

STATE OF NEW YORK

3991

2025-2026 Regular Sessions

IN SENATE

January 31, 2025

Introduced by Sen. PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

AN ACT to amend the county law, the real property actions and proceedings law, the vehicle and traffic law, the state finance law and the judiciary law, in relation to enacting the "NY Civil Gideon Act"

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. This act shall be known and may be cited as the "New York
2 Civil Gideon act".

3 § 2. The county law is amended by adding a new article 18-C to read as
4 follows:

ARTICLE 18-C

REPRESENTATION OF PERSONS IN CIVIL MATTERS

Section 723. Legislative findings.

8 723-a. Civil right to counsel commission.

9 723-b. Lead agency for civil right to counsel.

10 723-c. Assigned counsel for civil matters review panel.

11 723-d. Compensation and reimbursement.

12 § 723. Legislative findings. The legislature hereby finds and declares
13 as follows:

14 1. Every year, at least eighty percent of the civil legal needs of low
15 income New Yorkers go unmet.

16 2. These legal needs often concern matters pertaining to the essen-
17 tials of life including shelter, food, employment, health, and family
18 sustainability.

19 3. The lack of available civil legal assistance undermines comprehen-
20 sive assistance for crime victims.

21 4. The lack of civil legal services to resolve a family's legal prob-
22 lems often disrupts the children and young adults' education, frequently
23 with a permanent impact.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 5. The lack of civil legal services can worsen chronic health problems
2 often increasing the cost of medical care.

3 6. The lack of civil legal services can result in homelessness not
4 only affecting the individual families but also destabilizing entire
5 neighborhoods.

6 7. In light of these trying economic times, the need for civil legal
7 services has increased beyond individuals below the federal poverty
8 guidelines to homeowners and other middle income New Yorkers that
9 provide the foundation for New York's economy.

10 8. The substantial number of unrepresented litigants in civil legal
11 matters adversely impacts the quality of justice for all parties in the
12 courts of New York state, increases the amount of litigation, and under-
13 mines the rule of law.

14 9. It has been found that when a society is unable to meet their basic
15 human needs it is in an ongoing state of emergency.

16 10. The unmet need for civil legal assistance in the state is
17 profoundly impacting vulnerable New Yorkers and costing taxpayers
18 millions of dollars by increasing homelessness, failing to prevent
19 domestic violence, and increasing poverty.

20 11. In order to address this emergency, this legislature finds that a
21 right to counsel in certain civil matters is imperative.

22 § 723-a. Civil right to counsel commission. 1. There is hereby estab-
23 lished the civil right to counsel commission. The commission shall be
24 composed of eleven members.

25 2. a. The members of the commission shall be appointed as follows:

26 (i) one member shall be appointed by the governor and shall be an
27 attorney with expertise in civil legal services;

28 (ii) one member shall be appointed by the temporary president of the
29 senate;

30 (iii) one member shall be appointed by the speaker of the assembly;

31 (iv) one member shall be appointed by the minority leader of the
32 assembly;

33 (v) one member shall be appointed by the minority leader of the
34 senate;

35 (vi) two members shall be appointed by the chief judge of the court of
36 appeals;

37 (vii) one member shall be appointed by the association of counties;

38 (viii) one member shall be appointed by the mayor of the city of New
39 York and shall be an attorney who has provided civil legal services for
40 at least five years;

41 (ix) one member shall be appointed by the governor, from a list of no
42 more than two nominees submitted by the chief administrator of the
43 courts, each of whom shall be a judge or justice, or retired judge or
44 justice, who was elected to the supreme, county or family court, or
45 appointed to the criminal court or family court in the city of New York,
46 and has substantial experience presiding as such a judge or justice in
47 trial matters before such court; and

48 (x) one member shall be appointed by the New York state bar associ-
49 ation.

50 b. All members of the commission shall be residents of the state of
51 New York.

52 c. The members of the commission shall serve terms of four years. All
53 members shall serve until their successors are appointed. Vacancies on
54 the commission shall be filled for the remainder of the term in the
55 manner provided for by the original appointment.

1 d. The members of the commission shall receive no compensation for
2 their services, but shall be allowed their actual and necessary expenses
3 incurred in the performance of their duties.

