

Minutes for the Indigent Legal Services Board Meeting

September 24, 2021

11 A.M.

Virtual Meeting on WebEx

Board Members Present: Chief Judge Janet DiFiore, Judge Carmen Ciparick, Judge Sheila DiTullio, Joe Mareane, Lenny Noisette, Vince Doyle

ILS Office presenters: Patricia Warth, Angela Burton, Nora Christenson

Guest presenters: Susan Bryant and Bill Leahy

Minutes taken by: Mindy Jeng

I. Approval of Minutes of June 11, 2021 meeting

A board member moved to approve the minutes, and the motion was seconded. A vote was taken, and the minutes were approved unanimously.

II. Allocation of FY 2021-22 Aid to Localities Appropriation (vote)

Patricia Warth stated that the total appropriation for Aid to Localities for fiscal year 2021-2022 is \$307,310,000. The appropriation includes a \$40 million statutory distribution to New York City, \$30.2 million in Quality Enhancement Distributions, \$10.7 million in competitive grants, \$23.8 million for Hurrell-Harring (HH) settlement implementation, \$200 million for HH statewide implementation, and \$2.5 million for improved parental representation.

Patricia said that the ILS HH statewide team is working diligently to collaborate with mandated defense providers and county officials to develop plans and budgets for HH statewide implementation. The HH settlement team continues to work with the five defendant counties on successful settlement implementation. For the \$2.5 million for parental representation, at the June 2021 meeting, the ILS Board authorized ILS to disburse that money via a request-for-proposals (RFP). With \$2.5 million, ILS can only issue 5 awards. ILS issued the RFP in August with a deadline of September 17th. On that date, ILS received 25 proposals - a strong indication of county need, willingness, and capacity to use state funding to improve the quality of parental representation.

The \$30.2 million for Quality Enhancement Distributions is composed of Distributions 10, 11, and 12. The Board has previously approved use of ILS funds for Distributions 10 and 11, and ILS has issued contracts for these Distributions. For allocation of this year's funding, ILS asks that the Board approve the third year of Distribution 10, the second year of Distribution 11, and the first year of Distribution 12. Upon Board approval of the Aid to Localities appropriation, ILS will take steps necessary to solicit proposals for Distribution 12. Patricia then explained that the \$10.7

million for competitive grant funding needs to be used to maintain these existing grants: the third Upstate Quality Improvement and Caseload grant (3rd year), the 2nd Upstate Model Family Defense Office (3rd year), and the fourth Counsel at First Appearance grant (1st year).

A board member asked how ILS will determine which of the 25 applicants for the \$2.5 million RFP will be awarded the money. Patricia stated that the ILS has created an award team for this RFP, which is composed of ILS staff. The team will score and identify the top five applications in accordance with the scoring criteria set forth in the RFP.

A motion to approve the appropriation was made and seconded. The motion was unanimously carried; no board members were opposed.

III. ILS Budget Request for FY 2022-23 (vote)

Patricia stated that every year ILS presents its proposed budget for the following fiscal year at the September Board meeting. Usually in October, we get a request from Division of Budget (DOB) to submit the ILS budget request, and ILS needs the Board's approval to respond. (In accordance with the schedule outlined in the call letter, agencies typically submit their budget requests to the Division of the Budget in early-mid fall.)

For FY 2022-23, ILS is asking the Board to approve a total budget request amount of \$370,756,000: of this, \$363.81 is for Aid to Localities and \$6.946 is for State Operations. This is an increase of \$56.9 million over the fiscal year 2021 budget.

Of the \$363 million in Aid to Localities funding, the budget proposal will continue ILS distributions and grants. The Aid to Localities funding includes \$40 million that is statutorily guaranteed to New York City. \$23.8 million is to continue the funding needed for the successful implementation of the HH settlement. \$250 million is for statewide expansion of HH settlement. This is the fifth year of a five-year build up, and a \$50 million increase from last year's appropriation. The \$250 million for the HH statewide includes a transfer of funding to State Operations needed for the two Data Officers ILS hired, who have both been doing tremendous work. It also includes an estimated \$1.3 million in funds for the creation of the first Regional Support Center in Western New York. For the regional center, ILS first received approval from the DOB for the transfer in early 2020. Then the hiring freeze went into effect with the pandemic. ILS engaged in conversations with the DOB team, and they have encouraged ILS to take steps to proceed. The \$250 million for HH statewide expansion also includes a requested transfer to State Operations to fund the ILS Statewide Appellate Support Center, a request that the Board has previously approved and is currently pending with DOB.

In addition to that, we propose \$9 million in Aid to Localities for improved parental representation. This is \$6.5 million more than what was appropriated last year, and \$4 million more than the \$5 million request the Board authorized last year. Patricia emphasized that that this amount is necessary to address the crisis in the quality of parental representation, which is fueled by persistent insufficient funding and exacerbated by the pandemic, which has had a destabilizing impact on low-income families. Patricia said, we have asked ourselves, is this request too

audacious? She does not believe it is too audacious. For this \$9 million, ILS anticipates disbursing \$7 million via an RFP process much like the one being used to disburse the \$2.5 million appropriate this fiscal year, and which garnered far more applications than can be funded with just \$2.5 million. ILS would use the remaining \$2 million to issue one or two awards to counties for additional Model Family Representation offices. The previous RFP processes for the two existing model offices resulted 8-10 high quality proposals each, so we know there is county capacity and interest.

Patricia said that for our proposed State Operations budget, ILS is asking for a net increase of two staff positions. For the next fiscal year, we will not fill one already funded position, but will instead request an Assistant IT Manager and two positions for our Parental Representation Unit. The Assistant IT Manager will help ILS meet our ever- growing IT needs, and the two Parental Representation unit positions (a Senior Researchers and Program Manager), will help the unit continue its work to improve the quality of parental representation, implement the ILS assigned counsel eligibility standards and Family Court workload standards, and gather much needed data about the delivery of parental representation across the state.

A board member stated that ILS' proposal for parental representation funding was not an "audacious" request. It is extremely responsible and necessary. There is an urgent need for increased funding for parental representation. The board member noted that she was happy and pleased to see the increased request.

A board member asked about the \$250 million allocated for *Hurrell-Harring* statewide expansion. Is that an adequate number to fully expand HH across the state? Patricia stated that the biggest source of the funding is for caseload relief. The caseload information was first reported to ILS in 2016. It wasn't reported according to the seven defined case types. ILS collected more information on caseloads with respect to case load types. The latest information is for 2020, but 2020 was an anomaly year because of the pandemic. Patricia said we are discerning what if any conclusions we can glean from this information knowing it is an anomaly year. Counties are not saying that it is too much funding. Given the ever-fluctuating nature of the pandemic, it may take a couple years before we have hard data that we can trust. We will move forward with what we have.

A board member observed that there were four vacant positions in the grant management side of the house. The board member asked if ILS is able to keep up given the vacancies. Patricia said that ILS does not have a choice; we must keep up. The Grants Unit, which is managed by Jenn Colvin, has done tremendous work under difficult circumstances. And they know that with additional staff, there is much more they could be doing, such as active outreach to counties, more intense training, and better coordination with the ILS program/attorney staff. There are also vacancies on the HH statewide and settlement teams. Patricia is so proud of everything that the staff has done and their dedication to ILS' mission. But over the coming year, it is imperative that ILS fill our vacant positions.

A board member said that there did not seem to be a particular cost associated with the Appellate Centers in the materials. The board member also echoed others on the Board regarding the parental representation budget request. The board member also noted that the increase in the

staffing is really important. Those things are independently important, and the board member stressed the need for additional staffing. Patricia said that the Appellate Resource Center would be funded by a transfer funding from Aid to Localities to state operations.

A board member said that the parental representation funding request is responsible but also gutsy. The board member asked for more information regarding the context of the timing of the requests. Patricia said that the timing is good for two reasons. First, urgency of improved representation is profound. Providers across the state are coalescing around this issue. People can articulate the need in a compelling way. The second reason that the timing is good is because ILS has shown that the state funding can and will be used effectively. The 25 applications for the RFP to disburse the \$2.5 million highlights that there is much capacity and interest around the state.

A board member asked whether the interest in using ILS funding for improved parental representation was cultivated by ILS. Patricia said that Angela Burton gets a lot of credit for the work she has done with the counties over the years defining what quality representation looks like. Angela and Bill Leahy had laid the groundwork for cultivating interest and a sense of urgency.

A motion was made to approve the ILS FY 2022-2023 budget request and seconded. The budget request was unanimously approved by the Board.

IV. Update: Federal Title IV-E Funding to Improve the Quality of Parental Representation in Child Welfare Proceedings (Angela Burton)

Angela Burton gave an update on federal funding to improve the quality of parental representation in child welfare proceedings. The federal funding is through the Social Security Act. ILS finalized a MOU with the Office of Children and Family Services (OCFS), the designated state agency to act as the fiscal pass-through for this funding. It allows New York State to begin the process of accessing the uncapped stream of federal money to improve the representation of parents in child welfare matters.

Angela gave some context regarding how the funding came to be. On the federal side, David Kelly and Jerry Milner did work around the country about the need for improved quality in parental representation. They put into motion a really deliberate intentional campaign to promote and elevate the need for high quality representation for children and parents. That campaign influenced the very top level of the federal children's bureau. Their advocacy facilitated a lot of change at the top. Their work also dovetails with the NYS Bar Association's recommendations and the Interim Report of the Commission on Parental Legal Representation (the "DiFiore Commission" report).

ILS has worked diligently to implement the recommendations of the DiFiore Commission. ILS issued revised eligibility standards for mandated representation to specifically include Family Court representation and to include specific provisions designed to promote early and timely access to counsel in child welfare proceedings. ILS issued our caseload standards for Family Court matter, and now we are moving to access funding. ILS is also working diligently to get the word out about the federal Title IV-E funding, which can be used to make progress toward the caseload

standards. ILS wrote FAQs for the counties/providers, did a presentation with the Chief Defenders Association of NY, and hopes to work with OCA and OCFS for joint webinars.

A board member asked how the Board can further help in these efforts. Angela said that the Board can support the funding requests in the Legislature. The board member thanked Angela for a very clear and cogent presentation.

A board member said that the amount of work done by Angela and ILS is amazing. The board member asked if the Title IV-E funding is capped or uncapped. Angela said it is uncapped. The funding is an effort by the federal government to encourage improved representation for children and parents.

V. *Hurrell-Harring* Institutional Defender Six-Month Caseload Analysis and Comparison

Nora Christenson said that the HH settlement team continually monitors caseloads as part of their responsibility to ensure that the five institutional providers are on track to be in compliance with the caseload standards.

Toward this end, ILS collected data about new case assignments for the first 6 months of calendar year 2021, and then compared this data to new case assignments for the same time frame in 2019 (pre-pandemic) and 2020 (in the midst of the pandemic). Their data showed a significant increase in new case assignments between 2020 and 2021. ILS also wanted to see if the case assignments were reaching pre-covid numbers (i.e., 2019 data). In 4 out of 5 counties, they have not reached pre-covid numbers, though they are getting close.

Nora stated that the caseload numbers are only one part of the analysis. ILS has also done qualitative research. A lot of cases did not get resolved in 2020. Combined with the efforts to resolve newer cases, providers have a lot of work on their plates. Though this is just for the five HH settlement providers, it is likely a fair representation of what is happening statewide.

A board member stated that in western NY, people are catching up on jury trials. The Assigned Counsel panels only have so many assigned lawyers. Judges are pushing everyone to try their cases. Nora said that ILS has been doing interviews and focus groups. The assigned counsel attorneys are feeling the crunch particularly because they have cases in many different courts. There is a lot of stress on the assigned attorneys and assigned counsel.

VI. Hiring

Patricia announced that two positions were filled within the Grants Unit, one of which was the promotion of Hannah O'Hara to Assistant Grants Manager 1. ILS also hired Burton Phillips for the Counsel position. He used to be Chief of Staff for Senator Hoylman. His hiring paperwork is still pending with the state, so he has not yet started at ILS. A board member welcomed him on behalf of the board.

