



New York State Office of
Indigent Legal Services

Testimony of the Office of Indigent Legal Services

Joint Legislative Hearing on the FY 2025-26 Public Protection Budget

Presented before:

**The Senate Finance Committee
and**

The Assembly Committee on Ways and Means

**Presented by:
Patricia Warth
Director
Office of Indigent Legal Services
February 13, 2025**

On behalf of the New York State Office of Indigent Legal Services (ILS) and the ILS Board, thank you for this opportunity to discuss ILS' FY 2025-26 budget. Thank you also for your consistent support of ILS throughout our 14 years of existence. Because of the support of both the Legislative and Executive branches, since 2016 substantial resources have been appropriated for ILS to fulfill one part of our statutory mission: improving the quality of legally mandated criminal defense representation throughout New York State, including the ongoing work of statewide implementation of the historic settlement in *Hurrell-Harring et al. v. State of New York*ⁱ (HHS Statewide).

This year, ILS emphasizes these important points to the Legislature as you deliberate on the FY 2025-26 budget:

- 1) The state investment in improved quality public **criminal defense is working**, and though the funding and work must continue, the results have been transformative for providers of public criminal defense and their clients.
- 2) The Executive budget proposal includes authorization for the State to transfer \$234 million from the Indigent Legal Services Fund (ILS Fund) to the General Fund. Of this proposed transfer, \$114 million is for increased assigned counsel costs, which is directly related to the purpose of the ILS Fund. But there is no discernible public defense-related purpose for the additional \$120 million the State seeks to sweep from the ILS Fund. **ILS urges the Legislature to work with the Executive to reduce the proposed sweep to the \$114 million that is directly related to the purpose of the ILS Fund.**
- 3) While there has been a meaningful investment in improving the quality of public criminal defense, there has been no comparable investment in improving the quality of public defense for Family Court matters. As a result, the **quality of legal representation provided to parents in Family Court matters is in crisis**. There is a dire need for a meaningful State investment in improved quality Family Court defense, which is just as constitutionally and statutorily mandated as criminal defense. **ILS is seeking a total of \$50 million (an increase of \$30.5 million above the Executive budget proposal) for improved quality Family Court defense.**

Attachment A summarizes ILS' FY 2025-26 budget request and the relevant portions of the Executive's FY 2025-26 budget proposal. Below are key summary points:

- *Family Court representation*: The Executive included \$19.5 million in the ILS Aid to Localities budget to improve the quality of mandated representation of parents in Family Court matters (Family Court representation), which is the same as the appropriation in last year's final enacted budget, but \$30.5 million less than ILS requested for this year, and \$130.5 million less than the meaningful State investment ILS projects is necessary to address the crisis in Family Court representation.

- *HHS Statewide*: The Executive included almost \$274 million in the ILS Aid to Localities budget for ongoing statewide implementation of the *Hurrell-Harring Settlement*. We appreciate the Executive’s inclusion of this funding, which is consistent with ILS’ request for this program. But as explained below, successful HHS Statewide implementation depends on full funding for the ILS Program.
- *ILS Program*: This program funds the distributions and grants foundational to full implementation of the HHS Statewide program. The Executive budget proposal funds this program at \$81 million, which is the amount at which it has been funded since FY 2013-14.ⁱⁱ A 6% COLA increase is necessary to sustain the staff hired and programs implemented with this funding.
- *Assigned Counsel Program*: This program reimburses counties and New York City 50% of the expenditures they incur because of the 2023 increase to hourly rates paid to private attorneys who accept assigned criminal and Family Court cases. We are pleased to see the Executive’s inclusion of \$92 million to fund this program.
- *State Operations*: The Executive included \$8.4 million for ILS State Operations, which will assure the continued effective operation of the ILS as we work to improve the quality of public defense, support the 3% general salary increases for FY 2025-26 to which the State agreed, and hire two new positions. We appreciate the Executive’s inclusion of this funding.

