



# New York State Defenders JUSTICE FUND

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## SUPPORT A.8793/S.6002

We support this bill and urge its passage.

Although the bill falls short of Judge Kaye's call for full takeover by the State of all fiscal as well as administrative responsibility for the state and federal public defense mandate, the Public Defense Act of 2009, A. 8793/S.6002, provides for standards-driven oversight of public defense services statewide by an independent body free from political interference.

This will help improve the legal services offered to individuals unable to afford counsel in criminal and family court and in other proceedings in which a right to counsel exists. Furthermore, the Act provides for a statewide system of public defense services, replacing the patchwork of plans and programs that now exists. The bill will improve the direct provision of public defense services and improve the workings of the entire justice system. The Commission would be empowered to analyze the needs of the public defense system and make broad based cost-effective constitutionally required improvements in the delivery of services.

The phase-in period provided for in the bill will give the Commission time to complete its initial duties:

- evaluate the existing county-by-county public defense system,
- calculate the current cost of public defense services and that cost subjected to economies of scale, reduction of waste, elimination of duplication and compliance with best practices,
- appoint the state defender who will bring on appropriate staff,
- set standards for public defense services to ensure quality representation, and
- promulgate a strategic plan for the administration and funding of public defense services throughout the state.

While providing time for careful planning, the bill brooks no delay in beginning this long-overdue reform, calling for Commission appointments to be made within sixty days of enactment.

The structure set out in the bill will ensure independence of public defense services, which the Justice Fund supports. Nominees for appointment are to be selected from sources with a variety of professional interests ensuring the truly independent atmosphere required for the defense function and the thirteen members of the Commission are to reflect the geographic, racial, ethnic and gender makeup of the State and the cultural diversity of the State's public defense clients.

The Justice Fund fully supports passage of the Public Defense Reform Act of 2009, A.8793/S.6002.

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