

# Public Hearings on Eligibility for Assignment of Counsel

**NOTICE:** On March 11, 2015, a settlement agreement reached 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](#) was approved by the Albany County Supreme Court. The agreement vests the New York State Office of Indigent Legal Services (ILS) with the responsibility of developing and issuing criteria and procedures to guide courts in counties located outside of New York City in determining whether a person is unable to afford counsel and eligible for mandated representation.

**PURPOSE:** ILS will conduct a series of public hearings to solicit the views of county officials, judges, institutional providers of representation, assigned counsel, current and former indigent legal services clients and other individuals, programs, organizations and stakeholders interested in assisting ILS in establishing criteria and procedures to guide courts when determining eligibility for mandated legal representation in criminal and family court proceedings. Interested participants should provide testimony regarding current and/or recommended guidelines, policies and practices relating to the following topics:

- The criteria for determining whether an individual is eligible for court appointed counsel which may include, but not be limited to, the ability to post bond, the actual cost of retaining private counsel, the income needed to meet reasonable living expenses of the applicant and any dependents or dependent parent or spouse, the severity of the case, the ownership of an automobile that may or may not be necessary for the applicant to maintain his/her employment, the receipt of public benefits, home or other property and non-liquid assets, and income including income and assets of family members, debts and financial obligations, employment and housing status, including residence in a correctional or mental health facility, the use of fixed poverty guidelines and any other criteria that may be included for consideration.
- The process and/or method for disseminating information regarding the criteria for determining eligibility.
- The process of reviewing, appealing and/or reconsidering eligibility determinations.
- The advantages and disadvantages of proposing uniform and comprehensive criteria and/or guidelines to determine eligibility.
- The need to preserve confidentiality of information submitted to determine eligibility.
- Any related social and economic benefits and/or consequences related to the impact of standardizing eligibility determinations.

**SUBMISSIONS AND TESTIMONY:** The New York State Office of Indigent Legal Services Panel will consider both oral testimony and written submissions. Persons interested in presenting oral testimony or making a written submission, or both, are asked to follow the procedures and deadlines described below.

**Submission of Written Testimony:** Any person wishing to submit written testimony only must do so by August 26, 2015. Written testimony should be submitted to ILS at the contact information below.

**Requests to Provide Oral Testimony:** Because of the limited number of hearings scheduled, the Panel will accept requests to present oral testimony in advance, and will then notify individuals of the proposed date, time and duration scheduled for their testimony. If you are interested in testifying at a hearing, please forward your request via email to [publichearings@ils.ny.gov](mailto:publichearings@ils.ny.gov) no later than 7 days in advance of the hearing at which you propose to testify. Proposed testimony should be no more than 10 minutes in length.

If requesting an invitation to provide oral testimony, please provide the following information:

1. Identify yourself and your affiliation if applicable (and if you are requesting an invitation for someone else to testify, that individual's name and affiliation);
2. Attach either a prepared written statement or a brief description of the topics you wish to address at the hearing; and
3. Indicate at which of the hearing(s) the testimony is proposed to be given.

If requesting to give oral testimony, please indicate if you will need special accommodations (e.g. Americans with Disabilities Act or language access assistance) in order to testify.

**NAME, ADDRESS AND AGENCY CONTACT:** All written submissions and requests to testify should be forwarded to the New York State Office of Indigent Legal Services at the following addresses.

By Email: [publichearings@ils.ny.gov](mailto:publichearings@ils.ny.gov), or

By Mail: Attention: Ms. Tammeka Freeman  
Executive Assistant  
New York State Office of Indigent Legal Services  
80 S. Swan St., 29<sup>th</sup> Floor  
Albany, NY 12210

For further information regarding the settlement please visit the New York State Office of Indigent Legal Services' website at <https://www.ils.ny.gov/node/88>.

**DATE, TIME AND LOCATION:** The New York State Office of Indigent Legal Services will conduct one hearing in each of the following judicial districts (i.e., located outside of the New York City area). The hearings will take place as follows:

3rd Judicial District  
Thursday July 16, 2015, 11am  
Albany County Courthouse  
16 Eagle St., Courtroom 427  
Albany NY 12207

5th Judicial District  
Thursday July 9, 2015, 11am  
Onondaga County Courthouse,  
Room 400  
401 Montgomery St.  
Syracuse NY 13202

7th Judicial District  
Thursday August 6, 2015, 11am  
Hall of Justice  
99 Exchange Blvd. Courtroom  
#303  
Rochester NY 14614

9th Judicial District  
Thursday July 23, 2015, 11am  
Richard J. Daronco Westchester County  
Courthouse Ceremonial Courtroom #200  
111 Martin Luther King Jr. Blvd  
White Plains NY 10601

4th Judicial District  
Wednesday August 26, 2015, 11am  
Essex County Courthouse Supreme  
Courtroom  
7559 Court St.  
Elizabethtown NY 12932

6th Judicial District  
Thursday August 20, 2015, 11am  
Broome County Courthouse  
92 Court Street, Room 202,  
Binghamton NY 13902

8th Judicial District  
Thursday July 30, 2015, 11am  
Ceremonial Courtroom, Old  
County Hall  
92 Franklin St.  
Buffalo NY 14202

10th Judicial District  
Wednesday August 12, 2015, 11am  
John P. Cohalan, Jr. Courthouse Courtroom S  
-24  
400 Carleton Ave.  
Central Islip NY 11722