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# Private Bar Monitors Public Defense for Indigent Defense Providers

*By Adele Bernhard*

**R**eacting to a strike by The Legal Aid Society's criminal defense staff in 1994, New York City began a search for alternate defender organizations to break what government officials saw as a monopoly on the delivery of indigent defense services. Concerned that the city would solicit with the narrow goal of cost containment rather than providing quality services, the New York Supreme Court, Appellate Division, First Department, at the urging of local bar associations, created an eight-member oversight committee of lawyers to monitor the effects of the decision to contract with multiple providers. As more local and state governments nationwide turn to competitive contracts for criminal indigent defense services, the experiences of New York City's private bar initiative may prove useful for other jurisdictions attempting to set standards and goals to ensure quality services and

protect criminal defense services from political and fiscal pressures.

The confrontation between The Legal Aid Society (LAS) and the city began when the Association of Legal Aid Attorneys, the LAS lawyers' union, voted to strike over low wages and a 15 percent increase in individual case-loads. In a city where close to 900 individuals are arrested and detained each day, and where each of those persons must be represented by counsel in order to be arraigned, a strike by defense providers can disrupt the courts and jam arrest processing. The strike incensed city government officials and the mayor, Rudolph Giuliani, who threatened to terminate The Legal Aid Society's long-standing contract with the city and to withhold payments due. He also demanded a \$16 million dollar retroactive cut in the LAS budget. Finally, he told striking lawyers that unless they returned to work, they would be permanently barred from

practicing as criminal defense lawyers for both LAS or the city's assigned counsel plan.

The threats worked. The union ended the strike and the lawyers quickly returned to court. The mayor, however, was not satisfied. He took action to ensure that he would never again depend so heavily upon a single unionized provider of criminal defense services. The next year, he dramatically reduced the size of LAS's city contract, forcing the layoff of dozens of experienced lawyers and drastically reducing training and supervision for the staff. At the same time, he issued a request for proposals (RFP) soliciting potential providers of criminal defense services in each borough. The RFP invited new organizations to represent 12,500 indigent individuals in Manhattan and 10,000 in the Bronx, Brooklyn, and Queens. In Staten Island the new provider would completely replace LAS. Two new appeals offices would each represent 250 clients. For the first time LAS faced competition. The organized bar, meanwhile, reacted with alarm.

The local bar associations were aware that New York City was not the first jurisdiction to experiment with defense services contracts, which are becoming increasingly popular. The most recent survey by the Bureau of Justice Statistics reports that no contracts for defense services existed in 1972; however, by 1986, contracts were in use in 6 percent of all counties nationwide and 14 percent of all counties with a population of one million or more. Ten years later it is likely that those numbers have grown exponentially. But as contracts proliferate, they have been criticized by courts, the academic community, and the American Bar Association.

Fixed-price contracts are the most worrisome. In a fixed-price contract, a lawyer or group of lawyers agrees to handle all assignments in a given jurisdiction over a set period of time for a set price. Such a scheme is attractive to states and local governments concerned with containing costs and accurately predicting expenditures, but fixed-price contracts risk reducing quality of

services, especially when contracts are awarded through competitive bidding. Further, contract organizations risk jeopardizing their professional independence as allegiances gravitate towards funding sources rather than clients.

Recognizing the potential for problems, the ABA *Standards for Criminal Justice: Providing Defense Services* warn that contracts should not be awarded "primarily on the basis of cost" and suggest that contracts for services include terms and conditions designed to ensure quality representation and professional independence.

Robert Spangenberg, an expert consultant in criminal justice and defense services, opposes the use of the fixed-price contracts, preferring agreements that bind the contractor to representing only a fixed number of clients or cases for a set price. Although such an arrangement is no guarantee against the risk that cases will turn out to be complex, requiring more lawyer and expert hours than anticipated, it does afford more protection than an open-ended contract that forces an organization to handle all arrests and resulting prosecutions within its jurisdiction. Unfortunately, many contractors across the county have agreed to fixed-price, open-ended contracts. In fact, as the bar associations were later to discover, this is exactly the predicament in which LAS now found itself.

