

Criminal Defense Trials - General Information

In the 50 years since the United States Supreme Court decided [*Gideon v Wainwright*](#), 372 U.S. 335 (1963), widespread, systemic obstacles to fulfilling the constitutional right to counsel for indigent defendants have persisted in New York State. These obstacles include excessive caseloads, unreasonably low salaries for attorneys and support staff, inadequate office facilities, lack of sufficient funding for training, investigation, expert witnesses, social work, and support staff, as well as a marked disparity in resources between indigent defense providers and law enforcement agencies.

Despite these obstacles, there are numerous examples throughout New York State of programs and attorneys who provide the highest quality representation for indigent clients. The ideals, structure, and functioning of some of these programs even serve as nationwide models. Nevertheless, the overall system remains in a state of crisis. Indeed, the uneven and unsatisfactory performance of New York State in achieving Gideon's promise was well-documented by the 2006 [*Kaye Commission Report*](#).

The Office of Indigent Legal Services Criminal Defense Trials section is determined to assist providers in their efforts to achieve effective and high quality trial representation. Over time, we will necessarily focus upon assisting counties with their implementation of the recently promulgated ILS [standards for criminal trial and conflict representation](#). Part of this process includes working to develop solutions for core trial representation problems such as excessive caseloads, inadequate staffing, and insufficient support resources.

Additionally, like other ILS practice areas, the Criminal Defense Trial section also strongly believes that fostering relationships between indigent defense providers throughout New York State and creating collaborative efforts to export talent and ideas from County to County is critical if we are to enhance the overall quality of criminal defense practice throughout the State. To this end, we will work closely and

directly with indigent defense providers to implement standards and best practices, promote client-centered representation, examine attorney supervision practices, develop models for consultation in complex cases, encourage collaboration between counties, assist in the creation of training programs, and devise individualized solutions to specific problems that have arisen in a particular county.

New York State Office of Indigent Legal Services Listserv

The New York State Office of Indigent Legal Services administers a listserv for attorneys who represent indigent clients in criminal matters. Any attorney who is employed by a legal aid society, public defender office, conflict defender office, or who accepts assignments from the assigned counsel plan may join the listserv, so long as they do not also contract with prosecutors' offices. To join the listserv, fill out the form [here](#).

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[Criminal Defense](#)

Print

Table of Contents