VII. Presentation of NYSDA Board Resolution Commending Bill Leahy (Susan Bryant, Executive Director, NYSDA)

Patricia stated that NYSDA has worked relentlessly over the past several decades to improve the quality of mandated representation and to provide support and resources to defenders across the state. ILS has a positive and collaborative relationship with NYSDA. For that reason, she was honored to introduce Susan Bryant, NYSDA's Executive Director, to present a special resolution of the NYSDA board.

Susan Bryant said that she was taking this opportunity to formerly present the resolution commending Bill Leahy and express some of the thought that went into it. NYSDA wanted to recognize the tremendous work that Bill Leahy has done. NYSDA has fought for improvements in both criminal and family defense. This work was often done with few state partners. When ILS was created, NYSDA finally had a state partner. With Bill Leahy, there was someone who could fight for public defense. Bill encouraged collaboration and partnership with NYSDA. They have seen significant changes in public defense. Bill helped lead the way for quality representation across New York.

Bill Leahy thanked Susan Bryant and NYSDA for the resolution. Bill noted it was a struggle in the beginning. It feels really good to reflect back on what happened. He noted that there was a necessity for all the oars to be pulling in the same direction. ILS, NYSDA, county officials, state government officials all had to be working together. By and large, we have been able to do that. This resolution is a testament to the fact that wonderful things can happen. The progress is continuing and accelerating, and Bill said that the continuing progress makes him so happy.

Bill said that the commendation is very meaningful to him that it is presented at the ILS Board meeting. He saluted both chiefs: Chief Judge Lippman who was there at the outset and Chief Judge DiFiore. He paid homage to the four original members of the Board: Lenny, Sheila, Mike, and Joe. They have been steadfast. He is still waiting for John Dunne's successor to be named. He finds it very impressive and very fitting that the award is presented at the ILS meeting.

Bill also thanked the ILS staff, who he aptly described as extremely high-quality performers. Many people stepped in to continue the important work of the agency.

VIII. Next Meeting – December 3, 2021

The Chief Judge reminded everyone that the next Board meeting will be on December 3, 2021. It may be in person, depending on the circumstances.

A motion was made to adjourn the meeting and seconded. The meeting concluded at 12:08 pm.

II. Allocation of FY 2021-22 Aid to Localities Appropriation



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Indigent Legal Services

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Kathy Hochul
Governor
Patricia J. Warth
Director

To: Indigent Legal Services Board
From: Patricia Warth
Re: Allocation of ILS FY 2021-22 Aid to Localities Appropriation (\$307.31 million)
Date: September 24, 2021

At each of its previous September meetings, the Board has allocated the ILS Aid to Localities appropriation for the current fiscal year. This annual action enables the Office to: 1) develop grants and distributions as authorized by the Board pursuant to Executive Law § 833(7)(c); 2) describe to providers and county and state officials the precise purposes for which the appropriated funds will be spent; 3) fulfill its obligations to implement the terms of the *Hurrell-Harring* (HH) settlement and the Statewide Expansion of *Hurrell-Harring* settlement reforms; and 4) promote improvements in the quality of mandated representation in both Family and Criminal Court.

Notably, our FY 2021-22 Aid to Localities appropriation consists of the following six categories:

1. Statutory Distribution to NYC: \$40,000,000
2. Quality Enhancement Distributions: \$30,210,908
3. Competitive Grants: \$10,789,092
4. HH Implementation in 5 Counties: \$23,810,000
5. Statewide Expansion of HH Settlement Reforms: \$200,000,000
6. Parental Representation Quality Enhancement: \$2,500,000

Total FY 2021-22 Aid to Localities Appropriation = \$307,310,000

In keeping with our annual practice and for the reasons stated above, I propose that the ILS FY 2021-22 Aid to Localities appropriation be allocated for the following purposes:

1. **Statutory Distribution (total: \$40,000,000).** The annual statutory distribution of \$40,000,000 to New York City, as mandated by State Finance Law § 98-b(3)(b). This statutory payment will be made to New York City in March of 2022.
2. **Quality Enhancement Distributions (total: \$30,210,908).** Quality enhancement distributions totaling \$30,210,908 under Executive Law § 832(3)(f) and § 833(7)(c), under which all counties and New York City will be enabled to receive no less state funding than they received in 2010. Of the \$30,210,908 total, the funds would be distributed as follows:
 - **Distribution # 10.** \$7,361,340 represents the third year of a three-year distribution (“Distribution # 10”), which amount is identical to the amount allocated to upstate counties for

the three-year distribution authorized by the Board at its September 2016 meeting (“Distribution #7”).

- **Distribution # 11.** \$15,488,228 represents the second year of a new three-year distribution (“Distribution # 11”), which amount is identical to the amount allocated to upstate counties and New York City for the three-year distribution authorized by the Board at its September 2017 meeting (“Distribution # 8”).
- **Distribution # 12.** \$7,361,340 represents the first year of a three-year distribution (“Distribution # 12”), which represents the continuation of the amount allocated to upstate counties for the three-year distribution authorized by the Board at its September 2018 meeting (“Distribution #9”).

3. **Competitive Grants (total: \$10,789,092).**

- **Quality Enhancement and Caseload Reduction (\$4,178,675).** This will finance the third year of the three-year program (three-year total of \$11,773,285) to enhance quality and reduce caseloads in counties outside New York City. This is the third Quality Enhancement and Caseload Reduction Grant. For this third iteration of funding, last year (FY 2020-21), the Board allocated \$7,594,610 for the first two years of this grant.
- **Upstate Parental Representation Grant (\$870,139).** In December 2019, ILS awarded an Upstate Parental Representation grant to Westchester County to create the first Model Parental Representation Office outside of New York City. The Board had approved \$870,139 per year (\$2,610,417 over three years) for this grant in the FY 2014-15; FY 2015-16; FY 2016-17 budget allocations. Last year (FY 2020-21), the Board authorized ILS to issue an RFP for another three-year Upstate Parental Representation Grant to create a second Model Parental Representation Office outside of New York City. At the September 2018 and 2019 meetings, the Board approved funding in the amount of \$870,139 for each of the first two years of this grant. As we advised at last year’s Board meeting, this year we request the Board’s approval to fund the third year of \$870,139 for a total of \$2,610,417 for this grant (via FY 2018-19, FY 2019-20, FY 2021-22 budget allocations).
- **Counsel at First Appearance Grant (\$5,740,278).** Grants in the amount of \$5,740,278 per year that will finance the first year of this three-year program. This is the fourth Counsel at First Appearance Grant (CAFA #4), with the Board initially allocating funding this program at its 2014 Board meeting.

4. **Implementation of *Hurrell-Harring* (HH) Settlement (total: \$23,810,000)**

The \$23.8 million appropriated is to fund the following HH Settlement initiatives:

- **Quality Improvement Funding (\$2,000,000).** \$2,000,000 represents the fifth year of a five-year contract to implement the plan developed by ILS to improve the quality of indigent defense in the five *Hurrell-Harring* settlement counties (Onondaga, Ontario, Schuyler, Suffolk, and Washington).
- **Counsel at First Appearance (\$2,000,000).** \$2,000,000 represents the second year of a three-year contract to implement the written plan developed by ILS to provide all eligible people in the five *Hurrell-Harring* settlement counties (Onondaga, Ontario, Schuyler, Suffolk, and Washington) with counsel at their first criminal court appearance (contract term of January 2021

through December 2023). This contract continues the funding for these programs initiated with the first five-year counsel at first appearance HH Settlement contract,

- **Counsel at First Appearance Grant Program (\$800,000).** \$800,000 represents the amount appropriated for the third year of a three-year contract to ensure that the four Settlement Counties participating in ILS's first three-year Counsel at First Appearance Grant program (Onondaga, Ontario, Schuyler, and Suffolk) will continue to receive the same level of funding as was provided under that program.
- **Caseload Relief (\$19,010,000).** \$19,010,000 represents the amount appropriated for the second year of a second three-year contract to provide caseload relief for indigent legal service providers in the five *Hurrell-Harring* settlement counties. The \$19,010,000 figure was derived from the Caseload Standards determination submitted by ILS in December of 2016 for the five Settlement counties.

5. Statewide Expansion of *Hurrell-Harring* (HH) Reforms (total: \$200,000,000)

- **Implementation of December 1, 2017 plans (\$200,000,000).** \$200,000,000 represents the fourth-year appropriation of the five-year period for implementing the plans submitted by the Office on December 1, 2017 to extend the *Hurrell-Harring* reforms statewide (counsel at arraignment, quality improvement and caseload relief). The appropriation authorizes the transfer of funds to state operations for purposes such as establishing regional support centers and hiring data specialists. This transfer authorization was utilized this past year to hire the two ILS Data Officers, Nick Watson and Reilly Weinstein.

6. Parental Representation Quality Enhancement (total: \$2,500,000)

- **Quality Improvement Funding (\$2,500,000).** Grants of up to \$500,000 over three years (approximately \$166,667 per year) will be awarded to five or six counties to improve the quality of legally mandated representation provided to parents in child welfare matters. At its June 2021 meeting, the Board authorized ILS to issue a competitive grant for this funding, and on August 17, 2021, ILS issued a Request for Proposals (RFP) for Upstate Family Defense (Child Welfare) Quality and Caseload Reductions Grants. The deadline for RFP applications was September 17, 2021.

III. ILS Budget Request for FY 2022-23



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Indigent Legal Services

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Kathy Hochul
Governor

Patricia J. Warth
Director

To: Indigent Legal Services Board

From: Patricia Warth

Re: FY 2022-2023 Budget Request

Date: September 24, 2021

On behalf of the ILS Office, I am pleased to submit to you a budget request for FY 2022-23 in the amount of \$370.756 million, consisting of \$363.81 million in Aid to Localities and \$6.946 million in State Operations. This request marks an increase of \$56.983 million over the current year appropriation of \$313.77 million (\$307.31 million in Aid to Localities plus \$6.4 million in State Operations).

Please see the specific components of this request in the attached **Office of Indigent Legal Services: FY 2022-23 Budget Proposal Overview**. With respect to State Operations, we seek to add three additional staff positions and to fully annualize the costs of new positions filled during the current fiscal year. An overview of ILS staffing and the new positions for which we are seeking funding is described in the attached **FY 2022-23 ILS Staff Positions**.

Our request for Aid to Localities funding is in the amount of \$363.81 million, an increase of \$56.5 million over last year's final budget. Fifty million dollars would finance the fifth year of the five-year statewide reform implementation pursuant to Executive Law § 832(4), for a total of \$250 million. In accordance with the Statewide Implementation Plans that we submitted December 1, 2017, this includes a transfer of \$224,355 in funds to State Operations to maintain the two Data Officers hired this past year (Data Scientist, Nick Watson, and Data Research Officer, Reilly Weinstein). It also includes the transfer of \$1.3 million in funds to State Operations for the creation of our first Regional Support Center (RSC) in the 8th Judicial District (Western NY). This transfer was approved by the Division of Budget prior to the Covid-19 crisis and the state hiring freeze. Once we are able, ILS will begin the hiring process for this RSC. As indicated in our past two budget letters to the Board (September 2019 and 2020), over the past few years we reviewed and where appropriate amended the details of our vision for additional Centers. As we indicated in last year's budget letter, we amended our plans to include the creation of a Statewide Appellate Center. (See Cynthia Feathers' memorandum, **ILS Statewide Appellate Center**, which was provided to the Board in September 2020). For additional Regional Support Centers, we will continue to explore the geographic areas of greatest immediate need, and to evolve our plans to suit current conditions and to maximize the efficiency with which each Center will operate.

The additional \$6.5 million we have requested would supplement the \$2.5 million included in last year's budget for improved quality parental representation. At its June 2021 meeting, this Board authorized ILS to issue a Request for Proposals (RFP) for quality improvement grants to upstate counties, and on August 12, 2021, ILS issued an Upstate Family Defense Quality Improvement & Caseload Reduction Grant RFP, seeking applications for 5-6 grants of up to \$500,000 over three year (\$166,666 per year) to improve the quality of parental representation in child welfare matters. Applications were due September 17, 2021, and ILS received 25 applications, which is far more than the funding allows.