State Funding Has Transformed Public Criminal Defense and Positively Impacted Lives

During the December 13, 2024 ILS Board meeting, Wayne County Chief Public Defender Andy Correia shared his experiences using State funding to transform the quality of public criminal defense in Wayne County. He told the story of a 46-year-old woman, Michele,ⁱⁱⁱ who contacted his office to explain that she had been convicted of endangering the welfare of a child, a misdemeanor, in 1995, when she was 17 years old. In the 29 years since, she had repeatedly been denied jobs because of this conviction, even though this was her only arrest. She wanted to know if there was anything she could do to prevent this conviction from continuing to pose a barrier to her living a full, productive life.

Mr. Correia located court records and interviewed Michele and learned that when she was arraigned on the misdemeanor charge, she was not represented by defense counsel. The arraigning judge allowed her to plead guilty to a misdemeanor that day and issued a fine and surcharge. She thought this quick resolution of the case would put the matter behind her, but because she did not have the benefit of a defense attorney, she had no idea that the conviction would permanently be a mark on her record. Worse, as Mr. Correia dug into the facts of the case, he realized that a grave mistake had been made – because this was Michele’s first arrest and because it was a misdemeanor, the law mandated that Michele be

adjudicated a Youthful Offender. The Youthful Offender adjudication would have vacated the conviction, sealed all records, and allowed Michele to truly put the matter behind her. But because Michele was arraigned without a lawyer, there was no one working on her behalf to make sure the judge knew of and followed the law.

Mr. Correia said that his office worked with the court and District Attorney's office to vacate the conviction and dismiss the charges. But he could not give Michele back the 29 years of opportunities she had needlessly lost because she was not represented by counsel at her arraignment.

Mr. Correia finished the story by emphasizing that because of the State investment in improving the quality of public criminal defense, *what happened to Michele in 1995 would never happen today*. He went on to note that because of State funding:

- Wayne County has developed a system to ensure that all people arrested for a criminal offense are represented at their first court appearance.
- The Wayne County Public Defender Office has been able to hire additional attorneys to make workloads more manageable, which is foundational to quality representation.
- The Office now has a vibrant training program for new and current staff to ensure that everyone possesses the legal expertise needed to provide quality representation.
- Office staff have access to the specialized services necessary for the client-centered, multidisciplinary approach to representation that the American Bar Association calls for in its *Ten Principles of a Public Defense System*.

Mr. Correia's story aptly illustrates the transformation that has occurred in New York's public criminal defense system because of State funding and ILS' work in partnering with counties to effectively disburse the funding.

While there certainly is much more work to be done, the reforms implemented because of State funding are becoming entrenched across the state, not just in Wayne County. The State funding for these reforms must continue to flow – and where necessary increase to keep pace with rising costs – to ensure ongoing progress in improving the quality of public criminal defense and positively affecting the lives of those impacted by our criminal legal system.

The Indigent Legal Services Fund Must be Used for Its Statutory Purpose

The progress made in improving the quality of public criminal defense is currently funded by the Indigent Legal Services Fund (ILS Fund). The ILS Fund was established in 2003 by enactment of State Finance Law § 98-b as a special fund devoted to assisting counties and New York City with “improving the quality of public defense services.”

The Executive budget proposal includes language in Part EE of the PPGG Article VII bill authorizing the State to transfer \$234 million from the ILS Fund to the State's General Fund. It is ILS' understanding that \$114 million of this proposed transfer is to fund the State's partial reimbursement to counties for the increased assigned counsel rates.^{iv} It appears, however, that the remaining \$120 million is being swept to the General Fund with no discernible public defense-related purpose.

This proposed budget transfer undermines the purpose of the ILS Fund as set forth in State Finance Law § 98-b(1) and dilutes the dedicated funding available for vitally important and constitutionally required improvements in the quality of mandated criminal and Family Court representation. Depleting the ILS Fund for purposes unrelated to public defense also signals to counties and their public defense providers that the State may not live up to its commitment to funding improvements in the quality of constitutionally and statutorily mandated legal representation.

