



Legislation Text

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Int. No. 223

By Council Members Mendez, Barron, Chin, Eugene, Johnson, Rosenthal and Lancman (by request of the Manhattan Borough President)

A Local Law to amend the New York City charter, in relation to the creation of an annual report to assess the city's indigent legal representation.

Be it enacted by the Council as follows:

Section 1. Statement of findings and purpose. New Yorkers who cannot afford private legal counsel in criminal cases rely on a system of attorneys funded primarily by the City with some contribution from the State. These attorneys represent adults in matters before Criminal and Supreme Courts, children and adults in Family Court, and children and adults in appeals from these courts. Access to such representation, is crucial as the outcome of a criminal case has life-altering consequences, ranging from whether someone goes to jail to whether a child is separated from his or her parents. Since this representation is so vital, it is important for both the administration and the Council to evaluate the quality of the representation provided.

It is difficult to apply objective criteria to legal representation, however, where the characteristics of a particular case may have greater affect on the outcome of the case than the quality of representation. Moreover, "success" can have very different meanings in different cases. For example, in some cases on termination of parental rights, the welfare of a child may be best protected if the child is separated from his or her parents; in other such cases, a child may be better off remaining with his or her parents. Accordingly, caution is required before using objective criteria to assess any particular attorney, or an organization's work in a small number of cases.

The Council finds that the lack of information available to the Council on a regular basis limits the

Council's ability to understand and assess the quality of indigent legal representation in the City. Accordingly, the Council declares that it is reasonable and necessary to mandate the creation of an annual report to assess the City's indigent legal representation.

§2. Section 13 of chapter one of the New York City Charter is amended to read as follows:

§13. **Coordinator of criminal justice.** a. There is established in the executive office of the mayor a position of coordinator of criminal justice, to be appointed by the mayor. The coordinator shall:

(1) advise and assist the mayor in planning for increased coordination and cooperation among agencies under the jurisdiction of the mayor that are involved in criminal justice programs and activities;

(2) review the budget requests of all agencies for programs related to criminal justice and recommend to the mayor budget priorities among such programs; and

(3) perform such other duties as the mayor may assign.

b. By October 1 of each year, the coordinator of criminal justice shall submit a report to the council and mayor providing quantitative data assessing, for criminal court, supreme court, family court, and appellate courts, the cost and quality of representation provided by any organization funded by the city to provide indigent legal defense, including the panel of 18-b attorneys of the appellate division first judicial department and the panel of 18-b attorneys of the appellate division second judicial department.

§3. This local law shall take effect immediately upon enactment.

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