This RFP, combined with the two Model Family Representation Office grants ILS has issued (to Westchester and Monroe Counties), demonstrates the significant need counties have for funding to improve the quality of parental representation and ILS's ability to successfully utilize even a modest amount of funding to promote meaningful reform. ILS intends to capitalize on that experience with this requested \$9 million appropriation. See memorandum **The Urgent Need for Funding to Improve the Quality of Legally Mandated Parental Representation.**

Our Aid to Localities request also includes continuation of current funding levels for grants and distributions to the counties (\$81 million) and for HH settlement implementation in the five counties (\$23.8 million).

OFFICE OF INDIGENT LEGAL SERVICES
FY 2022-23 BUDGET PROPOSAL OVERVIEW

	<u>Amount Requested</u>	<u>Increase over FY 2021-22</u>
<u>State Operations</u>		
FY 2022-23 Funding: \$6,946,000 (\$6.946 million)		
Office Staff & Operations	\$6.946 million*	\$483,000
Total State Operations	\$6.946 million	\$483,000
 <u>Aid to Localities</u>		
FY 2022-23 Funding: \$361,810,000 (\$361.81 million)		
Current grant/distribution programs	\$81 million	\$0
Current HH programs	\$23.8 million	\$0
Statewide HH expansion	\$250 million**	\$50 million
Parental Representation Aid	\$9 million	\$6.5 million
Total Aid to Localities	\$363.81 million	\$56.5 million
 <u>Total ILS FY 2022-23 Request</u>	 <u>\$370,756,000</u>	 <u>\$56,983,000</u>

*Includes funding for: (a) staff positions which have been funded in previous budget years *except* for the Assistant Executive Assistant position; (b) three requested new positions, including a Family Court Senior Researcher, a Family Court Program Associate, and an Assistant IT Manager; (c) increased fringe rates; and (d) full annualization costs of new FY 2021-22 and FY 2022-23 positions. It does not include the two ILS Data Officer positions, as they are to be funded via a budget transfer of approximately \$224,355 from Aid to Localities to State Operations. (See below).

**\$250 million would be the 5th year of the 5-year phase-in of Statewide HH Expansion (\$50 million increase per year over 5 years, for a 5th year total of \$250 million). The \$250 million would include funding for a Regional Support Center in the 8th Judicial District, which DOB had approved before the Covid-related hiring freeze, a requested Appellate Resource Center, and as stated above, the two ILS Data Officer positions.

OFFICE OF INDIGENT LEGAL SERVICES

Fiscal Year 2022-23 Proposed Staff Positions

Previously Funded ILS Staff Positions

The final enacted FY 2021-22 budget included funding for these positions, which ILS has not yet filled:

- Assistant Grants Manager 1
- Assistant Grants Manager 2
- Grants Administrator 2
- Assistant Executive Assistant

Additionally, due to attrition, ILS has an Assistant Grants Manager 2 and an Assistant Grants Manager 1 position open. A candidate for the Assistant Grants Manager 1 position has been selected and his application is pending final state approval. Assuming his application is approved, ILS has four open positions in the Grants Unit. The Grants Unit positions continue to be critical to ILS's continued efforts to grow and professionalize the Grants Unit to better address the pressing workload generated by twelve distributions and other non-competitive grants, the competitive grants (which include the RIACs, the two Upstate Model Family Offices, and the recent Upstate Family Defense Quality Improvement and Caseload Reduction RFP), the *Hurrell-Harring* Settlement implementation, and the *Hurrell-Harring* Statewide Expansion implementation. Last year's hiring freeze caused by the coronavirus-related budget crisis prevented us from filling these vital positions as soon as we had intended, but we intend to make this a priority in the coming year.

At this time, ILS does not intend to fill the Assistant Executive Assistant position having determined a more pressing need for the three requested additional positions below.

Requested Additional Positions

We request these three additional ILS staff positions:

#1. Family Court Senior Research Associate (projected annual salary range: \$75,000-\$85,000)

As part of last year's budget request, and with the approval of this Board, ILS requested funding to hire a Family Court Research Specialist. This year, given the numerous changes outlined below, we seek funding for a Family Court Senior Research Associate, to be supervised by Melissa Mackey, Director of Research, in consultation with Angela Burton, Director of Quality Improvement, Parental Representation.

During the current fiscal year, ILS has worked closely with the Office of Children and Family Services (OCFS) on an MOU regarding the federal Title IV-E reimbursement program for independent legal representation of parents of Title IV-E eligible children (i.e., potential foster case placement or in foster care). Under the reimbursement program, providers will be required

to work closely with ILS on the creation of a quality improvement plan, including data reporting requirements, which will be used to monitor progress toward achieving those quality goals. ILS has also awarded the second Upstate Model Parental Representation Office grant, which will require the Senior Researcher to work closely with that new office in developing their data collection, monitoring, and reporting practices as required under the RFP. These duties will be in addition to the continued monitoring of the data reporting of the first Model Upstate Office.

These new responsibilities will be in addition to: working with the Upstate Family Defense Quality Improvement and Caseload Reduction grant awardees on their data collection and reporting; conducting much needed qualitative and quantitative research about the quality of parental representation; assisting in the implementation of the ILS standards for determining financial eligibility for assignment of counsel in Family Court matters; and evaluating the costs of and monitoring efforts towards implementation of the Caseload Standards for Parents' Attorneys previously approved by the Board.

#2. Family Court Program Associate (projected annual salary range of \$70,000 to \$85,000)

This position would be supervised by Angela Burton, Director of Quality Improvement, Parental Representation, and would work in close consultation with Lucy McCarthy, Parent Representation Assistant Counsel, and the new Senior Family Court Researcher to support ILS's Family Court unit's expanding responsibilities to ensure that parental representation projects and initiatives are successfully accomplished within appropriate timeframes.

These expanding responsibilities include working with all 57 counties and New York City to encourage utilization of the federal Title IV-E funding, to develop an ILS-approved, customized, three-year quality improvement plan to utilize this funding to improve the ability of parental representation providers to deliver high quality, independent legal representation in accordance with applicable standards and best practices, and to monitor implementation of these plans. In addition to working with the localities on the development and implementation of their quality improvement plans, ILS is in the process of developing a comprehensive training curriculum that will be made available to interested localities to satisfy the OCFS requirement that localities must offer new training on child welfare related issues to receive funding under this Title IV-E reimbursement program. Additionally, ILS is in close consultation with the Legal Services of Hudson Valley staff in support of the implementation of the first Upstate Model Parental Representation Office (Westchester County) and anticipate working closely with the Monroe County Public Defender's Office, which was awarded and has accepted the second Upstate Model Parental Representation Office grant. Added to that, ILS will soon score and award at least five (5) Upstate Family Defense Quality Improvement and Caseload Reduction grants to distribute the \$2.5 million aid to localities funding from the legislature, specific to family court mandated representation.

In collaboration with the Office of Court Administration, the recent successful promulgation of the DiFiore Commission's recommendations to establish uniform ILS standards of financial eligibility for family court mandated representation and the development of family court mandated representation caseload standards requires ILS to immediately work with localities in

strategizing the implementation of those standards. Finally, Angela Burton and Lucy McCarthy have been tapped by Deputy Administrative Judge Edwina Mendelson, head of the OCA Office of Justice Initiatives, to assist the NYS Child Welfare Court Improvement Project (“CIP”) to develop and implement the federally required five-year CIP quality legal representation enhancement plan, focusing on pre-petition representation and preventive legal advocacy for child-welfare involved parents.

Among other tasks, the Family Court Program Associate will work closely with internal staff and with external stakeholders to:

- Work with the Family Court Research Specialist on data collection and analysis and reporting
- Maintain an accurate contact list for all providers of family defense and family court mandated Representation
- Compile and maintain an accurate and updated list of expert witness and non-attorney professional contact information including CVs, performance reviews from attorneys, etc.
- Initiate and maintain relationships with academic institutions and develop programs to promote family defense social work expertise/specialization and career paths for students and graduates
- Serve as a liaison between family defense/parent representation providers and available experts and providers of non-attorney support services including but not limited to investigators, social workers, translators, mental health, and parenting skills evaluators
- Track available funding for utilization of experts and non-attorney support services;
- Provide support for training event planning, including maintaining venue and catering communications, managing speaker logistics and promotion, software support for remote training, registration of participants, and distribution of CLE certificates;
- Provide administrative and organizational support to the Family Court/Parental Representation unit

#3. Assistant Manager of Information Services (projected annual salary range: \$60-\$70K)

At present, the technology needs of the Office are handled solely by one person, the Manager of Information Services. While this arrangement worked in the early years when the Office was small, it is no longer feasible for one person, however talented, to handle all of responsibilities attendant to an expanding Office with many new, complicated technology needs. The extensive and highly specialized duties of the Manager of Information Services include the following:

- Acting as Office liaison with ITS and other external agencies and vendors on IT-related matters
- Implementing technical plans for network enhancement
- Installing appropriate equipment in the Office
- Enhancing and upgrading systems to collect and report data

- Enhancing information systems and managing and upgrading the Office's website and other internet communication
- Ensuring all staff are equipped to telecommute which was necessary pre-pandemic because of staff travel obligations, and now because of the pandemic, has been a necessity

These responsibilities are in addition to meeting the day-to-day technology needs of the entire Office and the constant need for arranging remote access meetings with indigent legal service providers and county officials.

The coronavirus crisis highlighted the importance of this position. With almost no advance notice, the Office had to pivot from working on location (including travelling to meet with providers and local officials) to working from home and conducting meetings remotely. This not only required remote access set-up in the homes of all ILS staff, but also access to the technology and training needed to conduct virtual meetings. While Peter Avery, our Manager of Information Services, rose to this challenge, it became clear that having only one person responsible for these essential tasks places ILS in a potentially precarious position.

The Assistant Manager of Information Services would not only assist the Manager of Information Services to ensure that the immediate technology needs of the Office are met but would also satisfy a longer-term concern of the Office – providing the necessary training and development of expertise to ensure continuity in the delivery of technology services, in the event the Manager of Information Services is unable to do so.

Additionally, ILS currently relies on purchased vendor software for the collection of annual and bi-annual data related to public defense expenditures, staffing, and caseloads. As reporting requirements have become more complex and will continue to grow, ILS seeks to create a data reporting portal to allow for the direct upload of all the required data from both providers and counties, that can then be seamlessly downloaded by ILS research staff for analysis and reporting. The Assistant IT Manager would be instrumental in developing such a data portal. This data portal would also allow ILS to produce outward facing interactive data dashboards that could be accessed by each provider of mandated representation within the State. This type of reciprocal exchange of data is hoped to increase providers' interest in and utilization of data driven decision making in their efforts to improve the quality of representation.

OFFICE OF INDIGENT LEGAL SERVICES

Statewide Appellate Center

Introduction

An ILS Statewide Appellate Center, based in Albany, would provide a powerful way to advance the quality of criminal appellate and post-conviction representation, as well as providing litigation support to defenders statewide.

Mandated appellate representation in criminal defense is fragmented in New York. In New York City, four well-established institutional providers offer excellent appellate and post-conviction representation to most criminal defendants in the five boroughs. Nassau, Suffolk, and Westchester counties have Legal Aid Societies with appellate units. Strong appeals bureaus exist at institutional offices in major cities in the Fourth Department—Buffalo, Rochester, and Syracuse. Several public defenders have a single appellate attorney. Multiple counties in the Third Department contract with the Rural Law Center of New York for appellate representation.

Aside from these resources, appellate representation is generally provided by assigned attorneys with varying levels of experience and resources. Many appellate offices outside New York City engage in little or no post-conviction litigation. While statewide funding may address some of these issues, a Statewide Appellate Center could provide the most efficient and effective path to ensuring that attorneys have access to consultation and other resources needed.

