

**ACT NO. 756-2007** by Mrs. Abers, Mr. Baker, Mr. E. Ellis, Mr. Moser,  
Mr. McClune, Mrs. Witte, Mr. Sprague and Mr. Krause  
who ask immediate consideration

**REQUESTING NEW YORK STATE TAKE OVER  
PUBLIC DEFENSE SYSTEM**

Pursuant to Section 153 of the County Law.

WHEREAS, the National Legal Aid and Defender's Association, as part of a series of reports prepared for the New York State Defender's Association, graded six counties on public defense services, and

WHEREAS, the six counties - Cattaraugus, Niagara, Ontario, Schuyler, Tioga and Washington - were graded on their compliance with the American Bar Association's ten principles of a public defense delivery system, which lay out fundamental criteria for a system of representation for all defendants, regardless of their ability to afford a private lawyer, and

WHEREAS, the report recommended substantial increases in the number of public defenders and salary paid to those defenders, and

WHEREAS, the current salaries for the Public Defender's Office are in accordance with the County's salary structure, and

WHEREAS, a major increase in both staffing and salaries would be solely funded by the County's taxpayers, and

WHEREAS, New York State is one of the few states that places the cost of public defense services on counties, and

WHEREAS, few, if any, counties in New York State could comply with the staffing and salary requirements proposed by the study, and

WHEREAS, New York State should take over the public defense system in New York State, now, therefore, be it

RESOLVED, that the Cattaraugus County Legislature hereby supports the take over by New York State of the public defense system *and the necessary funding*<sup>1</sup>, and be it further

RESOLVED, that the Clerk of the Legislature is hereby directed to forward certified copies of this resolution to the Court of Appeals Chief Justice Judith Kaye, the New York State Association of Counties, and the Western New York Inter-County Association.

MR. MOSER moved, seconded by Mrs. Witte to waive Rule 12. Carried.

<sup>1</sup> MR. McCLUNE moved, seconded by Mr. Schafer to amend Act No. 757-2007 as follows: In the first Resolved, after "system" add the following: "and the necessary funding". Carried.

Adopted, as amended, December 12, 2007 by voice vote.