

RESOLUTION

Re: Urging the adoption of S.4311-A / A.9087-A, Supporting the Creation of an Independent Public Defense Commission

Whereas, the right of accused individuals to legal representation regardless of their financial ability to hire an attorney is a hallmark of this State and Nation's commitment to equal justice; and

Whereas, the right to counsel is enshrined in the landmark decisions *Gideon v Wainwright* (United States Supreme Court, 1963) and *People v Witek* (New York State Court of Appeals, 1965) and decisions following them; and

Whereas, in 1965 New York State began requiring the counties and New York City to provide legal services mandated by law, setting out in Article 18-B of the County Law a variety of programs that could be adopted for that purpose, for both criminal and non-criminal matters in which a right to counsel exists, all at local expense; and

Whereas, the public defense system established by Article 18-B, local costs for which were originally envisioned as being offset by state revenue sharing funds, has devolved into an underfunded state mandate that fails to ensure efficient, high-quality representation to eligible clients across the state, resulting in an ongoing crisis in the justice system; and

Whereas, major flaws in the current patchwork system include lack of enforceable standards, lack of independence of the defense function, lack of adequate funding, lack of accountability, and even delaying or denying counsel to eligible clients; and

Whereas, a commission appointed by Chief Judge Judith S. Kaye concluded in 2006 that a new, fully state-funded, statewide public defender system headed by an independent public defense commission is needed to guarantee the right to counsel in New York State; and

Whereas, this new system is to be truly independent, entirely and adequately state funded, authorized to provide mandated legal service providers statewide through regional offices and contracts with programs able to meet relevant standards, and required to engage in standards-based, ongoing oversight of mandated legal services; and

Whereas, bi-partisan legislation to implement the recommendations of the Kaye Commission has been introduced in both houses of the New York State Legislature; and

Whereas, the recommendations of the Kaye Commission also have the support of the Governor,

Now therefore, be it resolved:

That the Buffalo Common Council supports the creation by New York State of an independent public defense commission heading a statewide public defender system as recommended by the Kaye Commission and supported by the Governor and State Legislators of both parties.

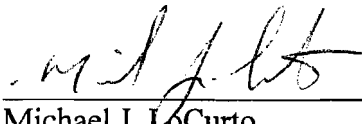
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Be it further resolved:

That the Buffalo Common Council encourages the Chief Judge, the Governor, State Legislators of both parties, and others to continue efforts to bring about public defense reform.

Be it further resolved:

That copies of this resolution be forwarded to New York State Chief Judge Judith S. Kaye, New York State Governor Eliot Spitzer, the leadership in the New York State Senate and Assembly, Chairs of the Codes and Judiciary Committees of the New York State Senate and Assembly, New York State Association of Counties, the Campaign for an Independent Public Defense Commission, and the Western New York Delegation

A handwritten signature in dark ink, appearing to read "Michael J. LoCurto", is written over a horizontal line.

Michael J. LoCurto