

**CRIMINAL JUSTICE & PUBLIC SAFETY COMMITTEE**  
**PUBLIC DEFENDER**  
**AGENDA**  
**September 26, 2016**

Committee Members: Supervisors Wood, Dickinson, Girard, Frasier, Brock, Seeber, Simpson, Vanselow, Montesi, Braymer, MacDonald

I. Committee meeting called to order by Chairman

II. Motion to approve the minutes of the prior meeting

III. Action Agenda/New Business Items:

1. Request: authorize travel for 3 attorneys to attend conferences in September and October.

Rationale: to authorize Nellie Halloran and Sterling Goodspeed to attend conference in Lake Placid, NY on September 28-29, 2016 and Anna Besson to attend conference in Albany, NY on October 14-15, 2016.

2. Request: authorization to amend 2017 budget for salary for 6<sup>th</sup> Assistant Public Defender.

Rationale: to increase salary 6<sup>th</sup> Assistant Public Defender from \$45,000 to \$47,500 to comply with new Federal regulation effective December 1, 2016 requiring overtime pay for salaries \$47,476 and under.

IV. Referrals/Pending Items:

None

V. Discussion Items:

None

VI. Privilege of the floor to discuss any additional item to come before the Committee

VII. Motion to adjourn

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Attachments:

1. Schedule A - Authorizations to Attend Meeting or Convention and backup

SCHEDULE "A"  
**AUTHORIZATION TO ATTEND MEETING OR CONVENTION**

**Check one:**

- In-State (needs Supervisory Committee authorization)
- Out-Of State (needs Board resolution)

The Criminal Justice Committee hereby authorizes Nellie Halloran  
(Supervisory Committee) (Employee Name)

to attend North Country Veteran Defense Point Person: 4<sup>th</sup> Judidial District  
(Name of meeting or organization)

at Crown Plaza Lake Placid, 101 Olympic Drive, Lake Placid, NY 12946  
(Address)

on September 28-29, 2016. Mode of transportation to be used Own Vehicle  
(Dates) (County Vehicle or Mass Transportation)

If the mode of transportation is not a county vehicle or mass transportation, please explain:

using own vehicle

**Proper documentation must be attached when submitting for approval.**  
(Please check documents attached)

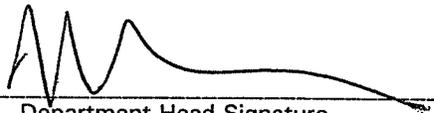
- Notice of meeting or convention including cost.

**For Overnight Travel**

- Room rate \$ \_\_\_\_\_ GSA\* Rate \$ \_\_\_\_\_
- Meal costs - GSA\*per diem rate \$ \_\_\_\_\_

\*[www.gsa.gov](http://www.gsa.gov)

Date: 9-9-16

  
Department Head Signature

Date: 9/26/16

  
Committee Chairman Signature

Please refer to the Warren County Travel Policy and County Vehicle Use Regulations for general policy guidelines.

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\*\*\*\*\*

Please check to request a fleet vehicle.

**REQUEST FOR USE OF FLEET VEHICLE**

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**Filing Instructions:**

1. Original with voucher to Auditor.
2. Copy to Frank Morehouse if fleet vehicle is needed.
3. Copy to Clerk of the Board with Resolution Request form if out-of-state travel.
4. Copy to Purchasing with Purchase Order, If required.
5. Copy to County Administrator if credit card will be used.

SCHEDULE "A"  
**AUTHORIZATION TO ATTEND MEETING OR CONVENTION**

Check one:

- In-State (needs Supervisory Committee authorization)
- Out-Of State (needs Board resolution)

The Criminal Justice Committee hereby authorizes Sterling Goodspeed  
(Supervisory Committee) (Employee Name)

to attend North Country Veteran Defense Point Person: 4<sup>th</sup> Judicial District  
(Name of meeting or organization)

at Crown Plaza Lake Placid, 101 Olympic Drive, Lake Placid, NY 12946  
(Address)

on September 28-29, 2016. Mode of transportation to be used Own Vehicle  
(Dates) (County Vehicle or Mass Transportation)

If the mode of transportation is **not** a county vehicle or mass transportation, please explain:

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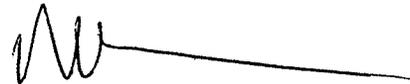
- Notice of meeting or convention including cost.