Rather than sweeping money from the ILS Fund, the State should instead invest this money in a greater appropriation for the ILS Program and in improved quality parent representation consistent with ILS' budget request, as discussed further below. Indeed, the proposed transfer shows that the ILS Fund is sufficiently vibrant to fully fund ILS' budget request and to make the vitally important investment in improving the quality of representation in Family Court representation.

ILS urges the Legislature to work with the Executive to reduce the proposed sweep of \$234 million to \$114 million so that the Indigent Legal Services Fund is used for its intended purpose—to fund quality improvements in mandated criminal and Family Court representation.

The Urgency of State Funding for Improved Quality Family Court Representation

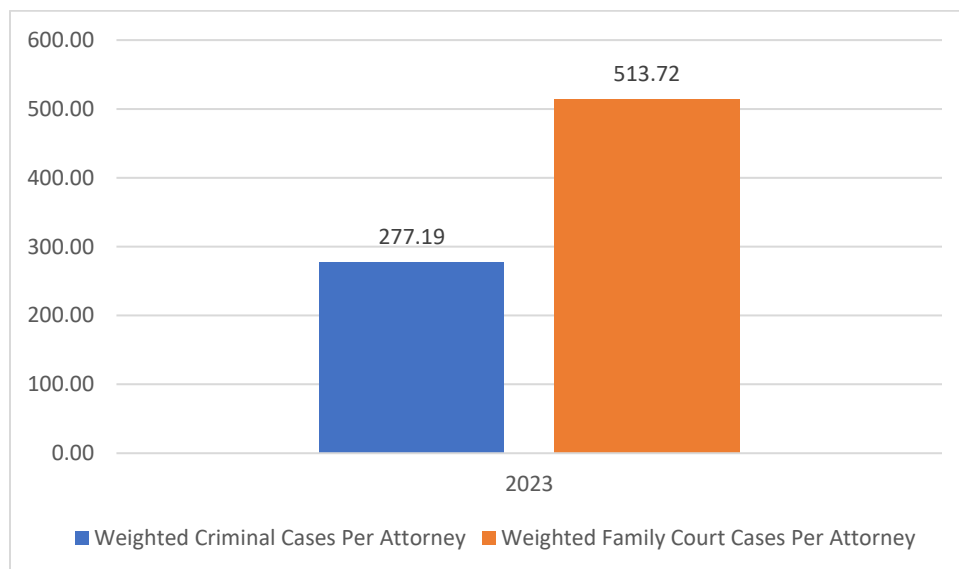
Michele's story illustrates the transformation that is possible when there is a State investment in improved quality legal representation. But this State investment has not been fully made in the other part of legally mandated representation – the legal representation of parents in Family Court matters. ILS' mission, as set forth in Executive Law § 832, to improve the quality of representation provided under County Law Article 18-B includes not only the defense of low-income New Yorkers in criminal cases, but also the defense of low-income parents in Family Court matters (Family Court representation).

Though publicly funded defense of parents in Family Court matters is every bit as legally required as criminal defense, there has been no comparable effort by the State to appropriate the funding needed to bring the quality of Family Court representation to a constitutionally compliant level. The FY 2024-25 final enacted budget appropriated \$19.5 million for improved quality Family Court representation, \$15 million of which was added by the Legislature. While we are deeply grateful for the Legislature's recognition of the

importance of Family Court representation, the fact remains that even with this legislative add, the FY 2024-25 financial commitment to improved quality Family Court representation is just 5% of the total State funding for mandated representation. The FY 2025-26 Executive budget proposal continues this disparity by proposing an appropriation that is the same as last year.

