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March 9, 2015

Kathleen Baxter, Esq.
House of Delegates Liaison, New York State Bar Association
One Elk Street
Albany, New York 12207

*RE: Committee to Ensure Quality of Mandated Representation's Proposed
Revisions to the 2013 Revised Standards*

Dear Ms. Baxter:

I am writing to express the Chief Defenders Association of New York's support for the proposed revisions to the 2013 Revised Standards for Providing Mandated Representation made by the Committee to Ensure Quality of Mandated Representation (CEQMR).

The Chief Defenders Association of New York (CDANY) is an association of sixty (60) chief defenders who, in 2014, led indigent defense programs in New York that represented over 400,000 New York citizens in the criminal, family, and appellate courts of New York State. CDANY members are thus aware of the vital need to provide quality representation to indigent litigants in the courts of New York State.

The changes proposed by CEQMR seek to ensure greater cooperation between trial and appellate counsel, and seamless representation at the trial and appellate levels. An assigned trial attorney's preservation of issues for appeal, sharing his trial file with appellate counsel upon request and assisting a client to obtain assigned counsel on appeal, are all aspects of quality representation that are essential to ensure that the right to appeal is fully realized. Should the appeal prove successful, appellate counsel should then contact trial counsel to ensure a smooth transition back to the trial court.

The proposed changes also emphasize assigned appellate counsel's obligation not to ignore viable claims of actual innocence based on off-record information that comes to light after trial. Additionally, if a trial judge wishes to assign counsel to a pro se petition for post-conviction relief, appellate counsel should make themselves available for such assignments if

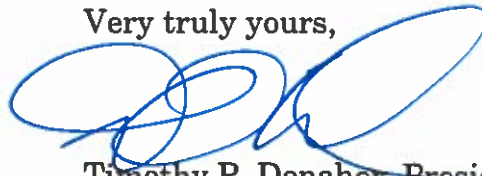
they can be compensated under the County Law.

As set forth fully in the Report, the proposed changes to the minimum standards would ensure that indigent defendants will enjoy the vigorous defense to which they are constitutionally entitled.

Thus, CDANY requests that the House of Delegates approve the proposed changes to the 2013 Revised Standards for Providing Mandated Representation.

Should you have need for any additional information, please do not hesitate to contact me directly.

Very truly yours,



Timothy P. Donaher, President
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and Monroe County Public Defender
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