



# PRESS RELEASE

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New York State  
Unified Court System

Hon. Lawrence K. Marks  
Chief Administrative Judge

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Date: October 2, 2017

## **NY Courts to Launch Centralized Off-Hours Arraignment Pilot in Four Upstate Counties to Facilitate Right to Counsel for Indigent Defendants**

**New York** – Chief Administrative Judge Lawrence K. Marks today announced that centralized arraignment parts (CAPs) for off-hours arraignments will begin operation this month in four upstate counties, part of a pilot program to facilitate the delivery of right-to-counsel services for indigent criminal defendants, as guaranteed by the federal and state constitutions and laws of New York. The CAPs will operate during designated evening and weekend hours, beginning on October 2 in Broome County, October 8 in Oneida County, and later in the month in Onondaga and Washington counties.

The establishment of the centralized arraignment parts is authorized by newly enacted legislation amending the State’s Judiciary Law, Criminal Procedure Law and Uniform Justice Court Act. By allowing arraignments in centralized locations, the new law ensures the availability of counsel for poor defendants, also promoting efficiency and reducing the burden on the various justice system stakeholders. These include the State’s Town and Village Justice Courts, which operate in the 57 counties outside New York City (New York City currently has a system in place to ensure counsel at arraignment) and conduct criminal proceedings, law enforcement agencies, prosecutors and indigent criminal defense providers.

Off-hours arraignments have historically placed great strain on localities across the State, with inadequate funding, long commutes to decentralized court facilities and a shortage of qualified attorneys, among the difficulties. The new CAPs, by optimizing countywide resources and eliminating logistical barriers, will ensure that judges, defense attorneys and security staff in the selected counties are readily available at arraignment proceedings during designated evening and weekend hours. Under the pilot program, judges in the local criminal courts in the selected

counties will be assigned to a single, central court part on a rotational basis, and will conduct arraignments resulting from off-hours arrests for their entire county.

The establishment of the CAP program was spurred largely by the settlement in the landmark Hurrell-Harring class-action suit, in which plaintiffs from five New York counties sued the State, alleging that services and resources provided to indigent criminal defendants were constitutionally deficient. Under the settlement, and pursuant to an agreement between the Governor and the Legislature earlier this year included in adoption of the State budget, New York must ensure that every criminal defendant has an attorney at arraignment.

Hon. Michael V. Coccoma, Deputy Chief Administrative Judge for Courts outside New York City, under the direction of Judge Marks, led the effort to initiate the centralized off-hours arraignment parts. Working with Fourth Judicial District Administrative Judge Vito C. Caruso (Washington County), Fifth Judicial District Administrative Judge James C. Tormey (Oneida and Onondaga counties) and Sixth Judicial District Administrative Judge Molly Reynolds Fitzgerald (Broome County), Judge Coccoma was successful in bringing together the various justice partners to address the myriad issues involved in implementing the centralized parts. With input from all the local stakeholders, each CAP has been tailored to that county's local needs and resources.

The CAPs are being launched with the approval of the Administrative Board of the Courts, which sets statewide policies and practices for the Unified Court System and is made up of Chief Judge Janet DiFiore and the four Presiding Justices of New York's Appellate Division. In the coming months, the CAPs will be established in other counties around the State.

"This pilot program is a major step forward in the court system's efforts to advance the fair, timely administration of justice, ensuring poor defendants' constitutional right to counsel at arraignment, during which bail and other critical decisions are made. I commend Judges Marks and Coccoma, our Administrative Judges and justice system partners for their hard work in bringing this vital initiative to fruition," said Chief Judge DiFiore.

"The centralized off-hours arraignment pilot parts will play an integral role in the Judiciary's quest to fulfill the promise of equal justice for all New Yorkers, serving as a model for additional counties and working in tandem with other reform efforts to improve the quality and delivery of indigent defense services statewide. I want to thank Judges Coccoma, Caruso, Tormey and Fitzgerald for their tireless efforts in this endeavor, with each of the CAPs representing a large-scale collaboration," said Chief Administrative Judge Marks.

"I am grateful to our wonderful team of Administrative Judges, whose skillful coordination among the many justice system players has been instrumental in launching this

critical undertaking; and to Judges DiFiore and Marks for their ongoing leadership and support on access-to-justice issues,” said Deputy Chief Administrative Judge Coccoma.

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# Centralized Arraignment Pilot Program Begins Upstate

Josefa Velasquez, New York Law Journal

October 2, 2017



Manhattan Supreme Court at night NYLJ/Rick Kopstein

Centralized arraignment parts for off-hours arraignments are slated to begin in four upstate counties this month, Chief Administrative Judge Lawrence Marks announced Monday.

In an effort to help deliver counsel to indigent defendants, the CAPs will operate evenings and weekends beginning Monday in Broome County and next Monday, Oct. 8, in Oneida County. CAPs in Onondaga and Washington counties are slated to begin later this month, Marks said in a press release.

The pilot program was established as part of a [bill signed into law by Gov. Andrew Cuomo in November 2016](#). The idea of having off-hours arraignments was based on a recommendations of Marks' advisory committee on criminal law and procedure and was partly born out of New York's experience with the [settlement in \*Hurrell-Harring v. State of New York\*](#) (NYLJ, March 18, 2015). Plaintiffs in the class action lawsuit sued the state over allegations that services provided to indigent criminal defendants were constitutionally deficient. As part of the settlement, the

state agreed to improve indigent criminal defense in Suffolk, Washington, Ontario, Onondaga and Schuyler counties, which were named as defendants in the case.

Additional CAPs will be established in other counties in the "coming months," according to the court. The new law, the court says, ensures that counsel is available to poor defendants, promotes "efficiency" and reduces the burden on "various justice system stakeholders."

Marks said in a statement, "the centralized off-hours arraignment pilot parts will play an integral role in the judiciary's quest to fulfill the promise of equal justice for all New Yorkers, serving as a model for additional counties and working in tandem with other reform efforts to improve the quality and delivery of indigent defense services statewide." Under the pilot program, judges in local criminal courts in the four upstate counties will be assigned a single, central court part on a rotational basis, and will conduct arraignments that are a result of off-hours arrests for the rest of the county. Judges, defense attorneys and security staff in the four counties will be available at arraignment proceedings during the designated off-hours.

"Having attorneys at a client's first appearance is critical to providing effective and zealous representation when people are in need the most. Having a lawyer to advise a person on their rights, to challenge bail requests and to ensure a person's constitutional guarantees helps fulfill the promise of *Gideon v. Wainwright* and makes a huge difference to the person who is being accused," said Tina Luongo, the attorney-in-charge of The Legal Aid Society's criminal defense practice.

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