From March 21, 2020 email to Mandated Representation leaders, State, County and City officials from William J. Leahy, Director, NYS Office of Indigent Legal Services:

On Friday, March 20, following our receipt of your questions about the Governor’s announcement that morning of a forthcoming Executive Order further restricting public activity as of Sunday evening, I informed you that “[w]e have reached out to the Governor’s public safety coronavirus team, and have advised them that providers of mandated representation have an essential function to conduct arraignments, appear at essential daily court proceedings, and conduct necessary investigations. As soon as we receive the order and any specific advice that may accompany it, we will send you further guidance.”

The Executive Order, No.202.8, may be found at https://www.governor.ny.gov/executiveorders. It did not answer the question some of you had raised. Today, however, we were informed by the Governor’s Executive Office of Public Safety that mandated representation is indeed considered an essential function within the meaning of the Executive Order. This assurance is consistent with Chief Judge DiFiore’s March 20 Message on the Coronavirus Emergency, in which she emphasized how important it is “that the rule of law remains fully in effect.” We expect, of course, that you will carry out your weighty responsibilities wisely during this emergency, with due regard both for the public safety and the safety of your staff, providers and clients.

We will have more to say in the coming days about certain aspects of the Executive Order, and the significance of the Chief Judge’s words quoted above. For tonight, however, it suffices to say that your work, which is so essential to the rule of law and the preservation of individual rights, has been recognized as essential by the Governor, despite the strict measures he has imposed in the face of this true public health emergency.