



Legislation Details (With Text)

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Title: A Local Law to amend the administrative code of the city of New York, in relation to placing a cap on the number of misdemeanor and felony cases an attorney can handle in representing indigent defendants.

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Int. No. 820

By Council Members Reyna, Mendez, Barron, Brewer, Jackson, James, Mark-Viverito, Mealy, Nelson, Palma, Sanders Jr., Dilan, Gerson, Seabrook, de Blasio, Arroyo, Vann, Rivera, Foster, Comrie, Baez, Liu, Garodnick, Gentile and Katz

A Local Law to amend the administrative code of the city of New York, in relation to placing a cap on the number of misdemeanor and felony cases an attorney can handle in representing indigent defendants.

Be it enacted by the Council as follows:

Section 1. Legislative Findings: The Council of the City of New York hereby finds and declares that indigent New Yorkers for whom counsel is appointed in criminal matters are entitled to be represented by an attorney whose caseload is in compliance with appropriate standards. The First Judicial Department of the Appellate Division of the State of New York and the New York State Bar Association have adopted an annual caseload standard to ensure the provision of effective assistance of counsel to indigent New Yorkers for whom

counsel must be appointed in criminal matters in New York City. More particularly, pursuant to §613.3 of the Rules of the Court, the Indigent Defense Organization Oversight Committee (“IDOO”) was granted the authority and responsibility to monitor the operation of organizations that contract with the City of New York to represent indigent defendants in criminal proceedings. Pursuant to §613.5 of the Rules of the Court, the IDOO promulgated by laws and standards entitled General Requirements for All Organized Providers of Defense Services to Indigent Defendants (“General Requirements”), which were approved by the New York State Supreme Court Appellate Division, First Judicial Department on June 19, 1996. One provision of the General Requirements is a maximum annual caseload of 400 misdemeanors or 150 felonies, with felonies to be weighted as 2.66 misdemeanors in mixed caseloads. Another recommendation of the General Requirements is that in addition to the annual maximums, defense organizations doing trial work should establish formulas for determining the maximum number of cases each lawyer may have pending at one time. Because many attorneys and/or law offices appointed to provide representation to indigent New Yorkers in criminal matters in New York City are handling annual caseloads in excess of that standard, there is a crisis situation in the criminal justice system. In responding to that crisis this legislation seeks to establish caseload standards.

§2. Title 9 of the administrative code of the city of New York is hereby amended by adding a new chapter 2 to read as follows:

CHAPTER 2

CRIMINAL INDIGENT DEFENSE SERVICE

§ 9-201. Criminal Indigent Defense Service Caseload Standard. a. There shall be an annual caseload standard for all attorneys and/or law offices providing representation to indigent clients in criminal matters in the city of New York pursuant to article 18-b of the county law, which shall limit criminal defense attorney caseloads to a maximum annual caseload of 400 misdemeanors or 150 felonies with felonies to be weighted at 2.66 misdemeanors in mixed caseloads.

b. Each criminal defense attorney practicing in a law office providing representation to indigent clients

in criminal matters in the City of New York pursuant to article 18-b of the county law, shall, at the time of adoption of this local law, be limited to a pending caseload of an average of 70 clients to ensure that caseloads do not exceed the annual caseload standard.

§3. This local law shall take effect within 90 days of enactment.

LS# 5406

RCC

08/04/08 6:07 p.m.