4 e. Notwithstanding any inconsistent provisions of law, no officer or
5 employee of the state or any civil division thereof shall be deemed to
6 have forfeited or shall forfeit such person's office or employment by
7 reason of acceptance of membership on the commission.

8 f. The commission shall meet at least once per year.

9 g. A majority of the members of the commission shall constitute a
10 quorum.

11 h. The chief judge of the court of appeals, or the chief judge's
12 designee, shall serve as a non-voting ex-officio member of the commis-
13 sion.

14 i. Appointment to the commission shall be filed by the chief judge of
15 the court of appeals, who shall convene the first meeting of the commis-
16 sion following the filing of the majority of appointments. At the
17 initial meeting the members shall elect officers.

18 3. The commission shall submit to the governor, temporary president of
19 the senate, speaker of the assembly and the chief judge of the court of
20 appeals an annual report on or before the anniversary date of the
21 commission's first meeting. Such report shall contain all pertinent data
22 for the prior twelve months on the operation of the commission including
23 the number of assigned counsel in each county, the number of cases
24 assigned, the number of cases resolved, recommendations for additional
25 attorneys, if necessary, the cost of operation and financial assistance
26 to localities. Such report shall also include the proposed budget for
27 the succeeding twelve months including funds for financial assistance to
28 localities.

29 § 723-b. Lead agency for civil right to counsel. 1. Representation
30 for persons in civil matters shall be a partnership between the courts
31 and all qualified legal services providers, bar associations and private
32 organizations.

33 2. The legal services providers shall serve as the lead agency for
34 case assessment and direction under this article and furthermore shall:

35 a. be the central point of contact for receipt of referrals for legal
36 representation;

37 b. make determinations of eligibility based on uniform criteria;

38 c. be responsible for providing representation to the clients or
39 referring the matter to one of the organizations or individual providers
40 with whom the lead legal services agency contracts to provide the
41 service; and

42 d. to the extent practical, identify and make use of pro bono services
43 in order to maximize available services efficiently and economically.

44 3. Recognizing that not all indigent parties can be afforded represen-
45 tation, even when they have meritorious cases, the court partner shall,
46 as a corollary to the services provided by the lead legal services agen-
47 cy, be responsible for providing procedures, personnel, training, and
48 case management and administration practices that reflect best practices
49 to ensure unrepresented parties meaningful access to justice and to
50 guard against the involuntary waiver of rights, as well as to encourage
51 fair and expeditious voluntary dispute resolution, consistent with prin-
52 ciples of judicial neutrality.

53 4. The participating legal services agency shall be selected by the
54 judicial council.

1 a. The judicial council shall be made up of one administrative judge
2 from each judicial district. There shall be at least one legal services
3 agency chosen for each judicial district.

4 b. The judicial council shall assess the applicants' capacity for
5 success, innovation, and efficiency, including, but not limited to, the
6 likelihood that the agency would deliver quality representation in an
7 effective manner that would meet critical needs in the community and
8 address the needs of the court with regard to access to justice and
9 calendar management, and the unique local unmet needs for representation
10 in the community.

11 c. Agencies approved pursuant to this section shall initially be
12 authorized for a three-year period, commencing on the effective date of
13 this section and subject to renewal for a period to be determined by the
14 judicial council, in consultation with the participating agency in light
15 of the agency's capacity and success. After the initial three-year peri-
16 od, the judicial council shall distribute any future funds available as
17 the result of the termination or nonrenewal of an agency pursuant to the
18 process set forth in this subdivision.

19 d. Agencies shall be selected on the basis of whether, in the cases
20 proposed for service, the persons to be assisted are likely to be
21 opposed by a party who is represented by counsel. The judicial council
22 shall also consider the following factors in selecting the agencies:

23 (i) the likelihood that representation in the proposed case type tends
24 to affect whether a party prevails or otherwise obtains a significantly
25 more favorable outcome in a matter in which they would otherwise
26 frequently have judgment entered against them or suffer the deprivation
27 of the basic human need at issue;

28 (ii) the likelihood of reducing the risk of erroneous decisions;

29 (iii) the nature and severity of potential consequences for the unrep-
30 resented party regarding the basic human need at stake if representation
31 is not provided;

32 (iv) whether the provision of legal services may eliminate or reduce
33 the potential need for and cost of public social services regarding the
34 basic human need at stake for the client and others in the client's
35 household;

36 (v) the unmet need for legal services in the geographic area to be
37 served; and

38 (vi) the availability and effectiveness of other types of court
39 services, such as self-help.

