



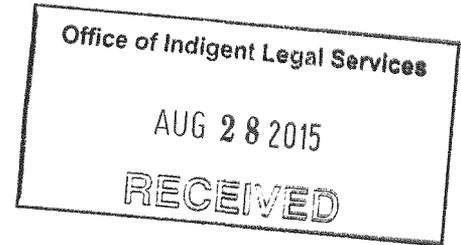
NEIGHBORHOOD LEGAL SERVICES, INC.

EQUAL JUSTICE FOR ALL

Main-Seneca Building ▪ 237 Main Street ▪ Suite 400 ▪ Buffalo, New York 14203-2794
TEL. (716) 847-0650 ▪ FAX (716) 847-0227 ▪ TDD (716) 847-1322 ▪ www.nls.org

August 25, 2015

The New York State Office of Indigent Legal Services
80 South Swan Street, 29th Floor
Albany, New York 12210



Attention: Ms. Tammeka Freeman
Executive Director

Dear Ms. Freeman:

Thank you for inviting public comments regarding standards and procedures for establishing eligibility for mandated legal representation in criminal and family court proceedings. Neighborhood Legal Services, Inc. is a not-for-profit legal services office that provides free civil legal services to individuals with limited income and individuals with disabilities through its Housing, Family, Public Benefits, and Disability Units. We have offices in Buffalo, Niagara Falls, and Batavia, serving individuals in Erie, Niagara, Genesee, Wyoming, and Orleans Counties.

Because the need for legal services often exceeds available resources, eligibility for assigned counsel weighs heavily into our case acceptance criteria, particularly in the Family Unit. When screening eligible clients, our office often considers whether the individual is eligible for assigned counsel in an effort to conserve our limited resources for those who cannot afford legal representation and have no other options. (It should be noted, however, that there is still significant unmet need for legal services in the counties we serve.) Therefore, we ask you to consider the following:

In establishing eligibility standards, please build in flexibility to allow for special circumstances. For example, when domestic violence occurs within a marriage, the abuser may be the monied spouse. Therefore, in family court family offense and custody matters, we suggest that the assigned counsel program disregard the income of the abuser spouse and any jointly-held assets.

Certain assets, such as a vehicle, residence, or tools needed for employment, may be necessary for the individual to function and should be disregarded.

Page -2-

One hundred twenty-five percent (125%) of the poverty level is very low. In complex custody cases, someone making as much as 200 percent of the poverty level may not be able to afford to retain an attorney. Eligibility should take into account the complexity of the case and the realistic ability of the individual to retain counsel for that issue.

We suggest that income of certain household members be disregarded in making eligibility determinations. For example, if a grandmother takes care of two grandchildren, both of whom receive Supplemental Security Income (SSI), the grandchildren should not be required to use the SSI to subsidize their caretaker's need for counsel. Clearly, that is not the purpose of the SSI program. Therefore, we suggest that only income from financially responsible family members be considered when making eligibility determinations, and that any money received as a public benefit, such as SSI, be disregarded.

Thank you for your attention to these comments.

Sincerely,

A handwritten signature in cursive script, appearing to read "Diana M. Straube".

NEIGHBORHOOD LEGAL SERVICES, INC.
Diana M. Straube, Esq.
Supervising Attorney