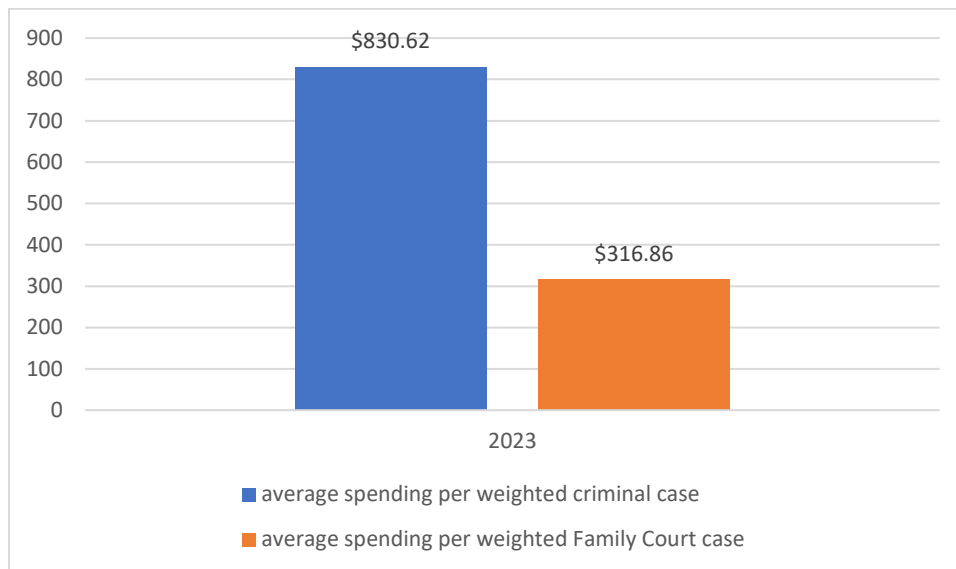
The data public defense providers have reported to ILS highlight the stark difference between criminal defense, in which the State has made a significant fiscal investment, and Family Court representation, in which the State has not. ILS looks at two measures to gauge progress in improving the quality of public defense. For institutional providers (public defender offices and legal aid societies), ILS assesses attorney weighted caseloads, with the goal of caseloads being less than 300 weighted cases in both criminal and Family Court matters. In 2023, the statewide average weighted cases per attorney was 277.19 in criminal cases, but it was significantly higher—513.72—in Family Court cases, as the table below depicts.^v Notably, the Family Court weighted caseloads have increased markedly over the past three years, growing from 373.89 in 2020 to 390.46 in 2021 to 411.62 in 2022, to the 2023 level of 513.72.^{vi}

Weighted Cases Per Attorney in Institutional Providers in the 52 non-Hurrell-Harring Counties and New York City, 2023



For assigned counsel programs, ILS gauges progress by assessing average spending per weighted case. In 2023, the average spending per weighted case statewide for assigned counsel programs in criminal cases was \$830.62, while for Family Court it was \$316.86. This means that assigned attorneys in Family Court cases are spending less than half the time and resources needed for quality representation than they are in criminal cases, as depicted in the table below.

Average Spending Per Weighted Criminal and Family Court Case in Assigned Counsel Programs in 52 non-Hurrell-Harring Counties and New York City, 2023



Viewed through the criminal defense lens, the disparities in weighted caseloads and average spending per weighted case highlights that Michele’s story is not just confined to Wayne County, but that meaningful statewide progress can be made when there is a State fiscal commitment to improved quality: attorney caseloads are lower, spending per case is higher, and a quality improvement infrastructure is built to ensure that this progress translates to meaningful improvement in the quality of representation.

When viewed through the Family Court lens, however, the disparity highlights what happens when there is no similar State fiscal commitment—defense attorneys work under crushing caseloads with insufficient resources, and low-income parents in crisis do not receive quality representation.

The crisis in Family Court representation means that low-income parents facing a Family Court matter – including one that could lead to the loss of their children – are treated like Michele was in 1995. They do not have access to legal representation when they need it the most, during the child welfare investigation. Most face their first court appearance alone, without legal representation. Often there is a long delay between the first court appearance and the ultimate assignment of counsel. And the defense attorneys eventually assigned cannot deliver quality representation because of crushing caseloads and a lack of access to critical resources.

