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# Indigent Defense Seeks Funding Increase to Fill Gap

Tania Karas, New York Law Journal

September 29, 2014

The board of the state Office of Indigent Legal Services voted Friday to ask Gov. Andrew Cuomo and the Legislature for an additional \$34.6 million in the next state budget. The board's request includes an additional \$20 million toward reducing the caseloads of upstate attorneys who provide indigent legal services.

The vote came two days after the office released a report that found legal services providers in 57 counties outside New York City exceed maximum national caseloads standards by an "unconscionable margin" and pegged the providers' unmet spending needs at \$105.2 million ([NYLJ, Sept. 25](#)).

A proposed five-year plan approved at Friday's meeting aims to increase state funding for caseload reduction by about \$20 million annually until national standards are met.

The funding boost would ease the financial burden on upstate counties straining to provide legally mandated representation to the poor under New York County Law Article 18-B, according to the report.

"These monies are critical, and we intend to fight for them and get legislative support for them," Chief Judge Jonathan Lippman said at Friday's meeting.

A state law enacted in 2011 limits annual New York City public defense attorney caseloads to 400 misdemeanors or 150 felonies. But no such law covers legal service providers outside city limits.

The office's \$117.5 million proposed annual budget represents a 42 percent increase over this year's \$82.9 million budget.

A five-year budget plan was devised after the office took a serious look at its priorities to ensure funding for upstate providers took precedence, said William Leahy, director of the Office of Indigent Legal Services.

"Last year, we had a budget that was considered very ambitious," he said. "This year is even more ambitious, but I think the times call for it."

On Friday, the nine-member board voted to ask for \$2 million in the 2015-16 state budget to

establish nine regional support centers across the state to assist local public defenders and 18-B programs. The board also decided to request \$800,000 to create a statewide appellate resource center that will take some complex appellate level cases and assist local attorneys with others.

Finally, the board discussed its plans to start a network of six regional immigration assistance centers aimed at supporting legal service providers advising noncitizen clients on the immigration consequences of criminal convictions in compliance with [Padilla v. Kentucky](#), 559 U.S. 356 (2010). The group has allocated \$8.4 million in existing funds to the initiative over the next three years. Proposals are due Nov. 19.

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