Concerned that the city would pick the cheapest, most efficient defense provider rather than the best-equipped and most dedicated to delivering quality

# P e r f o r m a n c e

The Indigent Defense Organization Oversight Committee created specific performance standards by which providers of indigent defense services could be measured. Called the *General Requirements for All Organized Providers of Defense Services to Indigent Defendants*, the standards are divided into 10 sections: professional independence, qualifications of lawyers, training, supervision, workloads, evaluation, promotion, and discipline, support services, case management and quality control, compliance with standards of professional responsibility, and reporting obligations. Each section was then divided into three parts.

• **Performance standard:** A black letter performance standard establishes the basic and general requirement that every indigent defense organization is expected to meet. For example, the section on training reads: "All lawyers employed by defense organizations should receive initial training and continuing legal education sufficient to ensure that their skills and knowledge of criminal law and procedure enable them to provide quality representation."

• **Evaluation criteria:** The criteria offers specific, detailed questions designed to investigate whether the organization complies with the general standard. For example, to evaluate an organization's training, the inspection team asks the following questions:

1. Does the defense organization require all inexperienced lawyers to attend its own or outside training programs to acquaint them with all relevant aspects of criminal defense work, including

substantive law, criminal procedure, collateral consequences of criminal convictions, ethics, and professionalism?

2. Does the defense organization conduct internal seminars and workshops covering recent developments in criminal law and procedure and collateral consequences such as deportation and forfeiture?

3. Does the defense organization require trial lawyers to attend a trial advocacy course provided by the defense organization itself or a recognized provider of continuing legal education?

4. Does the defense organization require lawyers to attend an annual continuing legal education course regarding substantive and procedural issues provided by the defense organization itself or a recognized provider of continuing legal education?

5. Does the defense organization conduct moot courts for trial proceedings and appellate arguments?

6. Does the defense organization require supervising lawyers to attend training programs that teach supervisory skills?

7. Does the defense organization provide training or orientation programs for professionals providing support services?

8. Does the defense organization encourage its lawyers to participate in the criminal justice activities and programs of bar and defender associations and to share the benefits of such participation with the entire staff?

In another example, the section on qualifications of lawyers specifies what skills defense organizations ought to require of staff, including client com-

services, the New York County Lawyers' Association, joined by the Association of the Bar of the City of New York and the Bronx Bar Association, first approached the city to establish an oversight mechanism. When the city declined, the associations drafted rules for the New York Supreme Court, Appellate Division, First Department, to establish an oversight committee responsible for shielding the quality of defense services from cost-driven politics. The rules enacted as Part 603 of the Supreme Court,

Appellate Division, First Department Court Rules create an eight-member Indigent Defense Organization Oversight Committee with the authority and responsibility to monitor the provision of all defense services in the First Department—the Bronx and Manhattan—and to consider all matters pertaining to the performance and professional conduct of such organizations and the individual attorneys in their employ.

Recognizing that an honest evaluation of defense services would be controversial, difficult to accomplish, and potentially open to misinterpretation by political adversaries, the oversight committee began its supervisory task cautiously. Public defense systems,

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mination, oral advocacy, use of social service professionals, and persuasive writing, as well as current substantive information on recent developments in the law and a level of prior experience as a precondition to handling cases without supervision. In the section on supervision, the specific guidelines require that organizations permit supervisors the time and responsibility to discuss cases, strategy, and ethical considerations; help prepare witnesses; review written work prior to submission; conduct simulated trial court oral advocacy sessions; accompany staff lawyers to court when necessary; provide critique, feedback, and evaluation of staff lawyers' performance; and supervise staff lawyers' compliance with the organization's case management and quality-control requirements.

In sections of particular significance, to aid post-specification assessment, the evaluation criteria are accompanied by specific guidelines, containing objective norms that, if not achieved, would create a rebuttable presumption that the defense organization is not meeting the performance standard. In such cases, the defense organization would have to demonstrate that equivalent practices and procedures suitable to its particular structure and method of operation ensure adherence to the standard.

• **Commentary:** Commentary was added, where appropriate, to explain and clarify certain portions of the performance standards, evaluation criteria, and specific guidelines.

For example, the section on workloads incorporates a presumption that reads:

*Performance Standard:* Lawyers and other professionals employed by defense organizations should maintain manageable workloads in order to permit them to render quality representation to each individual client.

