

Mission

The purpose of the Office of Indigent Legal Services ("Office") is “to monitor, study and make efforts to improve the quality of services provided pursuant to article eighteen-B of the county law.” [Executive Law Article 30, Section 832\(1\)](#). The Office does not provide legal assistance or lawyer referrals to individuals. Rather, it operates pursuant to policies established by the Board to assist county governments and indigent legal services providers in the exercise of their responsibility under [County Law Article 18-B](#) to provide the effective assistance of counsel to those persons who are legally entitled to counsel, but cannot afford to hire an attorney.

The Office and nine-member Indigent Legal Services Board ("Board") were created by Part E of Chapter 56 of the NY Laws of 2010, signed on June 22, 2010. This Chapter added [Executive Law Article 30, Sections 832 and 833](#), and amended [State Finance Law 98-b](#) and [County Law 18-B](#). The creation of the Office and Board was at least in part a response to the [2006 report issued by the Commission on the Future of Indigent Defense Services](#), created by then-Chief Judge Judith Kaye, which found glaring deficiencies in the quality of indigent legal services offered by counties. These deficiencies included excessive caseloads, inability to hire full-time defenders, lack of adequate support services, lack of adequate training, minimal client contact and, in some courts, outright denial of the constitutional right to counsel.

The Office and Board were also given responsibility for the distribution of State funds appropriated to the counties from the State’s Indigent Legal Services Fund (ILSF). 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. Using the discretion provided in the 2010 legislation, the Office and Board can establish criteria for distributing these funds to ensure that localities use the money to improve the quality of indigent legal services.

This new funding approach replaced the statutory ILSF distribution formula that included a “maintenance of effort” (MOE) requirement, whereby counties that failed to meet or exceed their level of expenditure on indigent legal services for the prior year were disqualified from obtaining any state funding. In adopting its Resolution in

2010 supporting legislation creating the Office and the Board, the [New York State Association of Counties](#) (NYSAC) specifically cited the elimination of the MOE as a significant reason for its support.

Last updated on January 08, 2024.

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