The poor quality of Family Court defense, and the deeply negative impact it has on Family Court proceedings, was discussed at length during the Senate’s November 1, 2023 Joint Public Hearing on New York State Family Court.^{vii} Impacted parents presented compelling

testimony describing the sub-par – and in some instances, non-existent – legal representation they received, and how it led to the needless removal of their children. The testimony of these courageous parents, all of whom were low-income and most of whom were Black or brown, also highlights the disparate impact that the child welfare system has on low-income parents of color, and why quality Family Court defense is a vital antidote to this disparity.

ILS' Proposal to Address the Crisis in Family Court Representation

ILS proposes that the State fund caseload standard compliance for public Family Court representation just as it has for public criminal defense. The funding should come from the ILS Fund, established to assist counties and New York City in funding improvements to the quality of representation provided under County Law Article 18-B. To date, the ILS Fund has been utilized almost exclusively for improved quality criminal defense. It is past time to utilize the ILS Fund for its full intended purpose—criminal defense and Family Court representation.

As part of our statutory mission to improve the quality of Family Court representation, in 2021 ILS issued caseload standards for Family Court representation contingent upon the State funding needed to implement them. More recently, after a comprehensive survey of Family Court representation providers to obtain caseload, staffing, and expenditure information, we determined that implementing the ILS caseload standards would cost the State \$150 million annually. Like the HHS Statewide initiative, ILS proposes that the necessary State funding be phased-in, over three years. Accordingly, for FY 2025-26, ILS requests that \$50 million be included in the ILS Aid to Localities budget for improved quality parent representation.

As with the funding for the HHS Statewide program, ILS would disburse this funding to each county and New York City based on the assessment of the funding needed to comply with ILS caseload standards, working with each county and New York City and their providers of Family Court representation to develop specific plans to effectively use the funding. This plan would then be converted to a line-item budget and workplan for the cost reimbursement contract as the vehicle for disbursing the funding to each county and New York City. Having taken similar steps for the HH settlement and its statewide expansion, ILS is well-positioned to take advantage of lessons learned and to identify strategies for expediting plan development and issuing contracts.

Fiscal Impact of the Proposal

This proposal would require \$50 million in ILS' Aid to Localities budget for FY 2025-26, \$100 million for FY 2026-27, and \$150 million for FY 2027-28 and subsequent budget years. The funding need not come from the General Fund but should instead come from

the ILS Fund, which as described above is sufficiently robust to fund this vital quality improvement initiative.

This State fiscal investment would have a meaningful impact on keeping families intact and beginning to address the outsized impact that the child welfare system has on Black and brown families. This investment would also fend off the lingering threat of a costly class-action lawsuit against the State challenging New York's long-neglected system of parent representation.

We respectfully reiterate our plea that the Legislature work with the Executive to provide this crucial funding in the FY 2025-26 enacted budget.

The Importance of Sustaining the Progress Made in Improving the Quality of Criminal Defense

Michele's story highlights the importance of continuing full funding for statewide implementation of the *Hurrell-Harring* settlement, for which we requested an appropriation of \$273.97 million. We appreciate that the Executive budget proposal includes this appropriation.

ILS' budget request sought an appropriation of \$85.86 million for the ILS Program, which is a 6% COLA increase over last year's appropriation of \$81 million. The ILS Program funds the grants and distributions that are foundational to implementation of the of the HHS Statewide program, and therefor full implementation of these important initiatives cannot succeed unless the positions and programs funded by ILS grants and distributions continue with increased appropriations that track increased personnel and fixed costs. The appropriation for the ILS Program has been flat at \$81 million since FY 2013-14 and has not kept pace with the high inflation rates over the past four years: for 2021, the annual inflation rate was 7%, in 2022 it was 6.5%, in 2023 it was 3.4%.^{viii} Given these high inflation rates, a 6% COLA increase is a modest request that would provide sufficient State funding to continue the positions and programs implemented via these foundational ILS grants and distributions.