Appellate and Litigation Support

A Statewide Appellate Center could significantly advance the quality of criminal defense representation in multiple ways. It could, for example:

- (1) Upon request, provide consultation to appellate attorneys handling direct appeals, including as to issue selection, legal analysis, brief review, moot courting, and motions for leave to appeal to the Court of Appeals. Such consultation could be extensive in complex cases, such as those involving lengthy pretrial and trial transcripts, severe sentences, and complicated facts and legal issues.
- (2) Upon request, provide consultation regarding post-conviction applications and special litigation, including:
 - Applications pursuant to CPL § 460.50 for bail pending appeal;
 - Motions pursuant to CPL § 440.10 to set aside a judgment of conviction;
 - Motions pursuant to CPL § 440.20 to set aside an illegal sentence;
 - Motions pursuant to CPL § 440.47 for resentencing under the Domestic Violence Survivors Justice Act (DVSJA);
 - Appeals under the Sex Offender Registration Act;
 - Appeals concerning civil commitment under Mental Hygiene Law Article 10;
 - Litigation regarding housing compliant with the Sexual Assault Reform Act;
 - Parole advocacy, including CPLR Article 78 proceedings; and

- Writs of habeas corpus pursuant to CPLR Article 70.
- (3) Provide litigation support to defense counsel statewide, including regarding:
- Motions to dismiss defective accusatory instruments;
 - Motions to controvert search warrants;
 - Discovery and bail review;
 - Legal research and analysis;
 - Motions in limine;
 - Sentencing mitigation reports; and
 - Advocacy for alternate sentencing under Penal Law § 60.12.

The range of litigation services needed statewide is exemplified by the positions currently being created in several upstate counties, thanks to the statewide implementation of *Hurrell-Harring* reforms. The services to be performed by these new attorneys include sentencing advocacy, post-conviction motions, legal research and analysis in complex felonies and other cases, consultation on bail reform questions, and technical assistance with e-filing. The Statewide Appellate Center would be invaluable in smaller counties that are not creating such positions and could augment services available in other counties.

(4) Other activities could include expanding the appeals training regimen developed by the ILS Appellate Defender Council; enhancing the resources available via the ILS website and ILSAPP listserv; and working closely with ILS staff in refining data-reporting requirements for appellate matters.

Staff

The Appellate Center would be staffed by six experienced full-time attorneys, a paralegal or administrative assistant, and a part-time investigator and part-time social worker. The attorneys would include some with trial experience to ensure sound insights on both trial and appellate strategy. Contract attorneys could be utilized as an alternative to some of the staff attorney positions. One of the full-time attorneys would be designated as the office supervisor and would report to the ILS Director of Quality Enhancement for Appellate and Post-Conviction Representation, who would oversee the Center.

Value

The value and impact of a Statewide Appellate Center on the quality of criminal justice would be profound. The Center could help ensure that appellate representation meets ILS Standards and could help prevent and overturn wrongful convictions. Staff would work with appellate counsel throughout the state to create a vibrant network of appellate professionals to brainstorm about cutting-edge issues and best practices and to share a brief and motion bank indexed by topic. Finally, the Statewide Appellate Center would elevate the importance of appellate and post-conviction representation.

In addition, the Appellate Center could serve the interests of justice by creating greater parity between the prosecution and defense. For 25 years, prosecutors statewide have enjoyed significant

litigation, appellate, and training support from the New York Prosecutors Training Institute, a nonprofit which receives \$3 to \$4 million in state funding, has a staff of nine attorneys and a dozen non-attorneys, and offers a range of services. NYPTI serves as a back-up center for 39 counties with 10 or less assistant district attorneys, including by serving as second chair at trial, preparing motions, offering advice and consultation, and providing appellate representation. In addition, NYPTI offers comprehensive training programs and podcasts; a case management system used by 55 counties; a Digital Evidence Management System designed to help prosecutors comply with new discovery laws; and a robust website. (The above information is based primarily on 2019 Budget Hearing Testimony from NYPTI and 2020 Budget Hearing Testimony from the District Attorneys Association of the State of New York.) This state-funded appellate support for local prosecutions finds no parallel in the arena of publicly funded criminal defense. The scales of appellate justice are out of balance.

Timeliness

New York laws have changed in many ways that intensify the rationale for a Statewide Appellate Center. These changes include:

- Over the last decade, forensic practices, in matters involving cell phones, DNA analysis, and many other areas, have become far more complex and require greater expertise and specialization by appellate and post-conviction counsel.
- Over the last several years, the impact of draconian immigration laws on non-citizen criminal defendants has greatly increased the importance of effective post-conviction litigation.
- In May 2019, the Domestic Violence Survivors Justice Act was enacted, and effective advocacy for alternative prospective sentencing and resentencing requires extensive training and resources, which many providers lack.
- Effective November 2019, County Law § 722 was amended to provide a right to counsel for CPL Article 440 motions where counsel has been assigned to the appeal; but assigned attorneys lack the training and expertise to fully effectuate this important amendment.
- Criminal justice reforms in 2020 have resulted in a rapidly emerging areas of law regarding discovery, speedy trial, and bail; and ILS appellate counsel could be invaluable in shaping that case law and helping providers navigate the new legal landscape.
- The pandemic has dramatized the importance of appellate counsel who are trained and poised to use a wide variety of legal mechanisms for criminal defense clients, such as state writs of habeas corpus and clemency applications, in situations transcending the current public health crisis.

OFFICE OF INDIGENT LEGAL SERVICES

The Urgent Need to Improve the Quality of Legally Mandated Parental Representation

With the state's investment in the *Hurrell-Harring* settlement and its statewide expansion, New York has made great strides in improving the quality of mandated criminal representation. Yet New York has not made the same investment in improving the quality of parental representation in Family Court matters. In reality, parental representation is just as legally mandated as criminal defense and is in dire need of comprehensive and expensive reform. *See, e.g.*, February 2019 Interim Report of the Commission on Parental Legal Representation to Chief Judge DiFiore (Interim Report). The crisis described in the Interim Report has intensified as the pandemic has jeopardized the financial and emotional well-being of families throughout New York.

ILS recognizes that the urgent need for reform cannot be ignored. We have used the limited funding and resources available to us to advance parental representation energetically, creatively, and persistently. In just the past year, ILS has accomplished the following:

- *Upstate Model Family Representation Offices* – ILS has worked with Legal Services of Hudson Valley and Westchester County to ensure the success of our first Upstate Model Family Representation Office. In April 2021, ILS issued an RFP for a second model office, using previously appropriated funds. Further, in early July 2021, we announced that Monroe County was the top-scoring applicant for this RFP. It is anticipated that Monroe County will have a final contract later this year, and that this second model office will be operational in early 2022.
- *Federal Title IV-E Funding* – Over the past several months, ILS successfully negotiated a MOU with the State Office of Children and Family Services (OCFS) to gain access to federal Title IV-E funds for the improvement of parental representation in child welfare cases. In accord with this MOU, OCFS will be responsible for the claiming and fiscal components of this funding, and ILS will be responsible for working with localities to ensure that the federal funding is used to improve the quality of parental representation in child welfare proceedings.
- *Families Matter Conference* – Because of the pandemic, ILS was not able to conduct its October 2020 Families Matter Conference as originally planned. In lieu of this, ILS provided, free of charge, one of the core planned programs for this conference, Interrupting Bias; Creating Curiosity for Stronger Family Defense Practice, presented by Pooja Kothari, Esq., founder of Boundless Awareness, LLC.
- *Standards for Determining Financial Eligibility in Family Court Matters* – ILS finalized Eligibility Standards for Family Court designed to ensure timely access to counsel for parents, as recommended by the Commission on Parental Legal Representation. These standards were presented to the Board at its December 2020 meeting. Soon after the Board's adoption of these standards, ILS partnered with the New York State Defenders Association to conduct a series of virtual trainings for

providers of mandated Family Court defense, offering an overview of the standards and strategies for successful implementation.

- *Family Court Caseload Standards* – After collaborating with the Welfare Research Institute for a comprehensive, three-part caseload study, and extensively consulting providers of mandated Family Court representation, ILS finalized our Caseload Standards for Parents Attorneys’ in NYS Family Court Mandated Representation Cases. At its June 2021 meeting, this Board approved these standards, contingent upon the availability of state funding.

In addition, ILS has acted expeditiously to utilize the \$2.5 million for improved parental representation included in our FY 2021-2022 Aid to Localities budget. In early August 2021, we issued an RFP soliciting applications from counties outside of New York City for grants of up to \$500,000 over three years for improved parental representation in child welfare proceedings. With this Board’s authorization, we are acting swiftly and responsibly to disburse this funding.

There are limits to what can be done without a greater state investment. This fiscal year, ILS is requesting that \$9 million total be included in ILS’ Aid to Localities budget for improved legally mandated parental representation. ILS would disburse part of this funding (\$7 million) via an RFP process, much like the one being utilized to distribute the \$2.5 million from the FY 2021-22 budget. This RFP would focus on improving legally mandated parental representation in child welfare proceedings. In such proceedings, the need is most urgent, since we seek to ensure that families are not needlessly disrupted by the state’s intervention. Such focus would also allow ILS to take advantage of the federal Title IV-E funding, potentially increasing resources available to localities for improved parental representation in child welfare proceedings. ILS would use the remainder of this funding (\$2 million) to create two more Model Family Representation Offices, using an RFP process just as we have done for the two Model Family Representation Offices discussed above. Notably, for these previous RFPs, ILS received several high-quality applications, demonstrating both the county capacity and the dire need for more Model Family Representation Offices.

This request—although \$4 million more than last year’s request and \$6.5 million more than the amount in the FY 2021-2022 budget—is a modest investment in the critically important work of keeping families intact and meeting the state’s legal mandates for representation.

IV. Update: Federal Title IV-E Funding

New York State Office of Indigent Legal Services (ILS)
Federal Title IV-E Funding for Parent Representation/Family Defense
Enrollment Procedure Simplified and
Frequently Asked Questions (last updated 09/03/2021)

ILS issues this FAQ document to respond to questions from mandated representation providers and other stakeholders about the Title IV-E funding opportunity detailed in a recently released informational letter from the Office of Children and Family Services (OCFS), 21-OCFS-INF-05, available here: [21-OCFS-INF-05.pdf \(ny.gov\)](#). This FAQ clarifies the process for developing the required, ILS-approved family defense quality enhancement plan as explained on pages 3-5 of OCFS 5604 – [Attachment C, Title IV-E Enhanced Quality Legal Representation Services Plan for Counties and NYC, SFY 2020-21](#).

Please note that in this FAQ, we use the term “locality” or “local government” to refer to the City (for the New York City providers) and the counties (for the rest of the state).

To receive federal funding under Title IV-E of the Social Security Act for a portion of the expenditures for representation of parents in child welfare matters, each interested locality must enter into an MOU with the Office of Children and Family Services (OCFS), which is the fiscal pass-through state agency for Title IV-E funding. The MOU must be executed by an authorized government official or designated employee of the interested locality. In addition, and as required under the MOU between the locality and OCFS and described in Attachment C, linked above, local government officials and providers of parental representation of each locality must consult with ILS to develop an ILS-approved, customized, three-year plan to improve the ability of parental representation providers to deliver high quality, independent legal representation in accordance with applicable standards and best practices. ILS will submit this ILS-approved quality enhancement plan (“QEP”) to OCFS, which is a pre-condition for each locality to receive the Title IV-E funding. See 21-OCFS-INF-05, linked above.

Question: For this program, what are the respective roles of ILS and OCFS in relation to the locality?

Answer: As the New York State agency that is the designated Title IV-E fiscal pass-through entity, OCFS is solely responsible for all matters regarding claiming and disbursement of the federal funding, including the county MOUs. As the state agency responsible for improving the quality of mandated representation, ILS is solely responsible for working with localities to develop and finalize an ILS-approved Quality Enhancement Plan for incorporation into the locality’s MOU with OCFS.

Question: Why is ILS working with the NYS Office of Children and Family Services (OCFS) on this funding program?

Answer: The federal government chose to route funding for parent representation through each state's title IV-E agency; in New York that is OCFS. The Title IV-E agency has the responsibility of processing claims and disbursing funds for this program. This means that the local governments must submit claims for Title IV-E funding to OCFS as described in [21-OCFS-INF-05-Attach-A](#) and Attachment B forms (OCFS-5600 and OCFS-5601).

Question: Can localities spend the Title IV-E funding however they like?

