

NEW YORK STATE DEFENDERS ASSOCIATION

NEWS RELEASE

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Hurrell-Harring Settlement Major Step on the Road to Justice: **Broad Coalition Urges State to Provide Public Justice for Remaining 57 Counties** **With Legislation Creating Independent Statewide Public Defense Commission**

(Albany, NY) “The *Hurrell-Harring v. New York* settlement underscores the need for Governor Cuomo to introduce legislation to create a statewide Independent Public Defense Commission and provide justice in every county of the state,” stated Jonathan Gradess, Executive Director of the New York State Defenders Association. “We commend Governor Andrew Cuomo, the New York Civil Liberties Union and Schulte Roth & Zabel LLP, for reaching this historic settlement that lays the foundation for statewide reform. This settlement is an important step on the road to fulfill the promise of *Gideon*, the landmark U.S. Supreme Court decision upholding the Sixth Amendment right to counsel for those who can’t afford a lawyer. While it is a good beginning, the state’s job is not done until every person who cannot afford a lawyer in every county has access to a fair trial with a competent lawyer.”

“While this settlement begins to address serious problems in a quintet of counties, there is an entire orchestra of 57 remaining counties without justice,” Gradess continued. “We need Governor Cuomo to complete the job. For decades, hundreds of state policymakers and organizations, from former Chief Judge Judith Kaye to NYSDA and the New York State Bar Association, have called on the state to provide equal justice in every county with a statewide public defense system. The federal Department of Justice has weighed in as well; there should be no more delays.”

“All of New York will be watching to make sure the State follows through on the agreement. It must ensure sufficient funds for the five counties and the Office of Indigent Legal Services in the next budget and a robust process, including input from defenders, clients, and communities, to establish standards. It must fulfill the State’s responsibility by introducing legislation in January to establish an Independent Statewide Public Defense Commission providing adequate legal representation for New Yorkers statewide.

The most this settlement can do is provide justice in five counties. So, while low or limited income Onondaga County citizens charged with a crime will have adequate legal representation, Oswego County residents will continue to suffer. Such a two-tier system is indefensible. The lawsuit laid bare the tragic reality that the state has ignored its responsibility for hundreds of thousands of clients who do not have constitutionally adequate legal

representation. This cannot continue. No one who faces criminal prosecution—regardless of financial means—should be deprived of a competent defense lawyer.”

For background: <http://www.nysda.org/docs/Gideon%20docs/GideonTimeline50yrs.pdf>