



MEMORANDUM IN SUPPORT

The Committee for Modern Courts strongly supports The Public Defense Act of 2009 A.8793/S.6002

The Committee for Modern Court supports the passage of the Public Defense Act of 2009 (A.8793/S.6002). This Act will provide a seriously needed statewide system of public defense services and reforms to the provision of legal services for individuals unable to afford counsel in criminal court, family court and other proceedings where the right to counsel is guaranteed by the Constitution or New York State law.

In June, 2006, the Commission on the Future of Indigent Defense Services, established by Chief Judge Judith S. Kaye, concluded that there is a crisis in the delivery of defense services to the poor throughout New York State. The Public Defense Act of 2009 provides for a statewide system of public defense services to replace the present hodgepodge of programs, lack of accountability and absence of unified standards. The Act provides for an independent statewide commission whose members reflect the geographic, racial, ethnic and gender diversity of this State. The Commission would have the authority to analyze the needs of the public defense system and make broad-based, cost-effective improvements in the delivery of services. A statewide system would provide accountability, efficiency and uniform standards for the criminal justice system in New York – something gravely needed.

More than forty years have passed since Gideon v Wainwright, the Supreme Court decision that affirmed the constitutional right to counsel which mandated states provide counsel to defendants. Without the passage of the Public Defense Act of 2009, New York will continue to have a criminal justice system that fails to adequately address this right. Modern Courts urges the passage of the Public Defense Act of 2009.

Modern Courts is an independent nonpartisan statewide court reform organization committed to improving the court system for all New Yorkers. Modern Courts supports a judiciary that provides for the fair administration of justice, equal access to the courts, and that is independent, highly qualified and diverse. By research, public outreach, education and lobbying efforts, Modern Courts seeks to advance these goals and to ensure that the public confidence in the judiciary remains strong.

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