Answer: No, the Title IV-E funding must be used to improve the quality of independent legal representation provided by the localities for child-welfare involved parents. The funds can be spent on a range of enhancements or "action items" to be included in the ILS-approved Quality Enhancement Plan developed through the needs assessment and plan development process as detailed in OCFS Attachment C, and which will be incorporated into the locality's MOU with OCFS.

Question: Can the Quality Enhancement Plan approval process with ILS start before a locality has signed a Memorandum of Understanding ("MOU") with OCFS for claiming purposes?

Answer: Yes. As described in Attachment C, the quality plan development process with ILS can begin as soon as ILS receives the information requested therein. A locality does not need to complete the MOU with OCFS before reaching out to ILS to initiate the process of developing a QEP; nor does a locality need to have a final MOU with OCFS before ILS can approve a QEP. The Quality Enhancement Plan process and the MOU are independent of one another with these exceptions: 1) first, if a locality does not have a completed ILS-approved QEP by April 1, 2022, the locality cannot receive Title IV-E funding until the ILS-approved QEP is completed and sent to OCFS; and 2) once completed, the ILS-approved QEP is incorporated by reference into the MOU.

Question: What are the steps necessary for an interested mandated provider to initiate the development of the Quality Enhancement Plan approval process?

Answer: The interested mandated representation provider should:

1. Identify the local official who can authorize an MOU with OCFS. As stated in Attachment C to the INF, the request for consultation with ILS to begin the QEP process must be submitted to ILS "by an authorized county or New York City official, or designated employee of the governing body of the applicant." See p. 3, Attachment C, Plan Development, Consultation.

2. The mandated representation provider should work with appropriate individuals to gather the information set out on page 3 of Attachment C. This information, which will provide a baseline from which to engage in the plan development process, includes the following:

i. The names and contact information for the leader(s) responsible, pursuant to County Law article 18-B, for delivering family court-mandated representation in the locality (i.e., public defender, conflict defender, assigned counsel program administrator, Legal Aid Society);

ii. An outline of how the locality provides parent representation, i.e., a complete list of public defenders, assigned counsel panel administrators, and

contacts at legal services organizations with which the county or city has contracted to provide representation;

iii. An estimate of the number of attorneys and other professional staff currently providing parent representation in child welfare matters (including the number of full-time positions and part-time positions);

iv. An estimate of the number of new Family Court Act Article 10 petitions filed in each of the previous three years;

v. An estimate of the local expense of providing Article 10 representation in the previous calendar year.

3. The locality's authorized official (or the official's designee) should then send an email to Angela Burton, ILS Director of Quality Enhancement for Parental Representation (angela.burton@ils.ny.gov) with the information and a request for a consultation to begin the Plan Development process. Once the consultation request is received, a meeting will be scheduled, and the process will proceed as detailed in Attachment C.

Question: Does this program require a competitive grant proposal submission to ILS from the county?

Answer: No. Enrollment in this program is NOT competitive—every county has the same opportunity to receive Title IV-E federal funding by entering into an MOU with OCFS and completing the quality plan development and approval process with ILS as detailed in Attachment C. **Because this opportunity is unlike the competitive grant process, we welcome questions and will update this FAQ as necessary.** Questions should also be directed to Angela Burton at ILS.

Question: Who has the responsibility for completing the MOU with OCFS?

Answer: The responsibility for executing the MOU with OCFS rests with the locality. Remember, a finalized MOU is not necessary to start the ILS consultation regarding the Action Items and Quality Plan.

Question: Can we (family defense providers) contact ILS to start the Quality Plan process?

Answer: Yes! The locality has the responsibility to formally enroll in this program, but there is no reason to delay contacting ILS! We're happy to start informal discussions with family defense providers to get the ball rolling. Again, the contact is:

Angela Burton, Director of Quality Enhancement for Parent Representation

Office: (518) 474-4859

Cell: (518) 491-0094

Angela.Burton@ils.ny.gov

Question: What does the above informal Quality Plan Consultation (from providers) request look like?

Answer: An email or telephone call to Angela Burton is all it takes to start. Then we'll start gathering information about each county and providers can help us by identifying who in county government should be part of the discussion.

Resources for Title IV-E Funding for Independent Legal Representation for Children and Parents in Child Welfare Proceedings

Compiled by New York State Office of Indigent Legal Services for CLE Presentation, August 6, 2021
Chief Defenders Association of New York

21-OCFS-INF-05 – Informational Letter: *Title IV-E Reimbursement for Legal Representation Services for Children and Parents in Child Welfare Proceedings*,

[Word document for 21-OCFS-INF-05](#) | [PDF document for 21-OCFS-INF-05](#)

- Attachment A - Sample Memorandum of Understanding for Counties
[Word document for 21-OCFS-INF-05 Attachment A](#) | [PDF document for 21-OCFS-INF-05 Attachment A](#)
- Attachment B - Title IV-E Legal Representation Administration and Training Claim Forms
[OCFS-5600](#) - New York City
[OCFS-5601](#) - Rest of State
[OCFS-5602](#) - Office of Court Administration
[OCFS-5505](#) - Indigent Legal Services
[OCFS-5603](#) - Parent/Child Detail Form
- Attachment C - OCFS-5604 - Enhanced Quality Legal Representation Services Plan for Counties and NYC
[Word document for 21-OCFS-INF-05 Attachment C](#) | [PDF document for 21-OCFS-INF-05 Attachment C](#)
- Attachment C-1 - OCFS-5511 - The Unified Court System Enhanced Quality Legal Representation Services Plan
[Word document for 21-OCFS-INF-05 Attachment C-1](#) | [PDF document for 21-OCFS-INF-05 Attachment C-1](#)
- Attachment D - Federal Award Information Sheet (FAIS)
[Word document for 21-OCFS-INF-05 Attachment D](#) | [PDF document for 21-OCFS-INF-05 Attachment D](#)

Note: All of the above-referenced documents can be found at the OCFS website (<https://ocfs.ny.gov/main/policies/external/>) under the heading “Informational Letters.”

Michael Fitzgerald, *New York To Tap Federal Funds For Parents and Kids Legal Costs in Child Welfare Cases*, The Imprint, July 19, 2021 - <https://imprintnews.org/child-welfare-2/new-york-to-tap-federal-funds-for-parents-and-kids-legal-costs/57005>.

Mark Hardin, *Claiming Title IV-E Funds to Pay for Parents’ and Children’s Attorneys: A Brief Technical Overview* (February 25, 2019), [Memo-IV-E-to-Attys-Tech-Issues-Final.pdf \(netdna-ssl.com\)](#) - Intended for people not familiar with rules of Title IV-E eligibility or the processes for claiming Title IV-E funds, this article provides general background to assist courts and legal organizations as they seek to partner with child welfare agencies in leveraging this new source of federal support for child and parent representation.

Administration for Children and Families, Children’s Bureau - *Technical Bulletin -Frequently Asked Questions: Independent Legal Representation* (July 20 2020), <https://15ucklg5c821brpl4dycpk15-wpengine.netdna-ssl.com/wp-content/uploads/sites/48/2020/07/Technical-Bulletin-FAQs-on-Independent-Legal-Representation.pdf>. Issued to respond to title IV-E agency and other stakeholder frequently asked questions (FAQs) about the revised and new policies that allow title IV-E agencies to claim Federal financial participation (FFP) for administrative costs of independent legal representation provided by an attorney under section 474(a)(3) of the Social Security Act (the Act) and federal regulations at 45 CFR 1356.60(c).

[Federal Funding | Family Justice Initiative](#) – Compilation of resources about claiming federal Title IV-E Funds of the Social Security Act to pay for legal representation for children and parents.

**V. *Hurrell-Harring* Institutional
Defender Six Month Caseload
Analysis**

***Hurrell-Harring* Institutional Defenders: Six Month Caseload Analysis and Comparison**

The sudden onset of the Covid-19 pandemic in March 2020 and ensuing changes to the court system impacted every facet of public defense provider practice in New York. As demonstrated in April's *Hurrell-Harring* Provider Caseload Calculations (analyzing 2020 caseloads), initially with court closures, administrative adjournments, remote court proceedings, and ostensibly fewer arrests and arraignments, *Hurrell-Harring* public defense providers' caseloads decreased significantly. However, the temporary decrease in caseloads did not alleviate provider workloads; in 2021 as courts have resumed in-person proceedings, cases that were unresolved in 2020 remained pending and were scheduled for new court appearances, the number of new cases arraigned increased, and providers were faced with the challenge of meeting these case assignment and representation demands. We will explore this more in our October 2021 report, Update to the Evaluation of Caseload Standards, pursuant to section IV(E) of the Settlement.

However, as part of our ongoing caseload standards compliance monitoring in the five *Hurrell-Harring* counties, the *Hurrell-Harring* Research Team assessed the six *Hurrell-Harring* institutional defenders' caseloads for the first six months of 2021 and compared that information to previous years' caseloads to get an overall picture of the impact of Covid-19 as well as the challenges currently faced in the *Hurrell-Harring* counties. The Research Team also assessed whether each provider is on target to be in compliance with ILS caseload standards. We provide the analysis below in advance of the more comprehensive qualitative analysis of provider practice and caseload standards which will be provided in the October report.

I. Onondaga County, Hiscock Legal Aid Society

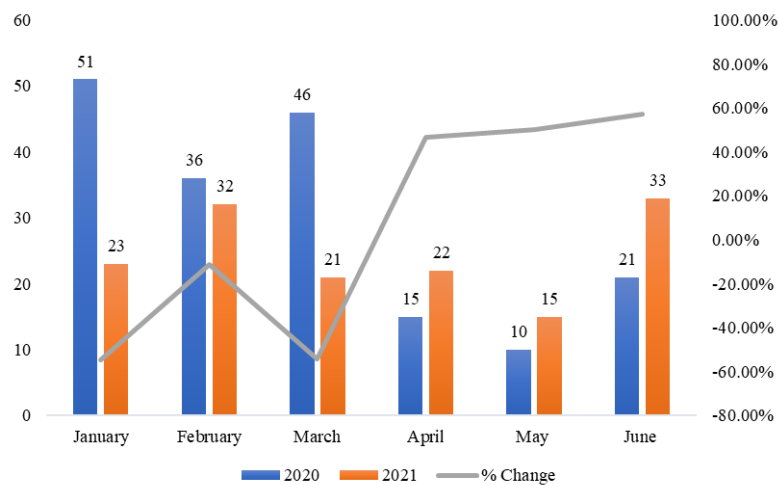
Caseload Comparison from the Past Years (2019, 2020, and 2021):

2020 vs. 2021 (Covid court closure year vs. Covid court reopening year): A

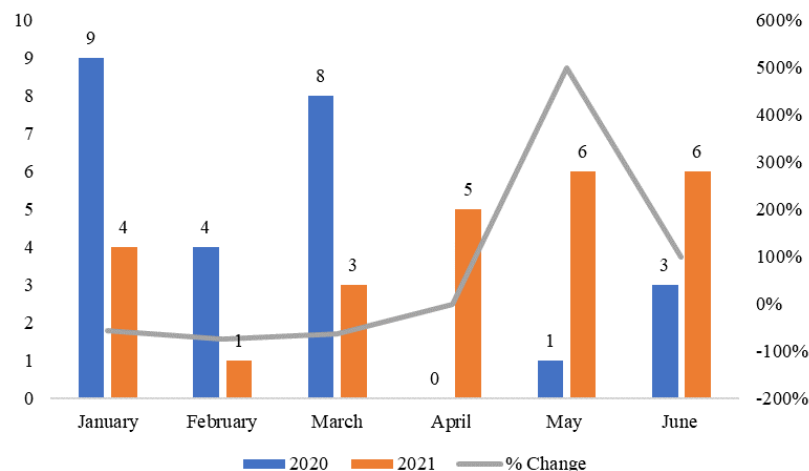
comparison of the time frame post-Covid court closure in 2020, and the same period in 2021 shows an overall increase in the number of newly opened cases in 2021. This increase is most apparent in parole revocation cases. In April 2020, the Hiscock Legal Aid Society (Hiscock) opened 15 new parole revocation cases; in April 2021, the number of newly opened cases increased to 22. Similarly, in May 2020, Hiscock opened 10 new parole revocation cases and in May 2021, they opened 15; in June 2021 the number of newly opened cases rose to 33 as compared to 21 newly opened cases in June 2020. Overall, this increase hovered at around 60%.

