

Committee on Families and the Law

June 9, 2018

Hon. Mary Rita Connerton –Co-Chair

Susan B. Lindenauer- Co-Chair

Kathleen R. Mulligan Baxter

General Counsel New York State Bar Association

One Elk Street, Albany, New York 12207

Re: Proposal of the NYSBA Criminal Justice Section and Committee on Mandated Representation

Dear Kathy:

This letter is submitted by the NYSBA Committee on Families and the Law in support of the proposal made by the NYSBA Criminal Justice Section and the NYSBA Committee on Mandated Representation that NYSBA support an increase in the compensation rates for private lawyers who are members of the panels that, under 18-B of the County Law, provide representation to clients facing criminal charges, who are unable to afford private counsel.

This Committee fully supports the Report and the Accompanying Resolution. However, we urge that the action of the Executive Committee and the House of Delegates include assigned counsel appearing in Family Court under 18-B of the County Law. Counsel appearing in Family Court under 18-B of the County Law are providing constitutionally mandated representation and the impact of failure to increase the rates for these attorneys is similar to that described in the Report of the Criminal Justice Section. In April NYSBA adopted policy supporting state funding for parental representation. Including assigned counsel providing representation in Family Court in the increase in compensation rates is an essential next step. Both the NYSBA Criminal Justice Section and the NYSBA Committee on Mandated Representation approved this modification to their proposal at their last meetings on May 3, 2018 and May 4, 2018 respectively.

Sincerely, Susan B. Lindenauer