*Evaluation criteria:*

1. Is there a system for weighing and assigning cases in order to apportion workloads equitably among lawyers?

2. Are there established limits on the number of cases in each category assigned to each lawyer?

*Specific guidelines:*

(a) Individual trial lawyers should not be required to accept assignment in any one-year period of more than 150 felony cases or more than 400 misdemeanor cases, with the maximum number of misdemeanors proportionately reduced by the number of felonies as signed. (The numbers were generally adopted from the National Advisory Commission on Criminal Justice Standards and Goals, Courts, Standards 13.12, Workload of Public Defenders, 276-77 (1973).)

(b) Individual appellate lawyers should not be required to handle a caseload that exceeds 25 appeals in any one-year period.

(c) Individual supervising lawyers' personal caseloads should not exceed 10 percent of the maximum caseload, unless the ratio of staff lawyers to supervising lawyers is less than 10:1, in which case supervising lawyers' caseloads may be proportionally higher (parenthetical explanation omitted).

whether public defenders, contract offices, or private bar plans, have been virtually exempt from public scrutiny despite the burgeoning numbers of defense offices and the growing cadre of private lawyers who provide defense services at public expense. Criticism of defense services has focused generally on the performance of individual attorneys on individual cases. Even the comprehensive McConville and Mirsky report, *Criminal Defense of the Poor in New York City*, 15 N.Y.U. Rev. L. & Soc. Change 581 (1986-87), which criticized the work of all the city's defenders, failed to suggest how the organizations might help staff improve performance. Studies of public defense systems concentrate on funding, with failures and shortcomings attributed to

lack of financial support. Written by defense consultants in order to generate more funding or by death penalty abolitionists whose insights can be lost in the fray over the sanction, conclusions lack objectivity and have failed to capture the public's interest. Whether the public does not believe the diagnosis or is simply unconcerned about the quality of services, no one pays a great deal of attention to how well a public defense organization works.

The courts, too, rarely comment. Members of the bench seldom participate in efforts to monitor attorney performance (apart from Rule 11 sanctions in the federal system) and only overturn convictions when the quality of representation sinks to the level of constitutional "ineffectiveness"—a standard

rarely satisfied on appeal.

With limited resources, defense organizations *do* make hard choices every day about where to spend their funds. Starting salaries are low. Investigators and expert witnesses are scarce. Organizations are perennially understaffed, overworked, and in crisis. But the committee questioned whether it was fair to attribute all difficulties to financial stress. In the world of criminal court there is little motivation to perform well. No one gets a salary increase for winning a case or creating a new legal theory. Promotions within a public defender office are rare and not always awarded on merit. Clients are notoriously dissatisfied, so gratitude is scarce. Courts and prosecutors often view zealous defense work as wasting precious time, so that often those lawyers who grease the wheels of justice are more popular than those who put on the brakes with their fervent representation. Finally, the public identifies public defenders with their clients—dishonest and sneaky. In criminal court, obstacles to achieving excellence combine with lack of incentive.

The committee debated whether its monitoring might help the defender organizations to improve funding and remind funding sources of the importance of investing in defense services. The committee also considered what a public defender office could do to motivate a young and idealist staff, such as training, supervision, and evaluation, in addition to better promotional opportunities and a chance at recognition.

## Standards and guidelines

With all these considerations in mind, the oversight committee drafted standards and guidelines with the primary goal of creating a yardstick for defense services organizations against which to measure performance and the hope that a practical set of standards serve



multiple purposes, including:

- educating a skeptical public about what it takes to provide quality defense services;
- promoting an understanding of why adequate funding is necessary (to engender public support for more spending); and
- providing notice to the organizations themselves of what is expected of a publicly funded defense office.

National and local bar associations have drafted several standards relevant to the task of providing criminal defense services. Most assigned counsel plans, for example, have qualification standards for screening lawyers in criminal defense cases. Those

and what kind of supervision should be available; and where the caseload limits ought to be set for felonies, misdemeanors, and appeals.

The committee's starting point was the *ABA Standards for Criminal Justice: Providing Defense Services* (third edition), drafted by the Criminal Justice Standards Committee of the Criminal Justice Section and approved with commentary in 1992. Also useful was the NLADA's *Guidelines for Negotiating and Awarding Governmental Contracts for Criminal Defense Services*, adopted in 1984, as well as standards developed by state public defender com-

missions in Washington, Massachusetts, and Indiana. Each set was intended to assist defense organizations in obtaining funding, and every set contained useful ideas. Overall, however, the existing standards employed

broad, general language, ill-suited for the purposes of monitoring the defense system. The ABA standards, for example, require "reasonable compensation levels (Standard 5-3.2) . . . a policy for handling conflicts of interest cases (Standard 5-3.3(vii)) . . . workload limits for individual lawyers (v) . . . supervision, evaluation, training, and professional development (xi) . . . a system of case management and reporting (xiv)." And, none provided answers to two major questions: Who monitors the contract providers for compliance? And, what sanctions are imposed if the providers are found not to be in compliance?

