

**RESOLUTION
NEW YORK STATE BAR ASSOCIATION
HOUSE OF DELEGATES, JUNE 30, 2007**

WHEREAS, in June 2006 the Chief Judge's Commission on the Future of Indigent Defense Service released its final report evaluating New York's system of criminal indigent representation and recommending reform of the indigent defense system, including the establishment of a statewide, state-funded system with an independent public defense commission to oversee the quality and delivery of public defense services; and

WHEREAS, the Special Committee to Ensure Quality of Mandated Representation has reviewed the report of the Chief Judge's Commission and supports the recommendations contained therein, and

WHEREAS, the Association has previously supported several recommendations contained in the report, including the creation of an independent, statewide oversight body for defense providers; the adoption and enforcement of statewide standards for the provision of quality public defense services; and programs to provide free or low cost specialized training to those representing eligible defendants;

NOW, THEREFORE, IT IS

RESOLVED, that the New York State Bar Association hereby approves the report of the Special Committee on Quality of Mandated Representation and endorses the recommendations of the Chief Judge's Commission on the Future of Indigent Defense Services; and it is further

RESOLVED, that appropriate entities within the Association should be designated to develop and pursue legislation to establish an Indigent Defense Commission with broad powers to adopt standards, evaluate providers, and generally organize, supervise and assume general responsibility for the operation of New York's public defense system; and it is further

RESOLVED that the Association specifically endorses the recommendation of the Chief Judge's Commission that the newly created Indigent Defense Commission evaluate all existing programs, and the providers of services for said programs, and contract with those providers who meet quality standards and will best serve indigent clients within each region of the state, subject to consideration of the continuation of existing county programs that deliver representation to indigent criminal defendants through contracted providers as well as County Law 18-B assignments; and it is further

RESOLVED that the Association recommends that in evaluating existing providers and deciding which providers should be contracted with, the Indigent Defense Commission should solicit the input of local bar associations and other interested groups; and it is further

RESOLVED that whereas Chief Judge Kaye's Commission identified inadequate funding as one of the root causes of the failings of the current indigent defense system, the State Bar Association expresses its strong recommendation that there must be adequate funding for all components of any new system, specifically including any retained existing providers, whose funding levels must be maintained or increased to adequate levels; and it is further

RESOLVED, that the officers of the Association are hereby empowered to take such other and further steps as they may deem necessary to pursue implementation of these recommendations.