Newly opened appeals cases were generally more variable. Though the data shows an increase from the number of newly opened cases in 2020 to those for the same time frame in 2021, the increase varied between 100% and 500%. This wide range is due to the small number of cases i.e., an increase in one case can cause a significant increase in the percentage change.

2020 vs. 2021 Parole Cases



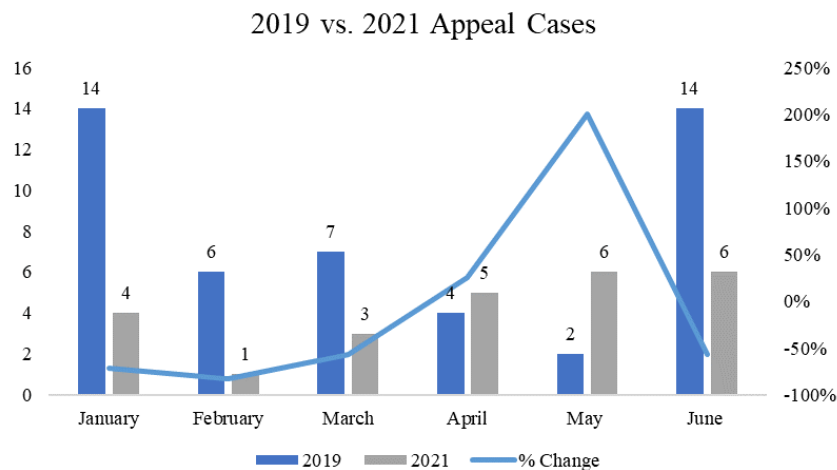
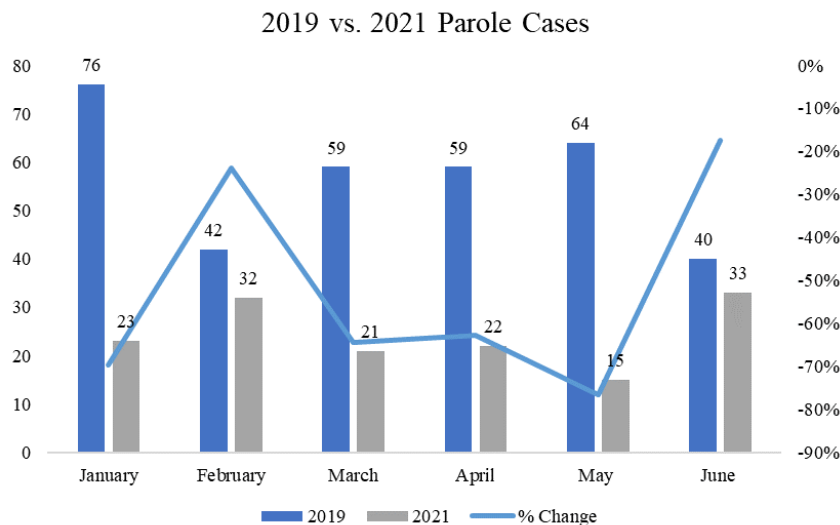
2020 vs. 2021 Appeal Cases



2019 vs. 2021 (Pre-Covid year vs. Post-court closure year): The number of cases assigned for both parole revocation and appeals categories has not reached pre-Covid levels. As evidenced by the graph below, in 2021 as compared to the same time frame in 2019, Hiscock continues to see a fewer parole revocation case assignments. From January to June 2019, on average Hiscock opened 57 new parole revocation cases per month; for the same period in 2021, Hiscock averaged 24 newly opened cases per month, an approximately 58% decrease.

This trend is not reflected in the criminal appeals cases. The graph below shows that Hiscock experienced a decrease in the number of appeals assigned in 2021, compared to 2019, for four of the six months (January, February, March, and June). However, Hiscock

was assigned more cases in the months of April and May, when compared to 2019. Thus, for appeals, there is no discernable trend during the six-month comparison period.



Six Month Caseload Standards Assessment:

2021 Caseload Standards Compliance Target Number: The total office-wide caseload target number for Hiscock Legal Aid Society is 2,748 misdemeanor equivalent cases. To be on target for caseload standards compliance, Hiscock should have a maximum of 1,374 newly opened misdemeanor equivalent cases for the first six months of 2021.

January through June 2021 Caseload: From January to June 2021, Hiscock opened 146 parole revocation cases and 25 criminal appeals cases for a total of 171 cases. The weighted total of these cases is 507.40 misdemeanor equivalent cases. The total office-wide weighted cases opened (507.40) was less than the 1,374 misdemeanor equivalent

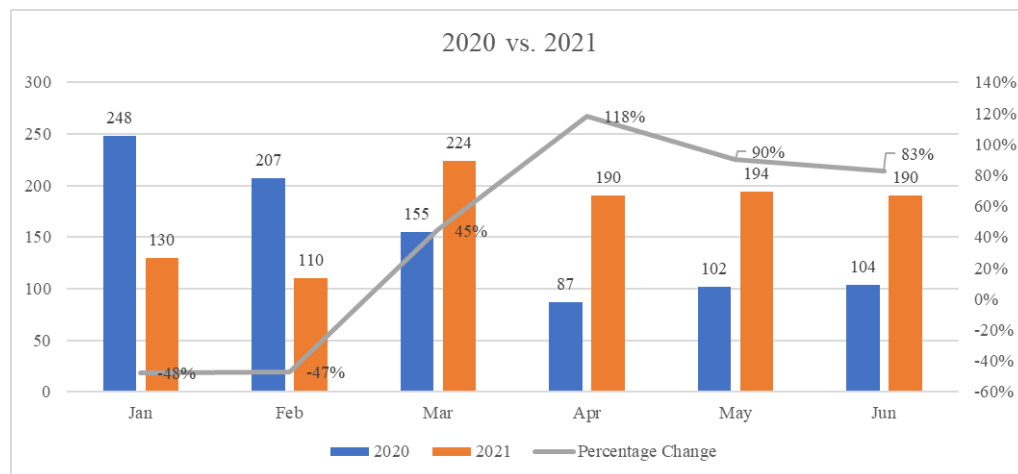
target number. Therefore, as of June 30, 2021, Hiscock is in on track to comply with caseload standards for 2021.

Program Type	Cases Opened	Weighted Total
Parole Revocation	146	219
Appeal – Plea	20	171.4
Appeal – Trial	4	100
Appeal Unknown	1	17
Total Office-wide Cases Opened & Weighted (Jan-June 2021)	171	507.40
Maximum Target Misd. Equiv. Cases (Jan.-June 2021)		1,374

II. Ontario County Public Defender's Office

Caseload Comparison from the Past Years (2019, 2020, and 2021):

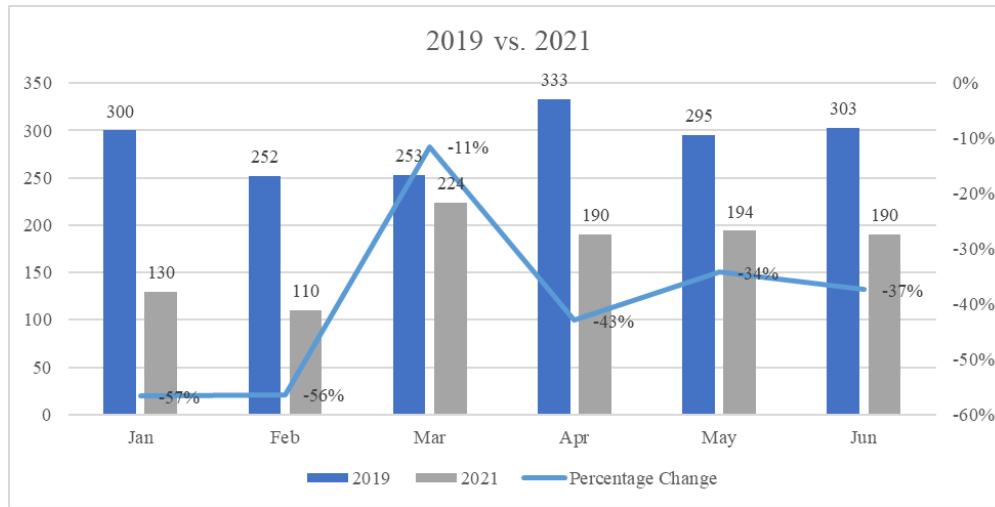
2020 vs. 2021 (Covid court closure year vs. Covid court reopening year): The number of newly opened cases increased noticeably compared to the same time frame last year. In April 2020, the Ontario County Public Defender's Office (Ontario PD) opened 87 cases; in April 2021, the number of newly opened cases increased by 118%¹. Similarly, in May 2021, the number of newly opened cases increased by 90%, and in June, it increased by 83% compared to June 2020.



2019 vs. 2021 (Pre-Covid year vs. Post-court closure year): Though there has been a marked increase in newly opened cases 2021 as compared to 2020, the number of new cases has not yet reached the number of new cases for the same period pre-Covid in 2019. From January to June 2019, on average, the Ontario PD opened 289 cases per

¹ Including arraignment only cases.

month. However, from January to June 2021, on average, the Ontario PD opened 173 cases per month. There is an average 40% decline in the number of opened cases per month in 2021 compared to 2019. This is to be expected as many courts were still operating on a limited basis in the early months of 2021 as demonstrated in the January and February 2021 numbers below. Additionally, between 2019 and 2021, the Ontario PD and Ontario County Conflict Defender's Office (Ontario CD) worked together to shift some primary arraignment responsibility to the Ontario CD which may also account for the lower overall 2021 numbers. Still, it is interesting to note that the monthly numbers of new cases have not reached pre-Covid levels for the Ontario PD.



Six Month Caseload Standards Assessment:

2021 Caseload Standards Compliance Target Number: The total 2021 office-wide caseload target number for the Ontario PD is 3,584 misdemeanor equivalent cases. To be on target for caseload standards compliance, the Ontario PD should have a maximum of 1,792 newly opened misdemeanor equivalent cases for the first six months of 2021.

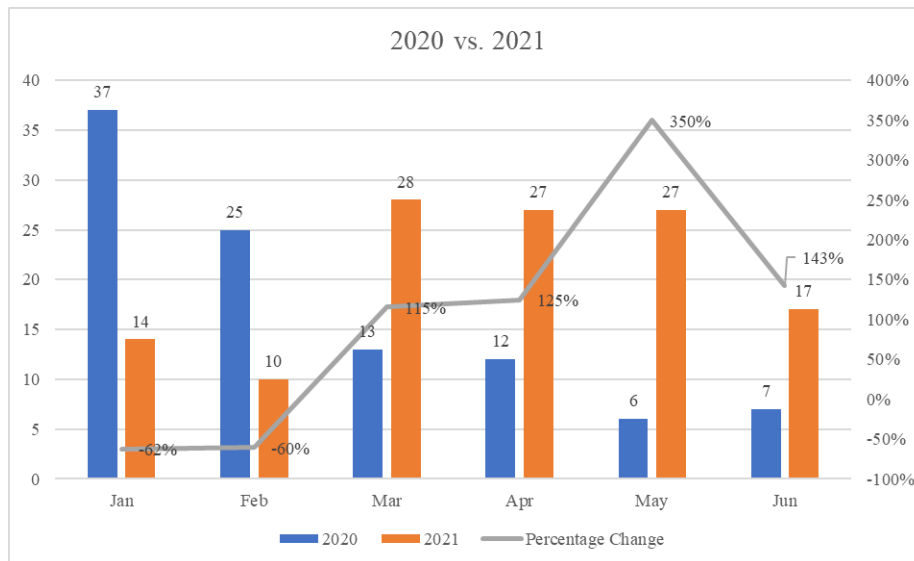
Jan-June 2021 Caseload: From January to June 2021, the Ontario PD opened 650 cases and an additional 372 arraignment only cases. The weighted total of these cases is 1,156 misdemeanor equivalent cases. For the first six months of 2021, the total office-wide weighted cases opened (1,156) was less than the 1,792 misdemeanor equivalent target number. Therefore, as of June 30, 2021, the Ontario PD is in on track to comply with caseload standards for 2021.