**For Overnight Travel**

- Room rate \$ \_\_\_\_\_ GSA \* Rate \$ \_\_\_\_\_
- Meal costs - GSA \*per diem rate \$ \_\_\_\_\_

\*[www.gsa.gov](http://www.gsa.gov)

Date: 9-9-16



Department Head Signature

Date: 9/26/16



Committee Chairman Signature

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**Registration Form: Veteran Defense Point Person Training - September 28-29, 2016**

Please fill out the following registration form and return it to the New York State Defenders Association, 194 Washington Ave., Suite 500, Albany, NY 12210-2314; Fax 518-465-3249. Your registration form must be received by Friday, September 16, 2016. This program is designed for public defense practitioners and free for Public Defenders, Legal Aid and Assigned Counsel Members.

NAME: \_\_\_\_\_ OFFICE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY/STATE/ZIP CODE: \_\_\_\_\_

TELEPHONE: \_\_\_\_\_ E-MAIL: \_\_\_\_\_

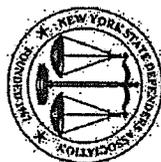
I am not engaged in the prosecution of criminal cases.  Do you have any special needs? Specify \_\_\_\_\_  
Please check all that apply:  18-B Attorney  Legal Aid Society Attorney  Defender Office

**NEW YORK STATE DEFENDERS ASSOCIATION**  
194 WASHINGTON AVENUE, SUITE 500  
ALBANY, NEW YORK 12210-2314

**MCLE - NYSDA** has been certified by the New York State continuing legal education Board as an Accredited Provider of Continuing Legal Education in the State of New York (2016-2019). This transitional/non-transitional program has been approved in accordance with the requirements of the Continuing Legal Education Board for a maximum of 10.0 credit hours, which can be applied toward Professional Practice. No CLE credit may be earned for repeat attendance at any accredited CLE activity.

North Country  
Veteran Defense  
Point Person:  
4th Judicial District

Presented by the  
Veterans Defense Program  
of the New York State  
Defenders Association



Wednesday & Thursday,  
September 28-29, 2016

Crowne Plaza Lake Placid  
101 Olympic Drive  
Lake Placid, NY 12946  
518-523-2556

## PROGRAM

### Wednesday, September 28, 2016

9:15-9:30 am

Registration (coffee & muffins available)

9:30-10:15 am

Traumatic Brain Injury and Criminal Behaviors -*Art Cody*

10:15-10:30 am

BREAK

10:30-11:30 am

Meeting the Needs of Justice Involved Veterans: Stratton VA Medical Center Veterans Justice Outreach Center  
*Courtney Slade & Gary Horton*

11:30-1:00 pm

LUNCH (on your own)

1:00-2:30 pm

Active Duty and Veterans Issues in Family Court -*Lucy McCarthy*

2:30-2:45 pm

BREAK

2:45-3:15 pm

Post-Traumatic Stress Disorder and Criminal Behaviors -*Gary Horton*

### Thursday, September 29, 2016

9:15-9:30 am

Registration (coffee & muffins available)

9:30-3:30 pm\*

Tools for the Fight: Veterans Defense from Investigation to Sentence -*Gary Horton, Art Cody & Dee Quinn Miller*

I. Investigation

II. Corroboration

III. Theory of the Case

IV. Mitigation Brief

V. Motions

VI. Defenses

VII. Sentencing Memorandum and Hearing

\*Breaks as appropriate

\*11:30-1:00pm LUNCH (on your own)

