

RESOLUTION NO. 338-2007

RESOLUTION - SUPPORTING THE CREATION OF AN INDEPENDENT
PUBLIC DEFENSE COMMISSION AND STATEWIDE PUBLIC
DEFENSE SYSTEM AS RECOMMENDED BY THE KAYE COMMISSION

FOURNIER, FELDSTEIN, STAYTON, POWERS

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, New York State's commitment to equal justice dates back to colonial days, as the *Witek* decision noted, and our courts had a century-long tradition of appointing counsel for the poor by the time the Sixth Amendment to the United States Constitution was adopted as part of the Bill of Rights; 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, all at local expense; and

WHEREAS, County Law Article 18-B also requires the counties and New York City to provide counsel for eligible litigants in various non-criminal matters in which a right to counsel exists, including certain Family Court matters; and

WHEREAS, the public defense system established by Article 18-B, local costs

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 into 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 Otsego County 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 Otsego County 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 Otsego County encourages the Chief Judge, the Governor, State Legislators of both parties, and others to continue efforts to bring about public defense reform; and be it further

