA's budget testimony to advocate for the ILS budget request. Modern Courts jumped into the fray with not one but two letters of eloquent support (thank you, Denise Kronstadt). NYSAC's President, Oneida County Executive Tony Picente, highlighted our budget request in his public testimony, as did NYCLU's Corey Stoughton in hers and NYSBA's President Glenn Lau-Kee in his. Even if we lost badly needed funding at the end, we raised the visibility and the urgency and the undeniability of the need. As we continue to work together, our power and our influence will grow. As we begin to implement H-H, the injustice of the state's patchwork funding will become ever more obvious and indefensible. Let us not forget that our cause is just and our determination to achieve equal justice and constitutional compliance is deep. Let's carry on.

It is truly an honor to work with such good people, on behalf of people whose need for justice is so profound.

**FY 2015-16 ILS Final Budget (tentative)**

	<b>FY 2014-15</b>	<b>Budget Request</b>	<b>Executive</b>	<b>Assembly</b>	<b>Senate</b>	<b>Final</b>
<b>State Operations</b>	\$1.9 million	\$6.45 million	\$2.9 million*	\$3.2 million*	\$2.9 million*	\$3.0 million*
<b>Aid to Localities</b>	\$81 million	\$112 million	\$84 million**	\$87 million**	\$84 million**	\$84 million**
<b>All Funds</b>	\$82.9 million	\$118.45 million	\$86.9 million	\$90.2 million	\$86.9 million	\$87 million

**State Operations:**

- **\*Hurrell-Harring Settlement Implementation**
  - \$1 million is dedicated to implementing the *Hurrell-Harring* settlement, with \$500,000 available for costs associated with tracking systems to accurately track and report caseloads/workloads of attorneys and \$500,000 available for Office operations (\$315,000 for hiring staff and \$185,000 for non-personal service items).

**Aid to Localities:**

- **\*\*Hurrell-Harring Settlement Implementation**
  - \$3 million is dedicated to implementing the *Hurrell-Harring* settlement, with \$1 million to pay county costs for “interim steps” to implement the ILS plan for providing counsel at arraignment and \$2 million to accomplish the objective of improving the quality of indigent defense.