40 e. Each applicant shall do the following:

41 (i) identify the nature of the partnership between the court and the
42 other agencies or other providers that would work within the project;

43 (ii) describe the referral protocols to be used, the criteria that
44 would be employed in case assessment, why those cases were selected, the
45 manner to address conflicts without violating any attorney-client privi-
46 lege when adverse parties are seeking representation through the
47 project, and the means for serving potential clients who need language
48 assistance within the court system; and

49 (iii) describe how the project would be administered, including how
50 the data collection requirements would be met without causing an undue
51 burden on the courts, clients, or the providers, the particular objec-
52 tives of the project, strategies to evaluate their success in meeting
53 those objectives, and the means by which the project would serve the
54 particular needs of the community, such as by providing representation
55 to limited-English-speaking clients, the elderly and the disabled.

1 5. To ensure the most effective use of the funding available, the lead
2 legal services agency shall serve as a hub for all referrals, and the
3 point at which decisions are made about which referrals will be served
4 and by whom. Referrals shall emanate from the court, as well as from the
5 other agencies providing services through the program, and shall be
6 directed to the lead legal services agency for review. That agency, or
7 another agency or attorney in the event of conflict, shall collect the
8 information necessary to assess whether the case should be served. In
9 performing that case assessment, the agency shall determine the relative
10 need for representation of the litigant, including all of the following:

11 a. case complexity;
12 b. whether the opposing party is represented;
13 c. the adversarial nature of the proceeding;
14 d. the availability and effectiveness of other types of services, such
15 as self-help, in light of the potential client and the nature of the
16 case;
17 e. barriers to access due to language;
18 f. barriers to access due to disability;
19 g. barriers to access due to literacy;
20 h. the merits of the case;
21 i. the nature and severity of potential consequences for the potential
22 client if representation is not provided; and
23 j. whether the provision of legal services may eliminate or reduce the
24 need for and cost of public social services for the potential client and
25 others in the potential client's household.

26 6. The decision and level of representation should be made at the sole
27 discretion of the lead agency, organization, or attorney based on the
28 factors set forth above.

29 7. If both parties to a dispute are financially eligible for represen-
30 tation, each proposal shall ensure that representation for both sides is
31 evaluated. In these and other cases in which conflict issues arise, the
32 lead legal services agency shall have referral protocols with other
33 agencies and providers, such as a private attorney panel, to address
34 those conflicts.

35 8. Each lead agency, organization, or attorney shall be responsible
36 for keeping records on the referrals accepted and those not accepted for
37 representation, and the reasons for each, in a manner that does not
38 violate any privileged communications between the agency and the
39 prospective client. Each lead agency, organization or attorney shall be
40 provided with standardized data collection tools to be determined by the
41 commission, and required to track case information for each referral to
42 allow the evaluation to measure the number of cases served, the level of
43 service required, and the outcomes for the clients in each case. In
44 addition to this information on the effect of the representation on the
45 clients, data shall be collected regarding the outcomes for the trial
46 courts. This data shall be compiled in a report to be submitted to the
47 commission on a quarterly basis.

48 § 723-c. Assigned counsel for civil matters review panel. 1. There is
49 hereby established the assigned counsel for civil matters review panel.