Accordingly, ILS respectfully requests that the final enacted FY 2025-26 budget include the requested \$85.86 million for the ILS Program and \$273.97 million for the HHS Statewide program.

The Imperative for the State to Fund the Increased Assigned Counsel Rates

ILS was pleased to see that the final enacted FY 2023-24 budget increased the hourly rate paid to assigned counsel. We are also pleased to see that the Executive's proposed budget for FY 2025-26 continues the \$92 million appropriation for ILS to reimburse counties for

50% of this rate increase. We remain committed, however, to conveying the importance of the State eventually assuming the full cost of this increase.

Forcing the counties and New York City to fully pay for the increase is an unfunded mandate for a vital public function that has always been a State responsibility. It also ignores the lesson set forth in the *Commission on the Future of Indigent Legal Services, Final Report to the Chief Judge of the State of New York*, June 2006 (“Kaye Commission Report”).^{ix} The Kaye Commission Report, which led directly to the 2007 *Hurrell-Harring v. State of New York* class action lawsuit, concluded that New York’s county-financed system of public defense “fails to satisfy the state’s constitutional and statutory obligations to protect the rights of the indigent accused.”^x While the State has sought to remedy this constitutional failure by funding the *Hurrell-Harring* Settlement and its extension statewide via Executive Law § 832(4), the HHS Statewide funding does not address the need to increase the assigned counsel rates. Allocating State funding to assigned counsel rate increase is a necessary corollary of the State’s commitment to meet its constitutional and statutory obligations.

Even with the State reimbursing 50% of their expenditures for the assigned counsel rate increase, counties are exploring ways to manage their increased costs. Some counties are considering hiring or contracting with one or more part-time conflict attorneys to reduce the number of assigned counsel cases. This is a strategy that several counties adopted in the wake of the 2003 assigned counsel rate increase, and one that ultimately diminished the quality of representation provided to people in criminal and Family Court matters. Another strategy being considered is conducting more court proceedings virtually to reduce attorney travel and court time. While ILS believes there are situations in which virtual court proceedings may be appropriate, if decisions about virtual proceedings are driven by costs and convenience, the use of virtual proceedings will inevitably diminish the quality of representation provided to public defense clients as well as the fairness of the legal system.

To effectuate the \$92 million that the State has appropriated for increased assigned counsel rates since the FY 2023-24 enacted, ILS has successfully implemented a procedure for county reimbursement that facilitates efficient processing of claims for this funding while simultaneously providing ILS with rich data about county and New York City expenditures for assigned counsel. We anticipate that soon, this data will give ILS a robust picture of the total State funding needed to pay for the full assigned counsel increase.

We were pleased to see that the proposed Executive budget includes \$92 million for the assigned counsel rate increase and respectfully request that it be included in the final enacted FY 2025-26 budget.

The Importance of Full Funding for NYSDA's Public Defense Backup Center

The goal of improving the quality of mandated criminal and Family Court representation is best achieved through a collaborative approach that values the expertise of the different organizations involved. Since its creation in 1967, the New York State Defenders Association (NYSDA) has played a leading role in working to improve the quality of public defense in New York, and NYSDA has consistently been a strong ally in working with ILS in pursuit of our statutory mission. For that reason, we ask the Legislature to fully support NYSDA's request to fund its Public Defense Backup Center and its Veterans Project, as well as fund its request for ongoing funding for vital discovery support.

NYSDA's Backup Center provides three services that promote successful implementation of the HH settlement and its expansion statewide, and that also serve to enhance the quality of Family Court representation:

- 1) NYSDA provides a Public Defense Case Management System (PDCMS), which is the case management system used most frequently by mandated providers throughout the state. Support of this PDCMS is critical to ILS obtaining the data needed to assess the pace and success of HH settlement and statewide implementation, and to better monitor and assess the crisis in parental representation.
- 2) NYSDA hosts high-quality defense trainings and Continuing Legal Education (CLE) programs for defenders across the state. As specifically recognized by the HH settlement and Executive Law § 832(4), training is a key component of quality improvement. Since the onset of the pandemic, NYSDA has successfully pivoted to make these trainings available to defenders virtually.
- 3) NYSDA's Backup Center provides defenders with support, legal expertise, and written materials. NYSDA's recently created discovery support center provides crucial expertise to attorneys across the state in complying with and effectively utilizing New York's reformed discovery statute. Public defense attorneys across New York depend upon the immediate and accurate legal advice they receive from NYSDA staff. This support is indispensable to maintaining the quality of representation provided to clients who cannot afford to hire counsel.

