

Exhibit C

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ALBANY**

KIMBERLY HURRELL-HARRING; JAMES ADAMS; JOSEPH BRIGGS; RICKY LEE GLOVER; RICHARD LOVE; JACQUELINE WINBRONE; LANE LOYZELLE; TOSHA STEELE; BRUCE WASHINGTON; SHAWN CHASE; JEMAR JOHNSON; ROBERT TOMBERELLI; CHRISTOPHER YAW; LUTHER WOODROW OF BOOKER, JR.; JOY METZLER; VICTOR TURNER; EDWARD KAMINSKI; CANDACE BROOKINS; RANDY HABSHI; and RONALD McINTYRE, on behalf of themselves and all others similarly situated,

Plaintiffs,

Index No. 8866-07

-against-

THE STATE OF NEW YORK, GOVERNOR ANDREW M. CUOMO, in his official capacity, THE COUNTY OF ONONDAGA, NEW YORK, THE COUNTY OF ONTARIO, NEW YORK, THE COUNTY OF SCHUYLER, NEW YORK, THE COUNTY OF SUFFOLK, NEW YORK and THE COUNTY OF WASHINGTON, NEW YORK,

Defendants.

SECOND AMENDMENT TO STIPULATION AND ORDER OF SETTLEMENT

WHEREAS, the Stipulation and Order of Settlement in the above-captioned action was approved by the Court on March 11, 2015; and

WHEREAS, the parties have previously agreed to extend certain of the deadlines contained in the Stipulation and Order of Settlement by stipulation dated September 16, 2015; and

WHEREAS, the Defendants State of New York and Governor Andrew M. Cuomo (“State Defendants”) and the Plaintiffs have agreed that ILS should retain a third-party expert to assist in

developing the caseload/workload standards contemplated by Paragraph IV(B) of the Stipulation and Order of Settlement; and

WHEREAS, ILS is currently in the process of retaining the third-party expert and therefore ILS and the State Defendants seek additional time to comply with the deadline provided in Paragraph IV(B); and

WHEREAS, the State Defendants are not seeking to extend the date found in Paragraph IV(D), by which the caseload/workload standards are fully implemented and adhered to by all providers of Mandated Representation in the Five Counties, nor the date found in Paragraph IV(C), by which the State shall take tangible steps to enable providers of Mandated Representation to start adding any staff and resources necessary to come into compliance with those standards; and

WHEREAS, the State Defendants seek additional time for ILS to release the draft and final criteria and procedures to guide courts in counties outside of New York City in determining whether a person is eligible for Mandated Representation and therefore seek to extend the dates found in Paragraph VI(A), as amended;

The parties to the Stipulation and Order of Settlement in the above-captioned action agree to amend it as follows:

IV. CASELOAD RELIEF

(B) (1) No later than December 1, 2016, ~~Within 9 months of the Effective Date~~, ILS, in consultation with the Executive, OCA, the Five Counties, and any other persons or entities ILS deems appropriate, shall determine:

(i) the appropriate numerical caseload/workload standards for each provider of mandated representation, whether public defender, legal aid society, assigned counsel program, or conflict defender, in each County, for representation in both trial- and appellate-level cases; (ii) the means by

which those standards will be implemented, monitored, and enforced on an ongoing basis; and (iii) to the extent necessary to comply with the caseload/workload standards, the number of additional attorneys (including supervisory attorneys), investigators, or other non-attorney staff, or the amount of other in-kind resources necessary for each provider of Mandated Representation in the Five Counties.

(4) ILS shall retain a third-party expert to assist in determining the numerical caseload/workload standards as set forth in paragraph IV(B)(1). ILS shall, no later than November 15, 2016, provide to the parties the recommendations of the third-party expert. No later than November 22, 2016, the parties shall meet with ILS to provide any comments on said recommendations.

- (C) No later than June 13, 2016, ~~Starting within 6 months of ILS having made the caseload/workload determinations specified above in paragraph IV(B),~~ the State shall take tangible steps to enable providers of Mandated Representation to start adding any staff and resources determined to be necessary to come into compliance with the standards.
- (D) (1) No later than September 11, 2017 ~~Within 21 months of ILS having made the caseload/workload determinations specified above in paragraph IV(B) (which shall be no later than 30 months from the Effective Date)~~ (the "Implementation Date") and continuing thereafter, the State shall ensure that the caseload/workload standards are implemented and adhered to by all providers of Mandated Representation in the Five Counties.

VI. ELIGIBILITY STANDARDS FOR REPRESENTATION

- (A) ILS shall, no later than ~~November 12,~~ December 11, 2015, provide to the parties proposed criteria and procedures to guide courts in counties outside of New York City in determining whether a person is eligible for Mandated Representation. No later than January 11, 2016, the parties shall submit any comments on said proposed criteria and procedures to ILS. Final criteria and procedures shall be issued by ILS no later than February 12, 2016. ILS may consult with OCA to develop and distribute such criteria and procedures. ILS shall be responsible for ensuring the distribution of such criteria and procedures to, at a minimum, every court in counties outside of New York City that makes determinations of eligibility (and may request OCA's assistance in doing so) and every provider of mandated representation in the Five Counties. The Five Counties shall undertake best efforts to implement such criteria and procedures as developed by ILS. Nothing in this paragraph otherwise obligates the Five Counties to develop such criteria and procedures. ~~No later than November 27, 2015, the parties shall submit any comments on said proposed criteria and procedures to ILS. Final criteria and procedures shall be issued by ILS no later than December 14, 2015.~~

The remainder of the Stipulation and Order of Settlement approved by the Court on March 11, 2015, as previously amended, remains in full force and effect.

Pursuant to Paragraph XIII(B) of the Stipulation and Order of Settlement, a copy of this Amendment is being provided to the County defendants, whose consent to the foregoing will be deemed to exist absent the receipt by the State Defendants and counsel for the Plaintiffs of any written objections within ten days.

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Attorneys for Plaintiffs

SCHULTE ROTH & ZABEL LLP

By: 
KRISTIE M. BLASE

Dated: 2/9/2016

Attorneys for Defendant New York State and Governor Andrew M. Cuomo

ERIC T. SCHNEIDERMAN,
Attorney General for the State of New York

By: 
ADRIENNE J. KERWIN, Assistant Attorney General

Dated: 2/8/16

For Defendant Governor Andrew M. Cuomo

ANDREW M. CUOMO,
Governor of the State of New York

By: 
SANDI TOLL, First Assistant Counsel to the Governor

Dated: 2/4/16

For New York State Office of Indigent Legal Services

By: _____
WILLIAM LEAHY, Director

Dated:

Attorneys for Plaintiffs

SCHULTE ROTH & ZABEL LLP

By: _____
KRISTIE M. BLASE

Dated:

Attorneys for Defendant New York State and Governor Andrew M. Cuomo

ERIC T. SCHNEIDERMAN,
Attorney General for the State of New York

By: _____
ADRIENNE J. KERWIN, *Assistant Attorney General*

Dated:

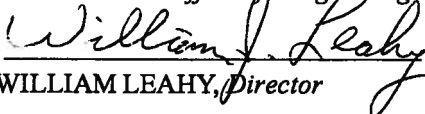
For Defendant Governor Andrew M. Cuomo

ANDREW M. CUOMO,
Governor of the State of New York

By: _____
SANDI TOLL, *First Assistant Counsel to the Governor*

Dated:

For New York State Office of Indigent Legal Services

By: 
WILLIAM LEAHY, *Director*

Dated:

Dated: _____

SO ORDERED:

The Hon. Gerald W. Connolly
Supreme Court, Albany County