

New York State Public Defense: Public Defense Plans by County

County Law § 722 requires counties and New York City to “place in operation” a “plan for providing counsel to persons” who are legally entitled to assigned counsel in criminal and Family Court matters. County Law § 722 further provides that this plan may include a public defender office pursuant to County Law Article 18-A; a contract with a legal aid bureau or legal aid society ; a conflict defender office; an assigned counsel program; or any combination of the foregoing. Notably, County Law § 722 further requires that assigned counsel programs be overseen by an administrator responsible for coordinating and assigning attorneys to represent clients. In July 2019, the New York State Office of Indigent Legal Services (ILS) established *Standards for Establishing and Administering Assigned Counsel Programs*, which similarly require that every assigned counsel program be overseen by an administrator who is independent from the county attorney’s office.¹

The American Bar Association (ABA’s) *Ten Principles for a Public Defense Delivery System* state that “Public Defense Providers and their lawyers should be independent of political influence and subject to judicial authority and review only in the same manner and to the same extent as retained counsel and the prosecuting agency and its lawyers.”² The Ten Principles further advise that “[w]here the caseloads allow, public defense should be a mixed system: primarily dedicated public defense offices, augmented by additional Public Defense Providers [including assigned counsel programs] to handle overflow and conflict of interest cases.”³

Below is a summary of each county’s and New York City’s public defense plan, noting whether the system is a mixed system (with a public defender office or legal aid society as the primary provider), a partially mixed system (with a public defender office or legal aid society being the primary provider for limited types of cases only), or an assigned counsel only plan. This summary also indicates if the assigned counsel program has an independent administrator. If there is no administrator, the assigned counsel program is considered to be an unmanaged program, generally with judges responsible for identifying and assigning attorneys.

This summary does not identify the chief or administrator for each provider, though ILS can provide that information upon request.

Albany County - mixed public defense system

Public Defender Office

Conflict Defender Office (called Alternate Public Defender)

Assigned Counsel Program (with an Administrator)

¹ See ILS’ *Standards for Establishing and Administering Assigned Counsel Programs*, Standard 3.3, and 3.3.d (describing the Administrator’s functions). These Standards are available at: [Microsoft Word - cf1e-917f-24a0-2588.docx \(ny.gov\)](#).

² See ABA *Ten Principles of a Public Defense Delivery System* (Revised 2023), Principle 1, available at: [Ten Principles of a Public Defense Delivery System \(americanbar.org\)](#).

³ Id., Principle 2.

Allegany County - mixed public defense system

Public Defender Office

Conflict Defender Office

Assigned Counsel Program (currently administered by the Conflict Defender)

Broome County - mixed public defense system

Public Defender Office

Assigned Counsel Program (with an Administrator)

Cattaraugus County - mixed public defense system

Public Defender Office

Legal Aid Society (Family Court conflicts only)

Assigned Counsel Program (with an Administrator)

Cayuga County - assigned counsel program only

Assigned Counsel Program (with an Administrator)

Chautauqua County - mixed public defense system

Public Defender Office

Legal Aid Society (Family Court conflicts only)

Assigned Counsel Program (with an Administrator)

Chemung County - mixed public defense system

Public Defender Office

Conflict Defender Office (called Public Advocate)

Assigned Counsel Program (no Administrator)

Chenango County - mixed public defense system

Public Defender Office

Assigned Counsel Program (with an Administrator)

Clinton County - mixed public defense system

Public Defender Office

Assigned Counsel Program (with an Administrator)

Columbia County - mixed public defense system

Public Defender Office

Contract Conflict Defenders (multiple contact attorneys)

Assigned Counsel Program (no Administrator)

Cortland County - mixed public defense system

Public Defender Office

Assigned Counsel Program (with an Administrator)

Delaware County - mixed public defense system

Public Defender Office

Assigned Counsel Program (no Administrator)

Dutchess County - mixed public defense system

Public Defender Office

Assigned Counsel Program (with an Administrator)

Erie County - partially mixed public defense system

Legal Aid Bureau (limited primary jurisdiction)

Assigned Counsel Program (with an Administrator)

Essex County - mixed public defense system

Public Defender Office

Conflict Defender Office

Assigned Counsel Program (with an Administrator for criminal cases only)

Franklin County - mixed public defense system

Public Defender Office

Conflict Defender Office

Contract Conflict Defender

Assigned Counsel Program (with an Administrator)

Fulton County - mixed public defense system

Public Defender Office

Assigned Counsel Program (with an Administrator)

Genesee County - mixed public defense system

Public Defender Office

Assigned Counsel Program (with an Administrator)

Greene County - mixed public defense system

Public Defender Office

Assigned Counsel Program (no Administrator)

Hamilton County - mixed public defense system

Public Defender Office

Assigned Counsel Program (administered by Public Defender)

