

RESOLUTION NO. 247

ENDORISING THE CRITERIA AND PROCEDURES FOR DETERMINING ASSIGNED COUNSEL ELIGIBILITY PROMULGATED BY THE NEW YORK STATE OFFICE OF INDIGENT LEGAL SERVICES

Introduced: 6/13/16

By Mr. Ward:

WHEREAS, In 2015, the New York State Office of Indigent Legal Services (ILS) was designated by the State of New York to implement the settlement of the class action lawsuit *Hurrell-Harring v. State of New York*, and as part of fulfilling that responsibility undertook its own comprehensive examination of eligibility processes across the State for the assignment of counsel, and

WHEREAS, ILS then developed, with the assistance of the New York State Defenders Association and others, and has now promulgated “Criteria and Procedures for Determining Assigned Counsel Eligibility” consistent with the agreed-upon terms of the *Hurrell-Harring* settlement relating to eligibility determinations and pursuant to its authority under Executive Law §832(3)(c), and

WHEREAS, implementation of those ILS standards to offer guidance in determining eligibility will improve the fairness and efficiency of eligibility determinations across the State, benefitting potential public defense clients, the judiciary and justice, now, therefore be it

RESOLVED, that the Albany County Legislature hereby fully endorses the “Criteria and Procedures for Determining Assigned Counsel Eligibility” promulgated by ILS on April 4, 2016, and, be it further

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the Governor, the New York State Senate, Senator Neil Breslin, Senator George Amedore, the New York State Assembly, Assemblymember John McDonald, Assemblymember Patricia Fahy, Assemblymember Phillip Steck and the appropriate County Officials.

Referred to Law Committee. 6/13/16