

Indigent Legal Services, Office of

Mission

The Office of Indigent Legal Services and the associated Indigent Legal Services Board are responsible for examining, overseeing, and improving the quality of New York’s county-based system of providing legal representation to people who are unable to afford an attorney.

Organization and Staffing

The Office and nine-member Indigent Legal Services Board were created in 2010 to assist county governments in providing counsel to those persons who are legally entitled to counsel, but cannot afford to hire an attorney. The Board is appointed by the Governor and chaired by the Chief Judge of the Court of Appeals. The Board is responsible for nominating a Director to run the day-to-day operations of the Office.

Budget Highlights

The FY 2021 Executive Budget recommends \$261.3 million All Funds support for the Office of Indigent Legal Services, an increase of \$50.4 million from FY 2020, and a workforce level of 38 FTEs, an increase of two from FY 2020. The \$50 million increase in Local Assistance funding levels from FY 2020 is directly attributable to the statewide implementation of the Hurrell-Harring Settlement (HHS) terms. In addition, \$373,000 in State Operations has been made available to support the increased workload associated with the statewide implementation.

Program Highlights

Indigent Legal Services Program

The Office is responsible for the distribution of State funds appropriated to the counties from the State’s Indigent Legal Services Fund. The State established this dedicated Fund in 2003 to assist localities in meeting the duty to provide legal representation to persons unable to afford counsel. The Office distributes these funds to improve the quality of indigent legal services provided by the counties.

Hurrell-Harring Settlement Program

The Office is responsible for implementing the terms of the Hurrell-Harring Settlement (HHS), in which the State will provide counsel at arraignment, establish Caseload Standards and Eligibility Criteria, and improve the quality of defense in the following five counties: Onondaga, Ontario, Schuyler, Suffolk, and Washington.

Hurrell-Harring Settlement (HHS) Statewide Implementation

The Office is tasked with the statewide implementation of counsel at arraignment, Caseload Standards for providers of indigent legal services, and quality improvement initiatives in a manner similar to the plans implemented by the Hurrell-Harring Settlement.

ALL FUNDS APPROPRIATIONS (dollars)

Category	Available FY 2020	Appropriations Recommended FY 2021	Change From FY 2020	Reappropriations Recommended FY 2021
State Operations	6,090,000	6,463,000	373,000	0
Aid To Localities	204,810,000	254,810,000	50,000,000	445,049,000
Total	210,900,000	261,273,000	50,373,000	445,049,000

NYS DOB | FY2021 Executive Budget | Agency Appropriations
ALL FUND TYPES
PROJECTED LEVELS OF EMPLOYMENT BY PROGRAM
FILLED ANNUAL SALARIED POSITIONS

Program	FY 2020 Estimated FTEs 03/31/20	FY 2021 Estimated FTEs 03/31/21	FTE Change
Indigent Legal Services Program			
Special Revenue Funds - Other	20	22	2
HHS Statewide Implementation			
Special Revenue Funds - Other	8	8	0
Hurrell-Harring Settlement			
Special Revenue Funds - Other	8	8	0
Total	36	38	2

STATE OPERATIONS
ALL FUNDS FINANCIAL REQUIREMENTS BY FUND TYPE
APPROPRIATIONS
(dollars)

Fund Type	Available FY 2020	Recommended FY 2021	Change
Special Revenue Funds - Other	6,090,000	6,463,000	373,000
Total	6,090,000	6,463,000	373,000

STATE OPERATIONS
ALL FUNDS FINANCIAL REQUIREMENTS BY PROGRAM
APPROPRIATIONS
(dollars)

Program	Available FY 2020	Recommended FY 2021	Change
HHS Statewide Implementation			
Special Revenue Funds - Other	1,354,000	1,393,000	39,000
Hurrell-Harring Settlement			
Special Revenue Funds - Other	1,375,000	1,389,000	14,000
Indigent Legal Services Program			
Special Revenue Funds - Other	3,361,000	3,681,000	320,000
Total	6,090,000	6,463,000	373,000

STATE OPERATIONS - OTHER THAN GENERAL FUND
SUMMARY OF APPROPRIATIONS AND CHANGES
FY 2021 RECOMMENDED
(dollars)

Program	Total		Personal Service	
	Amount	Change	Amount	Change
HHS Statewide Implementation	1,393,000	39,000	746,000	29,000
Hurrell-Harring Settlement	1,389,000	14,000	738,000	14,000
Indigent Legal Services Program	3,681,000	320,000	1,971,000	204,000

NYS DOB | FY2021 Executive Budget | Agency Appropriations

Total	6,463,000	373,000	3,455,000	247,000
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Program	Amount	Nonpersonal Service	Change
HHS Statewide Implementation	647,000		10,000
Hurrell-Harring Settlement	651,000		0
Indigent Legal Services Program	1,710,000		116,000
Total	3,008,000		126,000

**AID TO LOCALITIES
ALL FUNDS FINANCIAL REQUIREMENTS BY FUND TYPE
APPROPRIATIONS
(dollars)**

Fund Type	Available FY 2020	Recommended FY 2021	Change
Special Revenue Funds - Other	204,810,000	254,810,000	50,000,000
Total	204,810,000	254,810,000	50,000,000

**AID TO LOCALITIES
ALL FUNDS FINANCIAL REQUIREMENTS BY PROGRAM
APPROPRIATIONS
(dollars)**

Program	Available FY 2020	Recommended FY 2021	Change
HHS Statewide Implementation			
Special Revenue Funds - Other	100,000,000	150,000,000	50,000,000
Hurrell-Harring Settlement			
Special Revenue Funds - Other	23,810,000	23,810,000	0
Indigent Legal Services Program			
Special Revenue Funds - Other	81,000,000	81,000,000	0
Total	204,810,000	254,810,000	50,000,000

Note: Most recent estimates as of 01/29/2020