Herkimer County - assigned counsel program only

Assigned Counsel Program (with an Administrator)

Jefferson County - mixed public defense system

Public Defender Office

Assigned Counsel Program (no Administrator)

Lewis County - mixed public defense system

Contract Primary Defender

Contract Conflict Defender

Assigned Counsel Program (with an Administrator)

Livingston County - mixed public defense system

Public Defender Office

Conflict Defender Office

Assigned Counsel Program (administered by Conflict Defender)

Madison County – assigned counsel program only

Assigned Counsel Program (with an Administrator)

Monroe County - mixed public defense system

Public Defender Office

Conflict Defender Office

Assigned Counsel Program (with an Administrator)

Montgomery County - mixed public defense system

Public Defender Office

Conflict Defender

Assigned Counsel Program (administered by Conflict Defender)

Nassau County - mixed public defense system

Legal Aid Society

Assigned Counsel Program (with an Administrator)

New York City - mixed public defense system

Legal Aid Society/other non-profit contract defenders (total of 9)

Assigned Counsel Program (with Administrators for criminal cases only)

Niagara County - mixed public defense system

Public Defender Office

Conflict Defender Office

Assigned Counsel Program (administered by Conflict Defender)

Oneida County - mixed public defense system

Public Defender Office – Criminal

Office of Civil Defender – Family Court

Assigned Counsel Program (with an Administrator)

Onondaga County - partially mixed public defense system

Legal Aid Society (limited primary jurisdiction)

Assigned Counsel Program (with an Administrator)

Ontario County - mixed public defense system

Public Defender Office

Conflict Defender Office

Assigned Counsel Program (administered by Conflict Defender)

Orange County - mixed public defense system

Legal Aid Society

Assigned Counsel Program (with an Administrator)

Orleans County - mixed public defense system

Public Defender Office

Assigned Counsel Program (with an Administrator)

Oswego County - mixed public defense system

Public Defender Office (established 2023)

Assigned Counsel Program (with an Administrator)

Otsego County - mixed public defense system

Public Defender Office (currently Public Defender position vacant)

Assigned Counsel Program (no Administrator)

Putnam County - mixed public defense system

Legal Aid Society

Assigned Counsel Program (no Administrator)

Rensselaer County - mixed public defense system

Public Defender Office

Conflict Defender Office

Assigned Counsel Program (currently Administrator position vacant)

Rockland County - mixed public defense system

Public Defender Office

Assigned Counsel Program (with an Administrator)

St. Lawrence County - mixed public defense system

Public Defender Office

Conflict Defender Office

Assigned Counsel Program (with an Administrator)

Saratoga County - mixed public defense system

Public Defender Office

Conflict Defender Office

Assigned Counsel Program (with an Administrator)

Schenectady County - mixed public defense system

Public Defender Office

Conflict Defender Office

Assigned Counsel Program (with an Administrator)

Schoharie County - assigned counsel program only

Assigned Counsel Program (with an Administrator)

Schuyler County - mixed public defense system

Public Defender Office

Assigned Counsel Program (with an Administrator, administered as a regional program with Tomkins County)

Seneca County - mixed public defense system

Public Defender Office

Assigned Counsel Program (no Administrator)

Steuben County - mixed public defense system

Public Defender Office

Assigned Counsel Program (no independent Administrator; the County Attorney's Office is currently administering the program)

Suffolk County - mixed public defense system

Legal Aid Society

Assigned Counsel Program (with an Administrator)

Sullivan County - mixed public defense system

Legal Aid Society

Conflict Legal Aid Society

Assigned Counsel Program (with an Administrator)

Tioga County - mixed public defense system

Public Defender Office

Assigned Counsel Program (with an Administrator)

Tompkins County – assigned counsel program only

Assigned Counsel Program (with an Administrator, administered as a regional program with Schuyler County)

Ulster County - mixed public defense system

Public Defender Office

Assigned Counsel Program (with an Administrator)

Warren County - mixed public defense system

Public Defender Office

Legal Aid Society (conflict Family Court cases only)

Assigned Counsel Program (with an Administrator)

Washington County - mixed public defense system

Public Defender Office

Assigned Counsel Program (with an Administrator)

Wayne County - mixed public defense system

Public Defender Office

Legal Aid Society (Family Court cases only)

Assigned Counsel Program (with an Administrator)

Westchester County - mixed public defense system

Legal Aid Society

Legal Services (Family Court cases only)

Assigned Counsel Program (with an Administrator)

Wyoming County - mixed public defense system

Public Defender Office

Assigned Counsel Program (no independent Administrator; the County Attorney's Office is currently administering the program)

Yates County - mixed public defense system

Public Defender Office

Assigned Counsel Program (with an Administrator)