### Creating a yardstick

The committee realized that its eight volunteer members would be responsible not just for defining how organizations ought to assist lawyers, but also for on-site inspections to verify whether the organizations really provided the support they claimed. Detailed standards would be easier to use than vague pronouncements open to multiple interpretations. A standard simply requiring "training" isn't much help when it comes time to inspect an organization. The organization might claim that its one-week introductory course satisfies a "training" requirement, while the inspec-

tion team might determine that "training" requires on going continuing legal education. An organization might believe that hiring a single investigator satisfies a standard that requires "sufficient investigatory staff," while the review committee might have quite a different idea. Thus, in drafting the standards, specifics were included where possible, without any particular organization in mind, to give the organizations clear notice of expectations and to reduce post monitoring debates.

The oversight committee's performance standards, entitled *General Requirements for All Organized Providers of Defense Services to Indigent Defendants*, is divided into 10 sections: professional independence; qualifications of lawyers; training; supervision; workloads; evaluation, promotion, and discipline; support services; case management and quality control; compliance with standards of professional responsibility; and reporting obligations. Each section is divided into three parts: performance standards, evaluation criteria, and a commentary. [For details, see sidebar "Performance Standards."]

Failure to meet the specific guidelines would not necessarily mandate a finding that the organization is not providing quality representation, but the burden to explain how it was accomplishing the goal would be on the organization. "In such cases, the defense organization must demonstrate that it has adopted equivalent practices and procedures suitable to its particular structure and method of operation to ensure adherence to each of the Performance Standards."

Before finalizing the standards, the oversight committee solicited comments from interested defender organizations, including those that would be evaluated on the basis of compliance with the standards. Most of the standards were accepted without discussion. One area that generated controversy was the workload/caseload standard. The Legal Aid Society, in particular, thought that the committee's decision to count cases at the point of intake—arraignments—would result in its lawyers' caseloads exceeding the standard. LAS argued that cases should be counted post arraignment, pointing out that many matters are disposed of at the first stage of a criminal proceeding, and arguing that pending post intake cases should be the only ones counted as a measure of workload. The commit-

## Without monitoring and consequences, standards have little bite.

standards concentrate on a lawyer's qualifications and experience. The ABA and the National Legal Aid and Defender Association (NLADA) have each adopted performance standards for prosecutors and defense attorneys that focus on an individual lawyer's responsibilities when representing an individual client. Those standards emphasize what tasks (e.g., motion practice, investigation, plea bargaining, or sentencing advocacy) ought to be conducted on any individual case. But the committee's approach was organizational, not individual. The committee was less interested in attorney qualifications than in how a defender office ensures that its lawyers are qualified; less interested in defining effective advocacy than in how a defender office ensures that its staff performed zealously. The committee's goal was to establish minimum protocols for hiring, training, supervising, supporting, and evaluating lawyers—the practicalities of running an office. These types of standards were rare indeed.

Based on existing standards and the experience of committee members and other defenders, the committee determined what the lawyer/investigator ratio should be; how much training and continuing legal education should be provided; how much

tee considered this argument, but being unsure whether more cases are disposed of at intake in New York City than in other major cities, members declined to adopt numbers that differed from the nationally accepted workload standards.

## Monitoring

Compliance inspections and rebuttable presumptions were also contentious. Robert Spangenberg wrote that "the monitoring of these standards would result in a system of accreditation or certification, which does not exist in any indigent defense system in the country." He warned that such a system has serious problems because it doesn't take "into account available resources . . . ; the rigidity of certification standards would not leave room for innovative approaches that public defenders are taking towards improved representation; and . . . the monitoring of performance standards requires a substantial staff of both attorneys and non-attorneys."