50 2. a. The review panel shall be composed of at least sixteen members,
51 to be appointed as follows:

52 (i) Attorney-in-Chief for the Legal Aid Society or the Attorney-in-
53 Chief's representative;

54 (ii) Chair of Legal Services NYC or the Chair's representative;

55 (iii) Executive Director of Legal Services of the Hudson Valley or the
56 Executive Director's representative;

1 (iv) Executive Director of the Legal Aid Society of Northeastern NY or
2 the Executive Director's representative;

3 (v) Executive Director of the Western NY Law Center or the Executive
4 Director's representative;

5 (vi) President of the Empire Justice Center or such President's repre-
6 sentative;

7 (vii) Executive Director of the New York Lawyers for the Public Inter-
8 est or the Executive Director's representative;

9 (viii) The President of the New York legal assistance group or such
10 President's representative;

11 (ix) Executive Director of Lambda Legal or the Executive Director's
12 representative;

13 (x) The immediate past President of the New York State Bar Association
14 or a representative appointed by the association;

15 (xi) The immediate past President of the Network of Bar Leaders or
16 such President's representative;

17 (xii) The immediate past President of the Women's Bar Association of
18 the State of New York or such President's representative;

19 (xiii) The immediate past President of the Metropolitan Black Bar
20 Association or such President's representative;

21 (xiv) The immediate past President of the New York State Director of
22 the Fund for Modern Courts or such President's representative;

23 (xv) Executive Director of the Iola Fund of the State of New York or
24 the Executive Director's representative; and

25 (xvi) One representative from the National Coalition for a Civil Right
26 to Counsel.

27 b. The members of the review panel shall serve terms of four years.
28 All members shall serve until their successors are appointed. Vacancies
29 on the review panel shall be filled for the remainder of the term in the
30 manner provided for by the original appointment.

31 c. The members of the review panel shall receive no compensation for
32 their services, but shall be allowed their actual and necessary expenses
33 incurred in the performance of their duties.

34 d. Notwithstanding any inconsistent provisions of law, no officer or
35 employee of the state or any civil division thereof shall be deemed to
36 have forfeited or shall forfeit such person's office or employment by
37 reason of acceptance of membership on the review panel.

38 e. A majority of the members of the review panel shall constitute a
39 quorum.

40 f. The members of the review panel may participate in a meeting of
41 such review panel by means of a conference telephone or similar communi-
42 cations equipment allowing all persons participating in the meeting to
43 hear each other at the same time; participation by such means shall
44 constitute presence in person at such meeting.

45 3. The purpose of the panel is to ensure that quality representation
46 is provided under this article. This includes processing complaints
47 against attorneys assigned under this article, establishing the proper
48 remedy for aggrieved parties, attorney admission as assigned counsel,
49 attorney training, and all other procedures the review panel finds
50 necessary to achieve its goal. Nothing in this article shall prevent
51 any investigation under the New York state unified court system rules of
52 professional conduct or otherwise.

53 4. The review panel may work together with the civil right to counsel
54 commission to achieve the common goals of this article.

55 5. a. The chief judge of the court of appeals and the review panel
56 appointees shall convene the review panel and create a plan outlining

1 the procedure and guidelines to govern the panel and assigned counsel
2 program in accordance with the goal of providing quality civil legal
3 representation. The chief judge of the court of appeals shall consult
4 with the administrative judges of each judicial district to receive
5 guidance on the needs of each district.

6 b. The guidelines shall include but not be limited to:

7 (i) meeting requirements of the panel;

8 (ii) standards of quality representation;

9 (iii) training necessary to provide civil assigned counsel represen-
10 tation;

11 (iv) content for the complaint form for a grievance against an agency
12 or attorney assigned as civil assigned counsel;

13 (v) a grievance procedure; and

14 (vi) establishing possible remedies for those found to be aggrieved.

15 § 723-d. Compensation and reimbursement. 1. All counsel assigned in
16 accordance with a plan of the court, other organization, or a bar asso-
17 ciation conforming to the requirements of this article whereby the
18 services of private counsel are rotated and coordinated by an adminis-
19 trator shall at the conclusion of the representation receive:

20 a. for real property proceedings no less than fifty dollars per hour;

21 b. for cases involving health no less than fifty dollars per hour;

22 c. for cases involving license revocation or suspension no less than
23 fifty dollars per hour;

24 d. for cases involving sustenance no less than sixty dollars per hour;
25 and

26 e. for cases involving children no less than sixty dollars per hour.

