

**RESOLUTION NO. 371 MEMORIALIZATION-PUBLIC
DEFENDER/SUPPORTING THE CREATION OF AN
INDEPENDENT PUBLIC DEFENSE COMMISSION
AND**

**STATEWIDE PUBLIC DEFENSE SYSTEM AS RECOMMENDED BY THE
KAYE COMMISSION-S.4311-A. and A.9087-A**

Legislator Zambito offered the following resolution:

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 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 financially burdens the counties and New York City, 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 also have the support of the Governor. Now, therefore, Be it

RESOLVED, That the Genesee County Legislature 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, and Be it further

RESOLVED, That the Genesee County Legislature agrees with the Kaye Commission that as to this much-needed public defense reform "the time for further study is over" and "[t]he time for action is now," and Be it further

RESOLVED, That the Genesee County Legislature encourages the Chief Judge, the Governor, State Legislators of both parties and others to continue efforts to bring about public defense reform by supporting Bill Numbers S.4311-A and A.9087-A, and Be it further

RESOLVED, That certified copies of this resolution be sent to New York State Governor Elliot Spitzer, Senator Mary Lou Rath, Assemblymen Stephen Hawley and Daniel Burling, NYSAC, and InterCounty Association of Western New York.

Legislator Grasso seconded the resolution which was adopted by 326 votes.
New York

County of Genesee

I hereby certify that the foregoing is a true and correct transcript of a resolution duly adopted by the Genesee County Legislature on the 24th day of October 2007.

Dated, Batavia, New York

October 25, 2007

Carolyn P. Pratt

Clerk of the Genesee County Legislature