But without monitoring and the possibility of ramifications based on observable findings, the standards would have little bite. There seemed little purpose in drafting another set of goals that could be breached without regard for consequences. The oversight committee wanted to establish a workable and practical list of minimum requirements, which if not achieved would signify that the organization could not be certified as providing quality representation. The committee decided that the difficulty of the task was not an argument for refusing to begin, and because the presumption was rebuttable, not conclusive, the general requirements would be flexible enough to permit innovation.

Once the standards were promulgated on July 1, 1996, the committee began its monitoring work. Although New York had not yet contracted with any new organizations to provide defense services in the First Department, existing providers were within the oversight committee's sphere of responsibility. They included The Legal Aid Society (which has separate trial offices in the Bronx and Manhattan and an appellate unit), the Office of the Appellate Defender (a small office providing representation on criminal appeals), and the Neighborhood Defender Service of Harlem (a trial office that was started by the VERA Institute of Justice as a demonstration project).

## QUESTIONNAIRE ON QUALIFICATIONS

The Indigent Defense Organization Oversight Committee sent detailed questionnaires to each criminal defense services provider. Each questionnaire has 10 sections that correspond to the 10 sections that comprise the committee's performance standards. What follows is a sample of that section of the questionnaire that deals with lawyer qualifications.

**A.** Describe the qualifications and training required of lawyers who handle misdemeanors, felonies, homicides and appeals, respectively, and the method by which your organization ensures that such requirements are met.

**B.** Provide a list of you staff lawyers, and for each lawyer designate the type of cases each is certified to handle, years of general litigation experience, years of criminal trial experience and the training program(s) completed. Include total numbers of lawyers in each category.

**C.** Provide a list of your appellate staff lawyers, including the total number, and for each lawyer provide years of criminal appellate experience and/or criminal trial experience, the number of briefs written prior to employment with the defense organization, and a description of the training program(s) completed.

**D.** Describe your organization's method for ensuring that all lawyers are proficient in essential litigation skills and are kept up-to-

date on developments in criminal practice and procedure. Provide any written policy and/or manual detailing your organization's requirements that, and policies of education programs designed and provided to, ensure that lawyers possess adequate knowledge, training, and experience to provide quality representation to defendants and/or adequate supervision to staff lawyers.

**E.** Describe your organization's recruiting and hiring process and provide any documents, including any written policy or manual, detailing your hiring criteria. Provide any application and/or questionnaire form given to applicants and/or others in connection with an application, and any form used in evaluating applicants for employment by your organization.

**F.** Provide information concerning diversity of your lawyers' staff and supervisors, indicating diversity by gender and each of the following racial or ethnic classifications: (i) African American, (ii) American or Alaskan Native, (iii) Asian or Pacific Islander, (iv) Chicano, (v) Puerto Rican, (vi) Other Hispanic American, (vii) White, (viii) Other.

**G.** Provide a description of the compensation and benefits packages for all levels of lawyers employed by your organization, including any methods used for rewarding extraordinary effort.

First, the oversight committee asked each organization to submit written documentation of its compliance with the general requirements by responding to a questionnaire requesting specific information. Answers could be supplemented with any relevant material. [See sidebar "Questionnaire on Qualifications."]

After receiving the organizations' submissions, members of the committee, accompanied by additional volunteers from the three participating bar associations, visited the three defense organization offices and interviewed a number of the personnel to verify the written information. In other words, if an organization claimed to provide continuing legal education (CLE), the inspection team looked to see what was ac-

tually provided. Teams asked the lawyers not simply whether CLE was available, but whether it was available at a time they could attend and whether the offerings were useful to their practice. Thus, the inspections were both in-depth and extensive. Committee members met, for example, every member of the staff of the Office of the Appellate Defender and 29 lawyers with the Manhattan office of the LAS criminal defense division.

Teams met with clerks, data input specialists, social workers, investigators, administrators, supervisors, and staff lawyers in an effort to question each about all the areas covered by the standards. To a much lesser extent, the committee interviewed judges, criminal defense practitioners, and

others familiar with the activities of the three organizations. After the interviews were completed, each team distilled the results into a subcommittee report, from which, along with the organizations' written submissions, the oversight committee drafted a first annual report.