27 2. For the purposes of this section:

28 a. real property proceedings shall include sections seven hundred
29 eleven, seven hundred thirteen, seven hundred thirteen-a, five hundred
30 one, one thousand ninety-three, thirteen hundred three and article thir-
31 teen of the real property actions and proceedings law;

32 b. cases involving health shall include article forty-nine of the
33 public health law;

34 c. cases involving license revocation or suspension shall include
35 sections two hundred twenty-seven, two hundred forty-two and two hundred
36 sixty-one of the vehicle and traffic law;

37 d. cases involving sustenance shall include sections one hundred nine-
38 ty-six-a, five hundred thirty-eight, six hundred twenty, six hundred
39 twenty-one, six hundred twenty-four, six hundred sixty-three and six
40 hundred eighty-one of the labor law, sections twenty-two and three
41 hundred sixty-five of the social services law and rule three hundred
42 five and article seventy-eight of the civil practice law and rules;

43 e. cases involving children shall include article four of the family
44 court act.

45 3. For all representation, compensation and reimbursement shall
46 include reimbursement for reasonably incurred expenses.

47 4. Compensation for representation in such cases shall be guided by
48 the minimum amounts set forth above. The compensation minimums are set
49 for counsel only, not support or administrative staff work. Work for
50 support or administrative staff should be set by individual counsel,
51 firm, or organization and should be set at a lower rate than compen-
52 sation for counsel.

53 5. There shall be no differential in compensation rate for out of
54 court time expended and in court time expended. Rates should be set at
55 the minimum stated above or higher based on the complexity of the case
56 and expertise of the attorney. Such rates shall be subject to the

approval of the court of jurisdiction based on the complexity of the case, expertise of the attorney, the market, and any other factors the court deems just and appropriate.

6. There should be no cap on the amount of compensation or reimbursement received for representation. The amount of compensation and reimbursement is subject to court approval as described above.

7. Compensation and reimbursement for appeal shall be fixed by the appellate court not to be below the rates set forth in this section.

8. In extraordinary circumstances a trial or appellate court may provide for payment of compensation and reimbursement for expenses before the completion of the representation upon application.

§ 3. The opening paragraph of section 722 of the county law, as amended by chapter 7 of the laws of 2007, is amended to read as follows:

The governing body of each county and the governing body of the city in which a county is wholly contained shall place in operation throughout the county a plan for providing counsel to persons charged with a crime or who are entitled to counsel pursuant to section two hundred sixty-two or section eleven hundred twenty of the family court act, article six-C of the correction law, section four hundred seven of the surrogate's court procedure act or article ten of the mental hygiene law, who are financially unable to obtain counsel. The governing body of each county and the governing body of the city in which a county is wholly contained shall also place in operation throughout the county a plan for providing counsel to financially unable persons in civil proceedings under this section, sections one hundred ninety-six-a, five hundred thirty-eight, six hundred twenty, six hundred twenty-one, six hundred twenty-four, six hundred sixty-three and six hundred eighty-one of the labor law, sections twenty-two and three hundred five of the social services law, where there is a revocation or suspension issued pursuant to sections two hundred twenty-seven, two hundred forty-two and two hundred sixty-one of the vehicle and traffic law, article forty-nine of the public health law, sections seven hundred eleven, seven hundred thirteen, seven hundred thirteen-a, five hundred one, one thousand ninety-three, section thirteen hundred three and article thirteen of the real property actions and proceedings law, rule three hundred five and article seventy-eight of the civil practice law and rules and article four of the family court act. For the purposes of this section the terms "financially unable" and "low income" shall mean an individual who is at or below two hundred percent of the federal poverty guidelines. Each plan shall also provide for investigative, expert and other services necessary for an adequate defense. The plan shall conform to one of the following:

§ 4. Subdivision 3 of section 1303 of the real property actions and proceedings law, as amended by section 5 of part Q of chapter 73 of the laws of 2016, is amended to read as follows:

3. The notice to any mortgagor required by paragraph (a) of subdivision one of this section shall appear as follows:

Help for Homeowners in Foreclosure

New York State Law requires that we send you this notice about the foreclosure process. Please read it carefully.

