



## Legislation Text

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**File #:** Res 0770-1999, **Version:** \*

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Res. No. 770

Resolution calling on the New York State Legislature to increase the rates provided under Article 18-B of the County Law.

By Council Members DiBrienza and Linares

Whereas, New York State has a constitutional and statutory obligation to provide effective assistance of counsel to all criminal defendants who are unable to afford to hire their own attorneys; and

Whereas, New York State has adopted Article 18-B of the County Law to effectuate this obligation; and

Whereas, The rates of compensation for attorneys who provide representation in the courts of original jurisdiction have not been changed since 1986, despite inflation and the increased costs of maintaining a practice, and stand at the outdated and unrealistically low rates of \$40.00 per hour for services rendered in court and \$25.00 per hour for services rendered out of court; and

Whereas, The inadequate rates discourage competent attorneys from participating in assigned counsel work in the state courts, resulting in unnecessary delays in criminal proceedings because of an insufficient number of attorneys on the assigned counsel panels; and

Whereas, The rates of compensation for assigned counsel work range from \$60 per hour to \$75 per hour in the federal courts, resulting in a preference by qualified attorneys to handle federal rather than state cases, and

Whereas, The rates of compensation for assigned counsel work are higher in most other state jurisdictions; and

Whereas, The current rates of compensation impose on attorneys who serve on the assigned counsel panels a disproportionate share of the burden of providing constitutionally-mandated counsel; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the Legislature of the State of New York to increase the rates provided under Article 18-B of the County Law.

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