

Assigned Counsel Program Standards

June 20, 2019

ILS Releases Assigned Counsel Standards

[ACP Standards - Black Letter](#)

[ACP Standards - Black Letter With Commentaries](#)

[Director Leahy's Transmittal Memo](#)

Background

Well-designed, properly-maintained, and adequately-funded assigned counsel programs play a vital role in ensuring justice. Even where public defender, conflict defenders, or legal aid societies act as the primary providers, representation of some individuals eligible for mandated representation presents conflicts of interest for institutional providers, requiring assignment of those cases to private attorneys. The availability of private lawyers for assignment also acts as a safety valve when the caseloads of institutional providers threaten to prevent quality representation. And involvement of the private bar can increase awareness of and advocacy for public defense funding needs.

County Law § 722 provides no details as to the proper structure of assigned counsel programs. Consequently, Counties and Bar Associations have created and maintained plans with little guidance resulting in a patchwork of assigned counsel systems across the state, including some with structures not sanctioned by the statute or any other authority and some employing procedures that fail to conform to best practices.

Assigned Counsel Program Standards Committee

Initially formed in 2015, the Assigned Counsel Program Standards Committee developed the uniform set of statewide Assigned Counsel Program standards (above) that will aid officials who administer assigned counsel plans and ensure that public defense clients represented through an assigned counsel plan receive quality representation. The Committee included the following members:

Matthew Alpern, Director of Quality Enhancement for Criminal Defense Trials, NYS Office of Indigent Legal Services

Angela Burton, Director of Quality Enhancement for Parent Representation, NYS Office of Indigent Legal Services

Robert N. Convissar, Administrator, Erie County Bar Association Aid to Indigent Prisoners Society, Inc.

Mardi Crawford, Staff Attorney, New York State Defenders Association

Sara Davis, Administrator, Oswego County Assigned Counsel Plan

Barbara DiFiore, Administrator, Assigned Counsel Plan, Appellate Division Second Department

Kathleen Dougherty, Executive Director, Onondaga County Bar Association Assigned Counsel Program, Inc.

Cynthia Feathers, Director of Quality Enhancement for Appellate and Post-Conviction Representation, NYS Office of Indigent Legal Services

Mark Funk, Monroe County Conflict Defender & Assigned Counsel Administrator

Risa Gerson, Former Director of Quality Enhancement for Appellate and Post-Conviction Representation, NYS Office of Indigent Legal Services

Lloyd Hoskins, Administrator, Cayuga County Assigned Counsel for the Indigent Program

Julia Hughes, Program Coordinator, Tompkins County Assigned Counsel Program

Robert Lonski, Fmr. Administrator, Erie County Bar Association Aid to Indigent Prisoners Society, Inc.

Joanne Macri, Statewide Chief Implementation Attorney, NYS Office of Indigent Legal Services

Justin Meyer, Administrator, Clinton County Assigned Counsel Program

Teresa Mulliken, Administrator, Delaware County Assigned Counsel Plan

Karen Needleman, Administrator, Assigned Counsel Plan, Legal Aid Society of Westchester County

Robert Nigro, Administrator, Nassau County Assigned Counsel Defender Plan

Joseph Pelych, Steuben County Conflict Defender & Assigned Counsel Administrator

Larry Rosen, Administrator, Albany County Assigned Counsel Plan

Andre Van Buren, Chairperson, Assigned Counsel Committee, Delaware County Bar Association

Harriet Weinberger, Director, Office of Attorneys for Children, Supreme Court Appellate Division, Second Judicial Department

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