Summons and Complaint

You are in danger of losing your home. If you fail to respond to the summons and complaint in this foreclosure action, you may lose your home. Please read the summons and complaint carefully. You should immediately contact an attorney or your local legal aid office to obtain advice on how to protect yourself.

1 Sources of Information and Assistance

2 The State encourages you to become informed about your options in
3 foreclosure. In addition to seeking assistance from an attorney or legal
4 aid office, there are government agencies and non-profit organizations
5 that you may contact for information about possible options, including
6 trying to work with your lender during this process. You may be enti-
7 tled to assigned counsel if you are financially unable to obtain repre-
8 sentation.

9 To locate an entity near you, you may call the toll-free helpline
10 maintained by the New York State Department of Financial Services at
11 (enter number) or visit the Department's website at (enter web address).

12 Rights and Obligations

13 YOU ARE NOT REQUIRED TO LEAVE YOUR HOME AT THIS TIME. You have the right
14 to stay in your home during the foreclosure process. You are not
15 required to leave your home unless and until your property is sold at
16 auction pursuant to a judgment of foreclosure and sale.

17 Regardless of whether you choose to remain in your home, YOU ARE
18 REQUIRED TO TAKE CARE OF YOUR PROPERTY and pay property taxes in accord-
19 ance with state and local law.

20 Foreclosure rescue scams

21 Be careful of people who approach you with offers to "save" your home.
22 There are individuals who watch for notices of foreclosure actions in
23 order to unfairly profit from a homeowner's distress. You should be
24 extremely careful about any such promises and any suggestions that you
25 pay them a fee or sign over your deed. State law requires anyone offer-
26 ing such services for profit to enter into a contract which fully
27 describes the services they will perform and fees they will charge, and
28 which prohibits them from taking any money from you until they have
29 completed all such promised services.

30 § 5. Section 722-c of the county law, as amended by section 2 of part
31 GG of chapter 56 of the laws of 2023, is amended to read as follows:

32 § 722-c. Services other than counsel. Upon a finding in an ex parte
33 proceeding that investigative, expert or other services are necessary
34 and that the defendant or other person described in section two hundred
35 forty-nine or section two hundred sixty-two of the family court act,
36 article six-C of the correction law ~~[e]~~, section four hundred seven of
37 the surrogate's court procedure act, section seven hundred twenty-two of
38 this article, sections one hundred ninety-six-a, five hundred thirty-
39 eight, six hundred twenty, six hundred twenty-one, six hundred twenty-
40 four, six hundred sixty-three and six hundred eighty-one of the labor
41 law, sections twenty-two and three hundred five of the social services
42 law, where there is a revocation or suspension issued pursuant to
43 sections two hundred twenty-seven, two hundred forty-two and two hundred
44 sixty-one of the vehicle and traffic law, article forty-nine of the
45 public health law, sections seven hundred eleven, seven hundred thir-
46 teen, seven hundred thirteen-a, five hundred one, one thousand ninety-
47 three, thirteen hundred three and article thirteen of the real property
48 actions and proceedings law, rule three hundred five and article seven-
49 ty-eight of the civil practice law and rules, and article four of the
50 family court act, is financially unable to obtain them, the court shall
51 authorize counsel, whether or not assigned in accordance with a plan, to
52 obtain the services on behalf of the defendant or such other person. The
53 court upon a finding that timely procurement of necessary services could
54 not await prior authorization may authorize the services nunc pro tunc.
55 The court shall determine reasonable compensation for the services and
56 direct payment to the person who rendered them or to the person entitled

1 to reimbursement. Only in extraordinary circumstances may the court
2 provide for compensation in excess of three thousand dollars per inves-
3 tigative, expert or other service provider. Each claim for compensation
4 shall be supported by a sworn statement specifying the time expended,
5 services rendered, expenses incurred and reimbursement or compensation
6 applied for or received in the same case from any other source.

7 § 6. Section 227 of the vehicle and traffic law is amended by adding a
8 new subdivision 7 to read as follows:

9 7. A financially unable person who is charged with an offense punisha-
10 ble by a revocation or suspension of such person's drivers' license
11 where the person is dependent on driving for their employment or where
12 there is a lack of public transportation in the person's surrounding
13 area shall have a right to assigned counsel by the court. Assignment of
14 counsel under this section shall be implemented as provided in article
15 eighteen-C of the county law. For the purposes of this section the term
16 "financially unable" shall mean an individual who is at or below two
17 hundred percent of the federal poverty guidelines.