Program Type	Cases Opened	Weighted Total
Violent Felony	21	126
Other Felony	135	405
Misdemeanor	396	396
Violation	22	22
Parole Revocation	15	22.5
Post-Disposition	61	91.5
	650	1063
Arraignment Only Cases	372	93
Total Office-wide Cases Opened & Weighted (Jan-Jun 2021)	1,022	1,156
Maximum Target Misd. Equiv. Cases (Jan-Jun 2021)		1,792

III. Ontario County Conflict Defender's Office

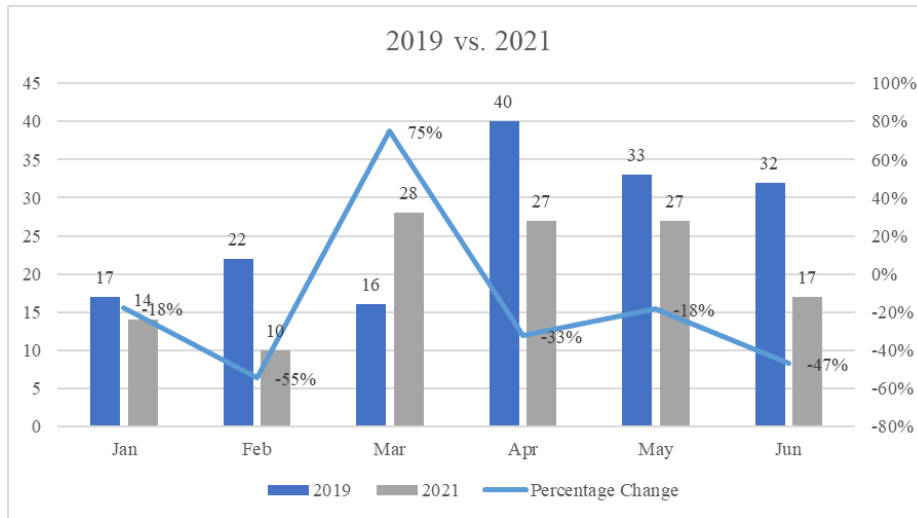
Caseload Comparison from the Past Years (2019, 2020, and 2021):

2020 vs. 2021 (Covid court closure year vs. Covid court reopening year): The number of newly opened cases has increased noticeably compared to the same time frame last year. In March and April 2020, the Ontario CD opened 13 and 12 cases; in March and April 2021, the number of opened cases had increased by 115% and 125%. Similarly, in May 2021, the number of opened cases increased by 350%, and in June 2021, it increased by 143% compared to June 2020.



2019 vs. 2021 (Pre-Covid year vs. Post-Covid court closure year): We have seen an increase in the number of open cases in 2021, and we also observe that this number appears to be slowly reaching the pre-Covid threshold. From January to June 2019, on

average, the Ontario CD opened 27 cases per month. In comparison, from January to June 2021, on average, the Ontario CD opened 21 cases per month.



Six Month Caseload Standards Assessment:

2021 Caseload Standards Compliance Target Number: The total 2021 office-wide caseload target number for the Ontario CD is 750 misdemeanor equivalent cases. To be on target for caseload standards compliance, the Ontario CD should have at maximum of 375 newly opened misdemeanor equivalent cases for the first 6 months of 2021.

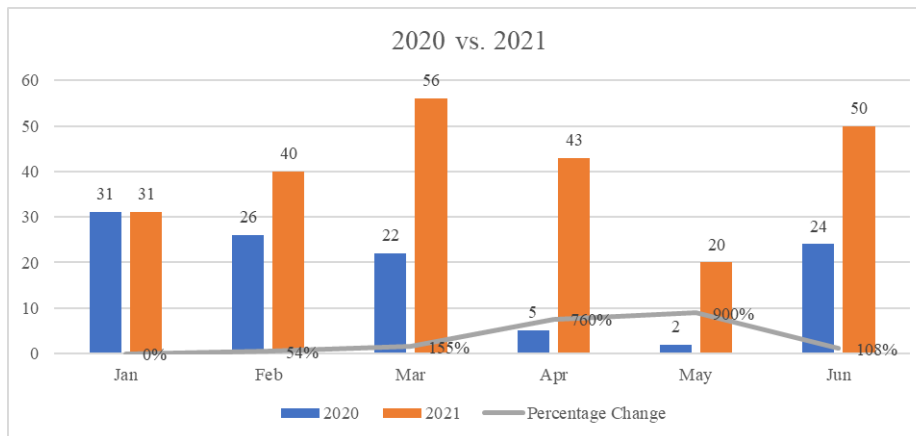
Jan-June 2021 Caseload: From January to June 2021, the Ontario CD opened 155 cases and an additional 32 arraignment only cases. The weighted total of these cases is 217.57 misdemeanor equivalent cases. For the first six months of 2021, the total office-wide weighted cases opened (217.57) was less than the 375 misdemeanor equivalent target number. Therefore, as of June 30, 2021, the Ontario CD is on target to comply with the caseload standards for 2021.

Program Type	Cases Opened	Weighted Total
Violent Felony	11	17
Other Felony	16	37.57
Misdemeanor	68	118
Violation	12	15
Parole Revocation	4	6.5
Post-Disposition	12	15.5
	123	209.57
Arraignment Only Cases	32	8
Total Office-wide Cases Opened & Weighted (Jan-Jun 2021)	155	217.57
Maximum Target Misd. Equiv. Cases (Jan-Jun 2021)	N/A	375

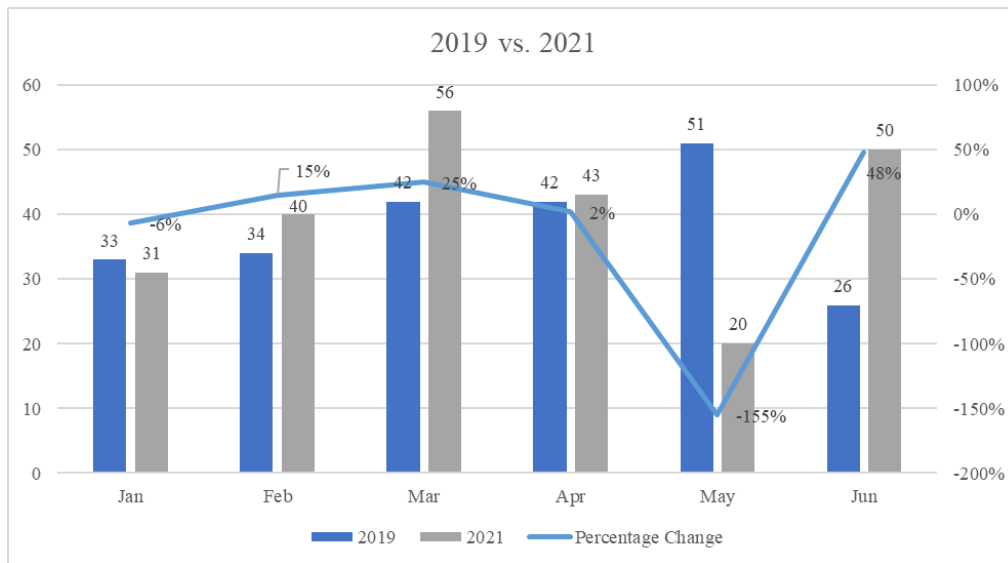
IV. Schuyler County Public Defender's Office

Caseload Comparison from the Past Years (2019, 2020, and 2021):

2020 vs. 2021 (Covid court closure year vs. Covid court reopening year): The number of newly opened cases has increased significantly compared to the same time frame last year. In April and May 2020, the Schuyler County Public Defender's Office (Schuyler PD) opened only 5 and 2 cases; in April and May of 2021, the office opened 43 and 20 cases. Similarly, in June 2021, the number of opened cases increased by 108% compared to June 2020.



2019 vs. 2021 (Pre-Covid year vs. Post-Covid court closure year): We have seen an increase in the number of newly opened cases in 2021, and we also observe that this number appears to be slowly reaching the pre-Covid threshold. In some cases, the number of newly opened cases is higher than in 2019. For example, in March and June 2021, the number of opened cases was 25% and 48% higher than in March and June 2019. Though, in May 2021, the number of opened cases was 155% less than in May 2019. Overall, from January to June 2019, on average, the Schuyler PD opened 38 cases per month; from January to June 2021, on average, the Schuyler PD opened 40 cases per month.



Six Month Caseload Standards Assessment:

2021 Caseload Standards Compliance Target Number: The total 2021 office-wide caseload target number for the Schuyler PD is 768.25 misdemeanor equivalent cases. To be on target for caseload standards compliance, the Schuyler PD should have a maximum of 384.13 newly opened misdemeanor equivalent cases for the first six months of 2021.

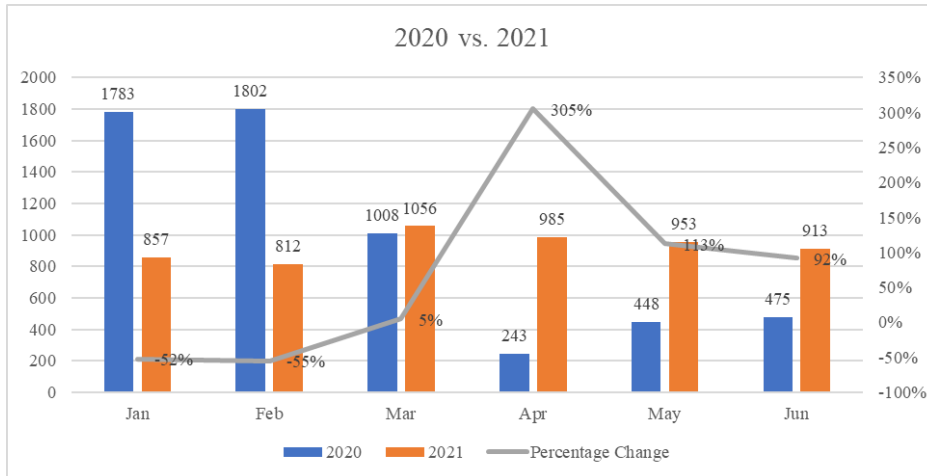
Jan-June 2021 Caseload: From January to June 2021, the Schuyler PD opened 240 cases. The weighted total of these cases is 368.5 misdemeanor equivalent cases. For the first six months of 2021, the total office-wide weighted cases opened (368.5) was less than the 384.13 misdemeanor equivalent target number. Therefore, as of June 30, 2021, the Schuyler PD is on track to comply with the caseload standards in 2021.

Program Type	Cases Opened	Weighted Total
Violent Felony	5	30
Other Felony	39	117
Misdemeanor	167	167
Violation	9	9
Post-Disposition	17	25.5
Parole Revocation	2	3
Appeal Unknown	1	17
Total Office-wide Cases Opened & Weighted (Jan-Jun 2021)	240	368.5
Maximum Target Misd. Equiv. Cases (Jan-Jun 2021)		384.125

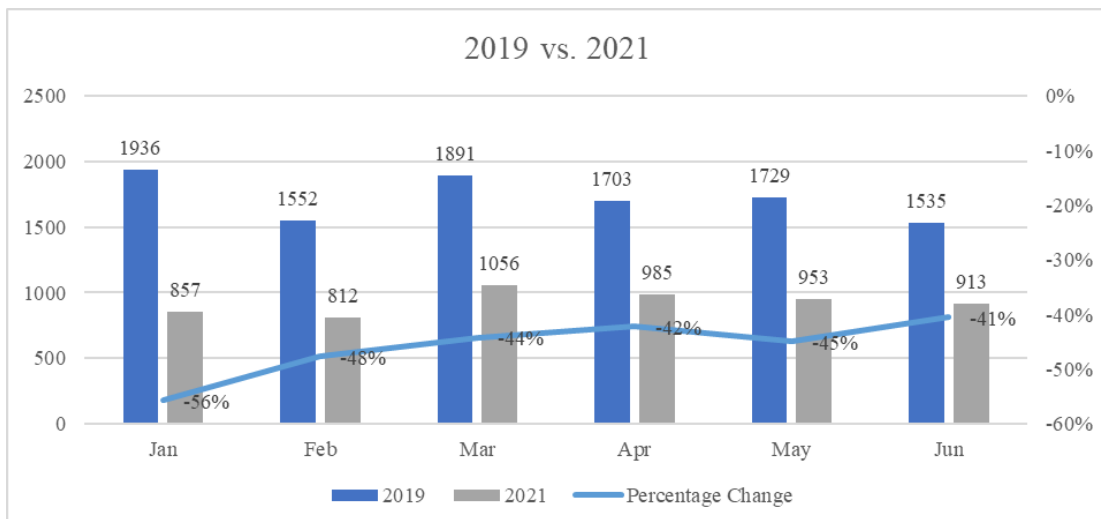
V. Suffolk County Legal Aid Society

Caseload Comparison from the Past Years (2019, 2020, and 2021):

2020 vs. 2021 (Covid court closure year vs. Covid court reopening year): Compared to the same time frame in 2020, the number of new cases the Suffolk County Legal Aid Society (SCLAS) opened in the first six months of 2021 has increased significantly. In April 2020, the SCLAS opened 243 cases; in April 2021, the number of open cases increased by 305%. Similarly, in May, it increased by 113%, and in June, it increased by 92%.



