



Broome County Assigned Counsel Program

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ADMINISTRATOR

Mission

The Broome County Assigned Counsel Program (BCACP) is committed to providing and coordinating critical resources for assigned attorneys to utilize to aid in their representation of individuals who are unable to afford retained counsel in criminal defense cases, and to promote quality representation by employing guidelines that will ensure compliance with indigent defense standards.

Assigned Counsel

- Assignments in criminal matters are made when there's a conflict with the Public Defender's Office in connection with client representation
- The current Broome County Assigned Counsel Plan was approved by the Bar Association in 1997
- Pursuant to that plan, the Courts had been making assignments in all criminal matters
- The plan also provides for an Administrator making those assignments
- November 8, 2007 – NYCLU filed suit on behalf of 20 named criminal defendants

Hurrell-Harring, et al. v. State of New York

NYS failed to create and support public defense system to ensure indigent criminal defendants received meaningful and effective assistance of counsel

Hurrell-Harring Settlement

March 11, 2015

- Ensures that every poor criminal defendant will have a lawyer at the first court appearance, where bail often is set and pleas taken
- Requires New York to hire sufficient lawyers, investigators and support staff to ensure that all poor criminal defendants have lawyers with the time and support necessary to vigorously represent the defendant
- Provides for the setting of caseload standards that will substantially limit the number of cases any lawyer can carry, thereby ensuring that poor criminal defendants get a real defense
- Requires NYS to provide funding to increase attorney communications with poor criminal defendants, promote the use of investigators and experts, and improve the qualifications, training and supervision of lawyers representing indigent defendants
- Mandates the creation of eligibility standards for representation
- Strengthens the Office of Indigent Legal Services as a state-level oversight entity tasked with ensuring the constitutional provision of public defense services and commits New York to provide the office with the resources it needs to develop plans and implement and monitor reforms mandated by the settlement
- Provides that the plaintiffs will receive detailed reports to monitor compliance

Settlement Implementation

As a result of the settlement, ILS is responsible for implementing the following public defense reforms which NYS is obligation to fund:

Counsel at Arraignment

Caseload Relief

Initiatives to Improve the Quality of Indigent Defense

Eligibility Standards for Representation

Quality Improvement Initiatives

- Effective supervision and training
- Having access to and appropriately utilizing investigators, interpreters, and expert witnesses
- Effective communication with clients (including in-person meetings and confidential meeting space)
- Having the necessary qualifications and experience to handle criminal case
- Assigning cases consistent with an attorney's level of experience and caseload/workload

Broome County Assigned Counsel Program Plan (BCACP)

Quality Improvement – Funding

ILS provides full funding to BCACP as follows to ensure quality improvements are being made to indigent defense legal services:

✓ Year 1 \$322,808

✓ Year 2 \$549,828

Year 3 \$998,425

Year 4 \$1,321,234

Year 5 \$1,321,234 (minimum)

The expectation on the part of ILS is that the year 5 funding amount will be continued in another multiyear contract.

BCACP Plan Overview

- October / November 2021 – BCACP staffed with Administrator and FT Administrative Assistant to Administrator
- As of January 1, 2022, the BCACP has been responsible for assigning criminal cases to approved attorneys serving on the Broome County 18-B panel
- Assignments are made on a rotational basis taking into consideration an attorney's qualifications relative to the nature and grade of the criminal offense(s) charged
- Presently there are approximately 30 active panel attorneys

BCACP Plan Overview

- February 2022 – Hired Chief Investigator
 - Has been working on active investigations for panel attorneys
 - Works with panel attorneys to coordinate assigned investigations and NAPS
- July 2022 – Opened New Office
 - Located at 185 Court St., Room 203 (2nd Floor of BC Library)

BCACP Goals and Initiatives

Fall 2022

- Roll Out HighQ Case Management Program
- Hire Deputy Administrator/Supervising Attorney
 - Support Administrator in implementing programs to improve quality of panel attorney representation
 - Coordinate training events
 - Provide direct support to panel attorneys (E.g. legal research; improve access to NAPS; coordinate mitigation services)
- Create Position of Executive Administrative Assistant to the Administrator
 - Coordinate data collection, assist with ILS budgeting, and oversee grant processes
 - Assist assigned attorneys with discovery management
 - Manage e-voucher program via HighQ
- Implement Attorney Mentoring Program

BCACP Goals and Initiatives

Winter 2022/Spring 2023

- Host Continuing Legal Education Event(s)
- Attorney Resource Center
 - Located inside BCACP offices
 - Provide for a private conference room and separate office space
 - Available technology
 - Hold conferences/client meetings
 - Meet virtually with incarcerated clients
 - Review/print discovery
 - Legal research
 - After hours secure access



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