This year, NYSDA is not only seeking the full funding needed for its Backup Center and the Veterans Defense Program, but also continued funding for their Discovery & Forensic Support Unit. This is a modest request for resources that is vitally important in ensuring full implementation of New York's 2019 discovery reforms and full implementation of the HH settlement and its extension statewide.

NYSDA is essential to New York's fulfillment of its Constitutional obligation to provide competent counsel to those who cannot afford to pay for it, which is why ILS urges the Legislature to fully fund NYSDA.

ⁱ On March 11, 2015, the Albany County Supreme Court approved the settlement between the State of New York and a plaintiff class represented by the New York Civil Liberties Union in *Hurrell-Harring et al. v. State of New York*. With this settlement, the State of New York, for the first time since 1965 when it delegated to counties the duty to provide counsel to indigent persons charged with a crime, accepted its responsibility to implement and fund constitutionally compliant representation in the five counties named in the lawsuit. ILS, under the direction of its Board, accepted the responsibility and has since implemented the terms of the settlement, in which the State agreed to ensure that: 1) all people charged with a crime and unable to retain counsel are provided representation at their arraignment; 2) caseload/workload standards are developed by ILS and implemented in the five counties, thereby reducing the crushing caseloads previously carried by providers of public defense services; and 3) **funding is provided to implement specific quality improvements to public defense services.**

ⁱⁱ The Executive proposed budget appears to include a total of \$90.9 million for the ILS Program. But \$9.9 million of this is a “dry” appropriation for potential federal Title IV-E funding.

ⁱⁱⁱ The pseudonym “Michele” is used to protect the confidentiality of Mr. Correia’s client.

^v Please note that this data set does not include the *Hurrell-Harring* settlement counties, which are assessed via separate, settlement required reports. Moreover, though the statewide aggregate weighted caseloads are less than 300, there is a great deal of variation from provider to provider across the state, with some providers having much higher average weighted caseloads. More detailed information can be found at the ILS *Statewide Plan for Implementing Quality Improvement and Caseload Relief: Year Five Report* (October 21, 2023), available here: [Statewide Plan for Implementing Quality Improvement and Caseload Relief: \(ny.gov\)](#).

^{vi} *Statewide Plan for Implementing Quality Improvement and Caseload Relief: Year Five Report*, at 30.

^{vii} This hearing was conducted by the Senate Standing Committee on the Judiciary and the Senate Standing Committee on Children & Families.

^{viii} See U.S. Inflation Calculator, at: [Current US Inflation Rates: 2000-2024 \(usinflationcalculator.com\)](#).

^{ix} The Kaye Commission Report can be found here: https://nycourts.gov/ip/indigentdefense-commission/IndigentDefenseCommission_report06.pdf.

^x Kaye Commission Report, at 15.



ATTACHMENT A

FY 2025-26 ILS Budget Request and the Executive Budget Proposal

At its September 20, 2024, meeting, the Indigent Legal Services Board unanimously approved our budget request of \$510,436,200 for FY 2025-26. Of this amount, \$501,830,000 would be devoted to Aid to Localities and \$8,606,200 for State Operations.

The Executive budget proposal includes a total ILS appropriation of \$459,465,000 with \$451,470,000 devoted to Aid to Localities and \$7,995,000 devoted to State Operations.

