

Dear Advisory Group members,

Thank you for agreeing to join our Criminal Defense Advisory Group, and for participating so thoughtfully during our initial meeting on June 28. (Please save the date for our second meeting on **Thursday, September 13**).

Our staff and I had a lively post-meeting discussion last week in preparation for further steps concerning the topics we discussed. As to Statewide public defense reform, I'd like to address the issues of communication, recruitment, accurate data gathering, and regional support centers.

Communication: Many participants asked that ILS provide public defense leaders with regular updates on our progress toward statewide implementation of the *Hurrell-Harring* reforms. We fully agree. Once our Statewide Implementation Team completes its first round of contract agreements with counties, we will provide regular, periodic updates of our progress to the entire Chief Defender list.

Recruitment: Hundreds of new public defender, assigned counsel program, and support staff positions will be created throughout the state over the next five years. We want to recruit as dedicated and as diverse a pool of applicants as possible so that the best possible candidates can be recruited, hired and retained in positions that offer both professional growth and a positive career path. I am happy to say that NYSDA, CDANY and ILS are already engaged in planning this effort, which will include outreach to law schools. I credit Stan German, David Schopp, Susan Bryant and Joanne Macri for getting the ball rolling with conference calls this week. We look forward to spreading the word nationwide that excellent public defense opportunities abound in the State of New York.

Accurate Data Collection: To ensure effective implementation and ongoing state funding, each of the three key reforms – counsel at arraignment, caseload relief, and enhancing quality by providing proper attorney supervision and non-attorney support – requires the collection of accurate and uniform data. Our discussion revealed some of the challenges inherent in achieving this task. The answer to this challenge is at least three-pronged: ILS must provide clear definitions and guidance as to what must be provided; local providers need the resources to cull the data; and local governments must commit themselves to their statutory responsibility to undertake good faith efforts to implement the ILS plan for their county or city. Again here, there was strong support for sharing information about processes and systems currently being used, and supporting system upgrades as a priority.

Regional Support Centers: Our takeaway here was that our vision for these Centers should evolve with the emergence of statewide reform. The challenges post-Settlement and post-Statewide reform are different than they were when we first created the proposal for these Centers in 2012. Today, we see the Centers as not necessarily divided along Judicial District lines – perhaps they should be aligned to include groups of counties that are contiguous and cooperative, without strict adherence to judicial district boundaries. We see that their focus, while not ignoring support for more established programs, might prioritize the development of infrastructure for Assigned Counsel Programs and small institutional offices; provide important forensic and sentencing advocacy assistance to providers; promote and foster regional cooperation; facilitate access to non-attorney professional supports; and help counties and providers furnish accurate data. While I am quite clear that the establishment of regional centers is indispensable to effective and sustainable reform implementation in 150 public defense providers spread among 58 localities, I know that we need to tailor our proposal to maximize the practical support we can offer, and avoid any duplication of effort.

Raise the Age: My most recent inquiry, two days ago, brought forth no new information as to when the Governor's RTA task force will meet to begin its work. I will be meeting with Chief Judge DiFiore and Chief Administrative Judge Marks next week, and will emphasize again the need to have experienced, qualified felony defense lawyers representing young persons charged with felonies in the Youth Part. OCA has previously indicated its understanding and approval of this imperative.

At the NYSDA conference in Saratoga on July 23, Nancy Ginsburg of LAS and Nora Christenson of ILS will present on RTA, with a focus on what lawyers must do and what support they must have to provide effective representation in the Youth Part. Nora will also be present at the Chief Defender Convening on July 22.

Please respond to me directly with any thoughts and suggestions you may have on any of the topics addressed herein, or anything you have in mind that I have omitted. I assure you that your message will be shared with all involved here at ILS, and that we will communicate with you promptly on the subjects you address. And finally, **please save the date: Thursday, September 13 in Albany.**

Thanks again for your thoughtful participation,

Bill