### Can quality survive in NYC?

The report found that "as of the fall of 1996, each of the three defense organizations provides quality representation generally meeting the Standards." It noted, however, that there were certain *substantial* problems that, if not corrected, would compromise the quality of services provided in New York City. The most troublesome finding was that The Legal Aid Society's caseload far exceeded the numbers designated in the committee's general requirements and specific guidelines, presumptively violating Performance Standard V, which requires lawyers "to maintain manageable workloads in order to permit them to render quality representation to each individual client." Because the committee had questions about the propriety of applying the nationally accepted caseload numbers to New York City defense organizations, and its intent in this initial monitoring was not to punish any organization but to assist it to improve the quality of representation, the committee decided:

Legal Aid's contractual arrangements with the City require it to represent all indigent persons arrested (except conflict cases) for whom other arrangements are not available. Because the City's current anti-crime efforts include making a rising number of arrests, Legal Aid is required to handle an ever increasing number of cases with a reduced budget and staff. As a result, both New York and Bronx CDDs' workloads greatly exceeded the Oversight Committee's Guidelines. [If that situation continues] the Committee is concerned that the quality of Legal Aid's representation will necessarily continue to be eroded.

In the absence of some contractual guaranty of acceptable caseload limits or fiscal provision for increasing caseloads, there does not appear to be any assurance that Legal Aid can meet the Oversight Committee's workload guide-

lines in the future. The current arrangement is likely to result in a reduction of quality representation.

The committee found that LAS's failure to establish and comply with caseload limits was adversely affecting staff morale and delivery of services. This problem, identified as early as 1971 by the Appellate Division Committee, must now be resolved. In an attempt to remain the primary defender in New York City, LAS had agreed to represent all indigent criminal clients (an expanding clientele) for a single, fixed price, which put it in an untenable position. The struggle to provide services in court with fewer lawyers and a smaller budget is inevitably impinging upon training and supervision. Regarding supervision, the oversight committee found:

In addition to its caseload levels, at Legal Aid's New York CDD, the ratio of supervisors to staff does not meet the Oversight Committee's Specific Guideline. As Legal Aid staff lawyers struggle to cope with larger workloads, the adequacy of supervision becomes ever more important. Legal Aid has tried to compensate for the sharp reduction in numbers of supervisors at both the trial and appellate levels by employing new training methods, oversight and review of staff lawyers' work product. Nevertheless, particularly at New York CDD, there has been a noticeable diminution of in-court supervision which, if allowed to continue, will adversely affect quality.

Finally, the standards highlighted trends cutting across the New York City criminal justice system:

As the City's anti-crime efforts pour thousands of additional misdemeanor cases into the system, Legal Aid risks evolving into a misdemeanor defense organization. The City's contracts with alternate offices for portions of the defense work in the Second Department, and its 1996 RFP to handle cases not being handled by Legal Aid in New York and Bronx Counties, require that the contracting organizations hire only lawyers qualified to handle felonies. Thus, new lawyer training in criminal defense work is likely to depend even more in the future on the efforts of

Legal Aid, which will be employing all new, inexperienced lawyers, and providing misdemeanor representation and training for the criminal defense bar. Accordingly for the long term future, it is important that the training functions of Legal Aid be maintained and enhanced.

Since the committee's initial report, New York City has negotiated contracts with three new defense organizations in the First Department, bringing to seven the number of new defense providers in the city. The Bronx Defenders and the New York County Defender Services began accepting trial court assignments in September 1997. The Center for Appellate Litigation is handling appeals. As anticipated, the city reduced Legal Aid Society's budget to fund these new offices. It is still too early to anticipate whether the young organizations will be funded at a level sufficient to meet the oversight committee's general requirements or whether the cuts to LAS's budget will render it incapable of reducing caseloads. The committee will begin its second round of monitoring—focusing on the new institutions—this spring, issuing a report in late 1998.

Hopefully, the standards have made the public as well as those in city government aware of the complexity of providing quality services, stimulating service providers to better support staff with training, supervision, and case management tools.

But what happens if the organized defense providers fail to meet the standards? Because the oversight committee is an accrediting body of the appellate division, it is likely the appellate division would instruct its trial judiciary to refrain from assigning cases to employees of "de-certified" organizations—in effect, preventing the new organizations from handling any cases, despite their contract with the city. Such a face-off would certainly result in litigation.

Meanwhile, the work of the Indigent Defense Organization Oversight Committee proves that practical standards can be drafted, and that armed with standards, even a small committee of volunteer lawyers can evaluate criminal defense services. The next step is to insist during funding negotiations that are taking place in New York City and across the country that the defender offices are provided with the support and resources they need to meet the standards, practice competently, and represent their clients. ■