

Conflict and Trial Level Criminal Defense Standards

[NYS Executive Law section 832\(3\)\(d\)](#) mandates the Office of Indigent Legal Services "to establish standards and criteria for the provision of [indigent defense] in cases involving a conflict of interest, and to assist counties to develop plans consistent with such standards and criteria."

On June 8, 2012, the Indigent Legal Services Board approved the [*Standards and Criteria for the Provision of Mandated Representation in Cases Involving a Conflict of Interest*](#), effective July 1, 2012. The standards and criteria hew closely to the established and widely admired [New York State Bar Association Revised Standards for Providing Mandated Representation](#) (revised 2010), which indeed are cross-referenced throughout; but they derive also from other state standards and nationally recognized criteria.

The standards and criteria, issued in fulfillment of this Office's responsibility under the Executive Law, serve a twofold purpose. First, the standards and criteria will be utilized by the Office and Board to work with counties and legal service providers to generate improvements in the quality of mandated legal services, with the objective of achieving compliance with the standards. Secondly, under [County Law section 722 \(3\)\(b\) & \(c\)](#), the State Administrator (Chief Administrative Judge) is directed to "employ the guidelines established by the [Office]" when considering approval of an office of conflict defender.

[County Law 18-B, section 722](#) mandates that each county "place in operation throughout the county" a plan of indigent representation, and section (3)(a) lists an Office of Conflict Defender as one permissible component of such a plan. In order to operate an Office of Conflict Defender, section (3)(b)&(c) requires the county to submit a plan for an office to the State Administrator (Chief Administrative Judge) and then directs the State Administrator to employ the guidelines established by this Office when considering approval of such office.

On September 28, 2012, the ILS Board voted to extend these Standards to include all trial level representation effective January 1, 2013.

The New York State Defenders Association website also provides a comprehensive list of State and National Criminal Defense Standards. See [Criminal Defense Standards from the New York State Defender Association](#)

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