18 § 7. Section 261 of the vehicle and traffic law is amended by adding a
19 new subdivision 5 to read as follows:

20 5. Assignment of counsel. A financially unable person who is charged
21 with an offense punishable by a revocation or suspension of such
22 person's drivers' license where the person is dependent on driving for
23 their employment or where there is a lack of public transportation in
24 the person's surrounding area shall have a right to assigned counsel by
25 the court. Assignment of counsel under this section shall be implemented
26 as provided in article eighteen-C of the county law. For the purposes of
27 this section the term "financially unable" shall mean an individual who
28 is at or below two hundred percent of the federal poverty guidelines.

29 § 8. The state finance law is amended by adding a new section 98-e to
30 read as follows:

31 § 98-e. Civil Gideon assistance fund. 1. There is hereby established
32 in the joint custody of the comptroller, office of court administration
33 and the commissioner of taxation and finance a special fund to be known
34 as the civil Gideon assistance fund.

35 2. Such fund shall consist of all moneys appropriated for the purpose
36 of such fund, all other moneys required to be paid into or credited to
37 such fund, and all moneys received by the fund or donated to it.

38 3. A one-time surcharge of seventy-five dollars shall be added to the
39 biennial attorney fees to be added to this fund, as set forth in section
40 four hundred sixty-eight-a of the judiciary law.

41 (a) The purpose of such fund shall be to: (i) assist counties and, in
42 the case of a county wholly contained within a city, such city, in
43 providing legal representation for persons who are financially unable to
44 afford counsel pursuant to article eighteen-C of the county law; (ii)
45 assist the state, in improving the quality of civil legal services
46 addressing the essentials of life and funding representation provided by
47 assigned counsel paid in accordance with section thirty-five of the
48 judiciary law; (iii) provide support for the operations, duties, respon-
49 sibilities and expenses for the right to civil representation commission
50 and panel established, respectively, pursuant to this article; and (iv)
51 provide funding for legal representation as described herein.

52 (b) State funds received by a county or city from such fund shall be
53 used to supplement and not supplant any local funds which such county or
54 city would otherwise have had to expend for the provision of counsel and
55 expert, investigative and other services pursuant to article eighteen-C
56 of the county law. All such state funds received by a county or city

1 shall be used to improve the quality of services provided pursuant to
2 article eighteen-C of the county law.

3 (c) As used in this section, "local funds" shall mean all funds appro-
4 priated or allocated by a county or, in the case of a county wholly
5 contained within a city, such city, for services and expenses in accord-
6 ance with article eighteen-C of the county law, other than funds
7 received from: (i) the federal government or the state; or (ii) a
8 private source, where such city or county does not have authority or
9 control over the payment of such funds by such private source.

10 3. Amounts distributed from such fund shall be limited to amounts
11 deemed appropriate by the office of court administration and shall be
12 distributed proportionately by level of need at the court's discretion.

13 (a) For all state fiscal years, each county and the city of New York,
14 shall receive ninety percent of the amount paid to such county in the
15 previous fiscal year.

16 (b) Remaining amounts within such fund, after accounting for annual
17 payments required in this section shall be distributed in accordance
18 with sections eight hundred thirty-two and eight hundred thirty-three of
19 the executive law.

20 § 9. Subdivision 5 of section 468-a of the judiciary law is renumbered
21 subdivision 6 and a new subdivision 5 is added to read as follows:

22 5. A one-time surcharge of seventy-five dollars shall be added to the
23 biennial attorney fees to be allocated to and be deposited into a fund
24 established pursuant to the provisions of article eighteen-C of the
25 county law. Such surcharge shall be assessed to every attorney in the
26 same manner as the biennial fee described in subdivision one of this
27 section.

28 § 10. This act shall take effect immediately, and the appointment of
29 members to the civil right to counsel commission and the assigned coun-
30 sel for civil matters review panel shall be completed within 90 days of
31 such effective date.