

# **Exhibit B**

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF ALBANY

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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,

Index No. 8866-07

*Plaintiffs,*

-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.*

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**AMENDMENT TO STIPULATION AND ORDER OF SETTLEMENT**

The parties to the Stipulation and Order of Settlement in the above-captioned action, which was approved by the Court on March 11, 2015, agree to amend said Stipulation and Order of Settlement as follows:

**IV. CASELOAD RELIEF**

- (A) Within 6 months of the Effective Date, ILS shall ensure that the caseload/workload of each attorney providing Mandated Representation in **the Five Onondaga, Ontario, Suffolk, and Washington** Counties can be accurately tracked and reported on at least a quarterly basis, including private practice caseloads/workloads. **No later than November 12, 2015, ILS shall ensure that the caseload/workload of each attorney providing Mandated Representation in**

Schuyler County can be accurately tracked and reported on at least a quarterly basis, including private practice caseloads/workloads. In accordance with paragraph IX(B), the State shall provide \$500,000 in state fiscal year 2015/2016 to ILS for the purposes of paying any costs associated with the obligations contained in this paragraph IV(A), and ILS shall use those funds for such purposes. To the extent practicable, and subject to the specific funding commitments in this Agreement, the tracking system developed by ILS should be readily deployable across the state.

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#### **V. INITIATIVES TO IMPROVE THE QUALITY OF INDIGENT DEFENSE**

- (A) No later than ~~6 months following the Effective Date~~ October 13, 2015, ILS, in consultation with the Five Counties, the providers of Mandated Representation in the Five Counties, and any other individual or entity ILS deems appropriate, shall ~~establish~~ provide to the parties proposed written plans to ensure that attorneys providing Mandated Representation in criminal cases in each of the Five Counties: (1) receive effective supervision and training in criminal defense law and procedure and professional practice standards; (2) have access to and appropriately utilize investigators, interpreters, and expert witnesses on behalf of clients; (3) communicate effectively with their clients (including by conducting in-person interviews of their clients promptly after being assigned) and have access to confidential meeting spaces; (4) have the qualifications and experience necessary to handle the criminal cases assigned to them; and (5) in the case of assigned counsel attorneys, are assigned to cases in accordance with County Law Article 18-B and in a manner that accounts for the attorney's level of experience and caseload/workload. At a minimum, such plans shall provide for specific, targeted progress toward each of the objectives listed in this paragraph V(A), within defined timeframes, and shall also provide for such monitoring and enforcement procedures as are deemed necessary by ILS. No later than October 28, 2015, the parties shall submit any comments on said proposed written plans to ILS. Final written plans will then be established by ILS no later than November 12, 2015.

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#### **VI. ELIGIBILITY STANDARDS FOR REPRESENTATION**

- (A) ILS shall, no later than ~~6 months following the Effective Date~~ November 12, 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. 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 remains in full force and effect.

*Attorneys for Plaintiffs*

SCHULTE ROTH & ZABEL LLP

By:   
KRISTIE M. BLASE

Dated: 11 September 2015

*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:

*New York State Office of Indigent Legal Services*

By: \_\_\_\_\_  
WILLIAM LEAHY, Director

Dated:

*Attorneys for Defendant Onondaga County*

\_\_\_\_\_  
\_\_\_\_\_, County Attorney

Dated:

*Attorneys for Defendant Suffolk County*

\_\_\_\_\_  
DENNIS M. BROWN, County Attorney

Dated:

*For Defendant Washington County*

\_\_\_\_\_  
JAMES T. LINDSAY, Chairman of the Board of Supervisors

Dated:

*Attorneys for Ontario County*

JOHN PARK, County Attorney

By: \_\_\_\_\_  
MICHAEL REINHARDT

Dated:

*Attorneys for Schuyler County*

\_\_\_\_\_  
GEOFFREY ROSSI, County Attorney

Dated:

Dated: \_\_\_\_\_

SO ORDERED:

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