



February 27, 2017

The Honorable Andrew M. Cuomo
Executive Chamber
New York State Capitol
Albany, NY 12224

Dear Governor Cuomo,

We write to you as the State of New York undertakes historic reform of public defense that will protect the constitutional rights of all New Yorkers, and to offer our assistance in building public defense systems that actively enforce those rights.

The National Legal Aid & Defender Association (NLADA), founded in 1911, is America's oldest and largest nonprofit association devoted to excellence in the delivery of legal services to those who cannot afford counsel. The American Council of Chief Defenders (ACCD) is a section of NLADA open to the top executives in public defense systems across the nation. The *Ten Principles of a Public Defense Delivery System*, developed by NLADA and adopted by the American Bar Association in 2002, are the leading national standards for quality public defense.

Your 2017-18 Executive Budget proposal would provide state funding for defense counsel at arraignment, caseload relief, and quality improvement. We applaud your leadership in working to secure, throughout the State of New York, these hallmarks of quality public defense, which are indispensable to the fair administration of justice. Although public defense systems remain in deep distress, these reforms are indeed groundbreaking first steps.

These important reforms are likely to have their intended impact only if they are implemented with appropriate forms of oversight. New York's Office of Indigent Legal Services (ILS) is a national example of independent, nonpartisan oversight of the right to counsel. Administering state funding for public defense through ILS, as you propose, is consistent with national best practices. You also propose, however, subjecting this funding to approval of your Division of Budget. We urge that you instead seek to maintain the responsibility for ILS' funds in ILS and its board.

Independence is the fundamental feature of quality public defense, and the first of the *Ten Principles*. Public defenders who are independent from undue executive and judicial oversight are attorneys who serve their clients first, without fear of political retribution. They are a critical, constitutional check on the fairness of the criminal justice system.



ILS was designed to independently evaluate and improve public defense in New York. We are grateful for your effort to support this mission, and ask that you uphold the structure that is necessary to achieve it.

Sincerely,

Jo-Ann Wallace
President and CEO
National Legal Aid & Defender Association

Steve Lipson
Chair
American Council of Chief Defenders
National Legal Aid & Defender Association

Brendon Woods
Chair
National Voice Committee
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