

An Estimate of the Cost of Compliance with Maximum National Caseload Limits in Upstate New York

Executive Summary

- In 2012, the 57 upstate counties of New York State spent \$165,934,692, largely from county funds, to provide legally mandated representation to indigent persons under NY County Law Article 18-B.
- Maximum national caseload limits published in the 1970s stipulate that the weighted caseloads of attorneys in institutional providers of indigent legal services should average no more than 400. In the 71 such providers in upstate New York in 2012 the average weighted caseload was 719.
- In order to comply with maximum national caseload limits in 2012, New York would have had to spend an additional \$111,214,533 on indigent legal services in upstate counties.
- \$69,360,191 of this amount was needed in the 71 institutional providers of representation in upstate counties. This would have paid for 567 new staff attorneys in addition to the 654 employed that year. It would also have funded 324 new non-attorney staff in addition to the 297 who were already employed. Expenditures in each of these programs would have had to increase by an average of 92%.
- \$41,854,342, or the remainder of the total, would have been required to bring the 58 upstate assigned counsel programs into compliance with national standards. Expenditures in each of these programs would have had to increase by an average of 67%.
- This estimate is grounded on conservative assumptions with respect to both the caseload limits used, which have been criticized as excessively high, and the methods by which caseloads, salaries and expenditures were quantified. This was to avoid overstating the cost of bringing New York's upstate counties into compliance with national caseload maxima.

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