



New York State Defenders Association, Inc.

Public Defense Backup Center

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Resolution Endorsing the New York State Office of Indigent Legal Services Appellate Standards and Best Practices

WHEREAS, NYSDA has long advocated for improvement in the quality of representation provided to clients seeking to overturn convictions and other dispositions, including: the Association's efforts in the 1980s to establish an appellate defense office in the Third and Fourth Departments of the Appellate Division; its work in the 1980s and 1990s to address appellate delays; and its ongoing collaboration with the Third and Fourth Departments to provide continuing legal education to appellate lawyers, and

WHEREAS, NYSDA has long recognized the important role of standards in improving public defense representation, by, among other things: using and publicizing a wide variety of national and state standards in many contexts, including on its website, in its position papers, and through other publications; adopting "Standards for Providing Constitutionally and Statutorily Mandated Legal Representation in New York State" in 2004 and its Client Advisory Board's "Client-Centered Representation Standards" in 2005; and commenting on drafts of standards developed by other organizations, including the New York State Bar Association and the American Bar Association, and

WHEREAS, the New York State Indigent Legal Services (ILS) Office and Board, created in 2010, have developed and adopted two sets of public defense standards, and the ILS Office is in the process of developing others, and invited representatives from NYSDA and other defense organizations and individuals to participate in the creation of its standards, and

WHEREAS, ILS issued "Appellate Standards and Best Practices" effective January 5, 2015 that provide concrete provisions relating to appellate and post-conviction representation that, if implemented, would raise the quality of representation provided to clients seeking to overturn convictions and other dispositions, and

WHEREAS, as noted in the article, "Indigent Representation: Post-Conviction Best Practices," published in the *New York Law Journal* on August 27, 2015, by Risa Gerson and Tammy Feman, certain provisions of the ILS appellate standards have led to "discussions" – meaning criticism – among segments of the bar,

IT IS RESOLVED,

That the New York State Defenders Association fully endorses the "Appellate Standards and Best Practices" adopted by the Indigent Legal Services Board.

**ADOPTED UNANIMOUSLY BY THE BOARD OF DIRECTORS
OF THE NEW YORK STATE DEFENDERS ASSOCIATION.**

October 30, 2015

Albany, NY