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**THE LEAGUE
OF WOMEN VOTERS**
of New York State

NOVEMBER 6, 2009

MEMORANDUM IN SUPPORT OF:
A.8793 Lentol/S.6002 Schneiderman

The League of Women Voters of New York State strongly urges your support for the Public Defense Act of 2009, (A. 8793/S.6002) to improve the legal services offered to individuals unable to afford counsel in criminal and family courts as well as in other proceedings in which a right to counsel exists.

Although the bill falls short of Judge Kaye's call for full takeover by the State of all fiscal as well as administrative responsibilities, the proposed legislation provides for a much needed 'standards-driven' oversight of public defense services statewide by an independent body free from political interference.

The Act provides for a statewide system of public defense services, replacing the patchwork of plans and programs that now exists. 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 initial duties of the Commission during the phase- in period are to:

- evaluate the existing county-by-county public defense system;
- calculate the current cost of public defense services;
- determine savings through economies of scale, reduction of waste, elimination of duplication and compliance through the use of 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.

Nominees for appointment are to be selected from a variety of professional interests ensuring the independence required 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.

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 the independence of public defense services, a goal the League has been working for since 1995.

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