The table below provides an overview of the ILS budget request compared to the proposed Executive budget:

	FY 2025-26 ILS Budget Request	FY 2025-26 Proposed Executive Budget
Aid to Localities		
ILS Program	\$85.86 million	\$81 million ¹
HHS Statewide Program	\$273.97 million	\$273.97 million
Family Court Defense	\$50 million	\$19.5 million
Assigned Counsel Program	\$92 million	\$92 million
Aid to Localities Total	\$501,830,00	\$466,470,000
State Operations Total	\$8,606,200	\$8,415,000

Explanation of the ILS Budget Request:

Aid to Localities. The ILS request for \$501,830,000 in Aid to Localities funding represents an increase of \$35.4 million over the FY 2025-26 enacted budget. Below is a brief overview of each Aid to Localities program:

- **ILS Program (\$85.86 million requested; \$81 million in Executive budget proposal).** Of this, \$40 million would be disbursed to NYC pursuant to State Finance Law § 98-

¹ The Executive proposed budget appears to include a total of \$90.9 million for the ILS Program. But \$9.9 million of this is a “dry” appropriation for potential federal Title IV-E funding.

b(3)(b). The rest of the funding would be used in two ways: 1) ongoing disbursements to counties and New York City via non-competitive distributions; and 2) the following innovative programs that are foundational to the HH statewide program:

- *Counsel at First Appearance* – Since 2011, ILS had disbursed funding to counties to build programs that provide defense representation at first court appearances (arraignments). Though not enough for full arraignment defense coverage, this grant has proven instrumental to jump-starting the process of full arraignment coverage that is being completed with the HH settlement and HH statewide funding.
 - *Upstate Quality Improvement and Caseload Relief* – Currently 40 counties benefit from a relatively modest amount of funding (approximately \$100,000 per year) for quality improvement and/or caseload reduction initiatives.
 - *Regional Immigration Assistance Centers (RIACs)* – With this funding, ILS issued awards to create six RIACs that work statewide to support attorneys in fulfilling their obligation under *Padilla v. Kentucky* to accurately advise their clients of the immigration consequences of their arrest and possible conviction. The RIACs also serve as a resource for information about the immigration consequences of a Family Court proceeding.
 - *Upstate Model Family Defense Office* – The ILS Program funds one of the two awards for two Upstate Model Family Representation Offices ILS has issued, one in Westchester County and one in Monroe County. These offices utilize the interdisciplinary approach to representation of parents in child protective proceedings highlighted in the 2019 *Interim Report of the Commission on Parental Representation*.
- **Hurrell-Harring Settlement Statewide Implementation (\$273.97 million requested and in Executive budget proposal).**

This is the amount needed to continue implementation of the written plans developed by ILS pursuant to the Hurrell-Harring Settlement (HH settlement) and its expansion statewide under Executive Law § 832(4). These plans ensure that across the state: 1) people charged with a crime are represented by a defense lawyer at their first court appearance; 2) public defense providers have the resources and staffing needed to comply with ILS caseload standards; and 3) resources are available to build and maintain quality improvement initiatives, including training, supervision, and use of specialized professionals.
 - **Family Court Representation (\$50 million requested; \$19.5 million in Executive budget proposal).** The amount requested represents one-third of the \$150 million needed to bring the Family Court defense providers into compliance with ILS caseload standards—a necessity for improved quality representation of parents in Family Court matters and for better Family Court functioning.

- **Assigned Counsel Program (\$92 million requested and in the Executive budget proposal).** This is the amount needed to reimburse counties and New York City for 50% of the expenditures they incur because of the 2023 increase to hourly rates paid to private attorneys who accept assigned criminal and Family Court cases.

State Operations (\$8.6 million requested; \$8.4 million in Executive budget proposal). The funding requested will assure the continued effective operation of the ILS Office as we work to improve the quality of public defense, support the 3% salary increases for FY 2025-26 to which the State agreed, and hire two new positions (an Organizational Development Specialist and an Administrative Assistant for our Research Unit). Though slightly less than our request, the \$8.4 million in the Executive’s proposed budget will allow us to achieve these goals.