



Improving the Quality of Mandated Representation Throughout the State of New York

November 13, 2014

Attorney General Eric Holder, Jr.  
United States Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

Dear Attorney General Holder,

On behalf of the New York State Office of Indigent Legal Services and the Indigent Legal Services Board, I write to express my sincere thanks for the action you took in the case of *Hurrell-Harring v. New York*. The Statement of Interest of the United States filed by the DOJ's Civil Rights Division in Albany County Supreme Court on September 25, 2014 provoked increased public attention upon the many deficiencies in New York's system of providing representation for those who are legally entitled to the assistance of counsel but lack the means to retain a lawyer; and thereby played a significant and positive role toward the October 21, 2014 settlement reached between the plaintiffs and the State of New York.

That settlement agreement is noteworthy, indeed it is historic, for each of two separate reasons. First, because it marks the first time that the State of New York has accepted its legal responsibility for the quality of indigent defense representation that is provided within its borders. Second, because it vests responsibility for the implementation of its numerous reform provisions with a professionally staffed and independent Office and Board, thus honoring the first and most important of the American Bar Association's *Ten Principles of A Public Defense Delivery System* (2002). Governor Cuomo and Attorney General Schneiderman deserve enormous credit for heeding your call to action, and for getting these bedrock principles right.

While far-reaching and unprecedented, the settlement is just a first step. First, the funding and the staffing to implement its historic reforms must be forthcoming. Second, its relief is limited to just five of New York's 57 upstate counties: the settlement has no remedial effect upon comparable deficiencies which exist in the remaining 52 counties. We have proposed and we trust that the state political and budget processes will provide remediation and financial relief to every locality throughout the state in the coming fiscal year; time will tell whether our efforts shall succeed.

**Matthew Alpern**  
Director of Quality  
Enhancement,  
Criminal Trials

**Peter W. Avery**  
Manager of  
Information  
Services

**Angela Burton**  
Director of Quality  
Enhancement,  
Parent  
Representation

**Andrew Davies**  
Director of  
Research

**Tammeka  
Freeman**  
Executive Assistant

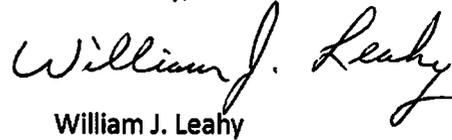
**Risa Gerson**  
Director of Quality  
Enhancement,  
Appellate and Post-  
Conviction  
Litigation

**Karen Jackuback**  
Grants Manager

**Joanne Macri**  
Director of Regional  
Initiatives

In closing, let me reiterate our deep and sincere thanks to you for your strong leadership to ensure that the fundamental Constitutional principles of equal justice under law and the right to the effective assistance of counsel are honored consistently throughout the United States and the State of New York. This is government at its best.

Yours truly,

A handwritten signature in black ink that reads "William J. Leahy". The signature is written in a cursive style with a large, prominent "L" and "y".

William J. Leahy

cc: Jenny Mosier, Deputy Chief of Staff & Counselor  
Vanita Gupta, Acting Director, Civil Rights Division  
Winsome Gayle, Senior Attorney, Special Litigation Department, Civil Rights Division  
Lisa Foster, Director, Access to Justice Initiative  
Jenni Katzman, Senior Counsel, Access to Justice Initiative  
Karen Lash, Senior Counsel, Access to Justice Initiative  
Kim Ball, Senior Policy Advisor, Office of Justice Programs, BJA