2019 vs. 2021 (Pre-Covid year vs. Post-Covid court closure year): Even though we have seen an increase in the number of newly opened cases in 2021, in comparison to the same time frame in 2019, the number of new cases has not reached the pre-Covid threshold. From January to June 2019, on average, the SCLAS opened 1,724 cases per month. However, from January to June 2021, on average, the SCLAS opened 929 cases per month. There is an average 46% decline in the number of newly opened cases per month in 2021 compared to 2019.



Six Month Caseload Standards Assessment:

2021 Caseload Standards Compliance Target Number: The total 2021 office-wide caseload target number for the SCLAS is 29,378 misdemeanor equivalent cases. To be on target for caseload standards compliance, SCLAS should have a maximum of 14,689 newly opened misdemeanor equivalent cases for the first six months of 2021.

Jan-June 2021 Caseload: From January to June 2021, SCLAS opened 5,576 cases amounting to 9,119.13 misdemeanor equivalent cases. For the first six months of 2021, the total office-wide weighted cases opened (9,119.13) was less than the 14,689 misdemeanor equivalent target number. Therefore, as of June 30, 2021, SCLAS is on track to comply with the caseload standards in 2021.

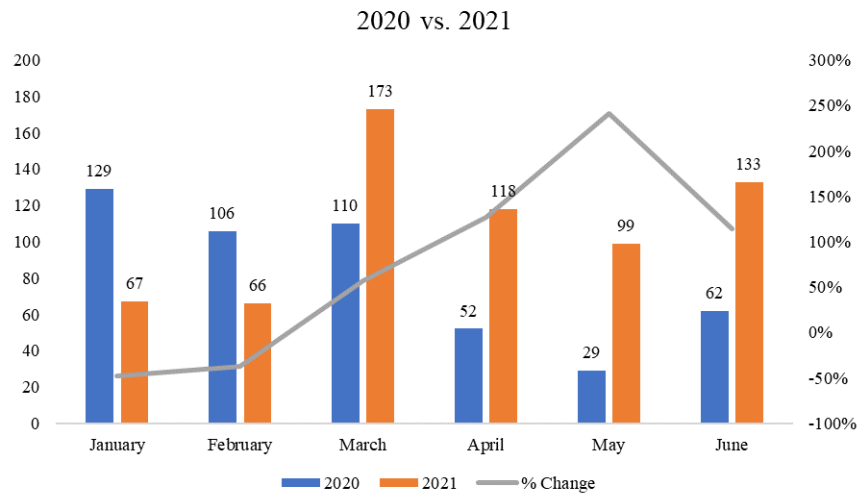
Program Type	Cases Opened	Weighted Total
Violent Felony	197	1,182
Other Felony	875	2,625
Misdemeanor	3766	3766
Violation	413	413
Post-Disposition	171	256.5
Parole Revocation	109	163.5
Appeal Trial	3	75
Appeal Plea	9	77.13
Appeal Unknown	33	561
Total Office-wide Cases Opened & Weighted (Jan-Jun 2021)	5576	9,119.13
Maximum Target Misd. Equiv. Cases (Jan-Jun 2021)	N/A	14,689

VI. Washington County Public Defender's Office

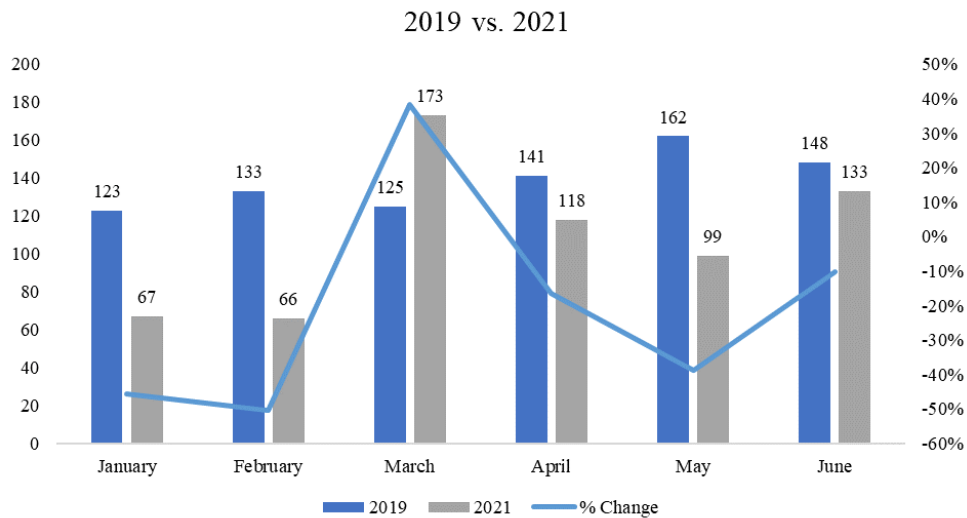
Caseload Comparison from the Past Years (2019, 2020, and 2021):

2020 vs. 2021 (Covid court closure year vs. Covid court reopening year): The Washington County Public Defender's Office (Washington PD) has seen a substantial increase in the number of cases opened since March 2021, when compared to the corresponding months in 2020. In April 2020, the Washington PD opened 52 cases; in April 2021, the number of cases opened had increased by 127%². Similarly, in May 2021, the number of open cases increased (when compared to the respective months in 2020) by 241%, and in June 2021, it increased by 115%.

² Including arraignment only cases.



2019 vs. 2021 (Pre-Covid year vs. Post-Covid court closure year): Even though there has been an increase in the number of cases opened in 2021, the number of cases opened has not reached the pre-Covid threshold. From January to June 2019, on average, the Washington PD opened 138.67 cases per month. However, from January to June 2021, on average, the Washington PD opened 109.33 cases per month. This equates to a roughly 20% decrease in the number of cases opened.



Six Month Caseload Standards Assessment:

2021 Caseload Standards Compliance Target Number: The total office-wide caseload target number for the Washington PD is 1,701 misdemeanor equivalent cases. To be on target for caseload standards compliance, the Washington PD should have a maximum of 850.5 newly opened misdemeanor equivalent cases for the first six months of 2021.

January through June 2021 Caseload: From January to June 2021, the Washington PD opened 459 cases and an additional 80 arraignment only cases. The weighted total of these cases is 610 misdemeanor equivalent cases. For the first six months of 2021, the total office-wide weighted cases opened (610) was less than the 850.5 target misdemeanor equivalent cases. Therefore, as of June 30, 2021, the Washington PD is on target to comply with the caseload standards in 2021.

Program Type	Cases Opened	Weighted Total
Violent Felony	4	24
Other Felony	48	144
Misdemeanor	280	280
Violation	46	46
Parole Revocation	11	16.5
Post-Disposition	53	79.5
	459	590
Arraignment Only Cases	80	20
Total Office-wide Cases Opened & Weighted (Jan-Jun 2021)	539	610
Maximum Target Misd. Equiv. Cases (January - June 2021)		850.5

**VI. NYSDA Board Resolution
Commending Bill Leahy**

**NEW YORK STATE DEFENDERS ASSOCIATION RESOLUTION COMMENDING
WILLIAM J. LEAHY FOLLOWING HIS RETIREMENT AS
DIRECTOR OF THE OFFICE OF INDIGENT LEGAL SERVICES**

Commending William J. Leahy upon the occasion of his retirement after serving ten years as Director of the New York State Office of Indigent Legal Services;

WHEREAS, it is the custom of the New York State Defenders Association (NYSDA) to recognize and pay tribute to those outstanding individuals who devote their lives and careers to improving the quality and scope of publicly supported legal representation to people unable to afford counsel; and

WHEREAS, New York State created the Indigent Legal Services (ILS) Office and its governing Board in 2010, after years of advocacy by NYSDA and others for statewide systemic reform of public defense services; and

WHEREAS, after a national search by the ILS Board, William J. Leahy, “Bill” was [announced](#) as the first Director of the ILS Office in 2011 following his long and successful career at the helm of the Massachusetts Committee for Public Counsel Services; and

WHEREAS, NYSDA and its founding Executive Director, Jonathan E. Gradess, had worked with Bill on public defense issues nationally years before Bill came to ILS, and Bill’s significant anti-death penalty advocacy corresponded with that of Jonathan and NYSDA; and,

WHEREAS, the roles, duties, responsibilities, and overarching missions of ILS and NYSDA are distinct but complementary; and

WHEREAS, NYSDA staff met with Bill early in his tenure at ILS and NYSDA and ILS continued to discuss issues of mutual interest through participation in myriad ILS and NYSDA functions during his two terms as ILS Director; and

WHEREAS, Bill gave the keynote address, [The Curious Creation, Perilous Present and Favorable Future of the Office of Indigent Legal Services](#), at NYSDA’s Annual Meeting and Conference in 2011, made presentations at NYSDA’s Chief Defender Convenings over the ten years of his service at ILS, and was a presence at many NYSDA activities; and

WHEREAS, Bill oversaw the explosive growth of ILS following its designation as the implementing authority for the historic *Hurrell-Harring* settlement in which New York State acknowledged its duty to ensure effective assistance of counsel in criminal matters; and

WHEREAS, *Hurrell-Harring*, like the creation of ILS, was inexorably intertwined with the advocacy of Jonathan Gradess and NYSDA; and

WHEREAS, Bill oversaw the continuing growth of ILS as additional state funds became available for distribution to improve for public defense in all counties under the legislative

statewide expansion of the *Hurrell-Harring* settlement for which NYSDA and many others had strongly advocated; and

WHEREAS, Bill steadfastly worked to implement and expand state oversight and funding of public defense representation in the family legal system; and

WHEREAS, Bill steadfastly supported NYSDA's work and state funding through turbulent budget and political times (saying at this year's legislative budget hearings: "as I do every year, I emphasize the critical importance of the New York State Defender[s] Association's (NYSDA) Public Defense Backup Center receiving adequate funding"); and

WHEREAS, Bill's many accomplishments at ILS have been extolled across New York State, from the Criminal Justice Section of the New York State Bar Association presentation to him of the [Michele S. Maxian Award for Outstanding Public Defense Practitioner](#) in 2019 to Albany County Executive Daniel P. McCoy, [honoring](#) him at the time of his retirement, saying that "Bill Leahy has accomplished more in the last decade than most will accomplish in their entire lives, and he will leave behind an incredible legacy;" and

WHEREAS, it is the sense of the Board of Directors of the New York State Defenders Association that individuals of such noble aims and accomplishments as are reflected in Bill's career should be celebrated and recognized; now, therefore, be it

RESOLVED, that this Board of Directors pause in its deliberations to honor William J. Leahy—Bill—upon his retirement from the New York State Office of Indigent Legal Services; and be it further

RESOLVED, that a copy of this Resolution, suitably engrossed, be transmitted to him and to the Indigent Legal Services Board and Office.

*ADOPTED BY THE BOARD OF DIRECTORS OF THE
NEW YORK STATE DEFENDERS ASSOCIATION
July 23, 2021*