## SPEAKERS

**Gary Horton** is Director of NYSDA's Veterans Defense Program. He is a graduate of Hobart College and Hofstra University School of Law. Horton's practice has centered on the defense of the indigent for more than thirty years, and he was Genesee County Public Defender for twenty years, before becoming the Director of the Veterans Defense Program. Horton is the recipient of the NYSBA Criminal Justice Section David S. Michaels Award (2006), the New York State Defenders Association Wilfred R. O'Connell Award (2011) and the United States District Court for the Western District of New York, Special Service Award (2005). Gary is a founding member and past President of Genesee Veterans Support Network (GVSN).

**Captain Art Cody, USN (Retired)**, is Deputy Director of the Veterans Defense Program of the New York State Defenders Association. Art first served as a U.S. Army helicopter pilot, followed by similar service in the Navy Reserve. In total, his active and reserve military career spans thirty years and he is veteran of multiple combat zone deployments. He served aboard USS Enterprise (CVN-65) in the initial response to the 9-11 attacks and most recently deployed to Afghanistan (2011-2012) as the Director of the Rule of Law Section, US Embassy Kabul. As a civilian lawyer, he has represented criminal defendants for over twenty years and currently chairs the Capital Punishment Committee of the New York City Bar Association. A graduate of West Point, Art has a Master's Degree from the University of Southern California and graduated magna cum laude from Notre Dame Law School where he was the Executive Editor of the Notre Dame Law Review. His military decorations include the Navy Bronze Star Medal, Meritorious Service Medal, Naval Aviator Badge, Army Aviator Badge and the German Armed Forces Parachutist Badge.

**Deanne Quinn Miller** is the Program Coordinator for the Veteran's Defense Program. Ms. Miller was previously the Executive Director of Genesee Veterans Support Network (GVSN) in Genesee County. She has extensive knowledge of veteran issues, VA health and education benefits as well as the ability to navigate both VA and DoD systems to assist in collecting pertinent client military history. Deanne was recently awarded

by the VA of WNY for the work she does for Women Veterans in the Justice System. She is also a spokesperson and Director of the Forgotten Victims of Africa and a cum laude graduate of the University of New York at Buffalo.

**Courtney Slade, LCSW**, is a social worker and the Veterans Justice Outreach (VJO) Coordinator for the Albany Stratton VA Medical Center in Albany, NY. Ms. Slade is a graduate of SUNY Buffalo, having completed both her undergraduate and graduate studies coursework there. Ms. Slade works to provide outreach to justice-involved veterans in and around the Albany VA Medical Center catchment area, which includes 18 counties, providing resources and linkage to treatment as needed. Ms. Slade works within the Albany VA Medical Center's homeless and behavioral health programs and has partnered with community legal agencies to offer legal clinics for veterans at the medical center. Ms. Slade has been a social worker for seven years and has been at the Stratton VA Medical Center for five years.

**Lucy McCarthy** spent a decade in both Criminal and Family Court practice for the Vermont Office of the Defender General, then joined NYSDA in 2014 to fill the newly-created Family Court Staff Attorney position. In addition to taking calls from criminal defense providers as part of Backup Center staff, she provides support to all attorneys who represent parents in family court. To this end she structures training events as part of the effort to provide quality material for regular NYSDA CLE events and creates new avenues for parent attorney education and support such as the first annual Parent Attorney Conference, scheduled for November this year. She is also honored to participate in the current editing process of the Office of Indigent Legal Services Parent Attorney Standards.

#### Hotel Information:

Crowne Plaza Lake Placid (518-523-2556)

Block room rates: For block rate, reservations must be made by September 6, 2016 under NYS Defenders Assoc.-Veterans Defense Program.

Rooms for Tuesday, September 27, 2016: \$189.00 per night  
Rooms for Wednesday, September 28, 2016: \$115.00 per night

SCHEDULE "A"  
**AUTHORIZATION TO ATTEND MEETING OR CONVENTION**

**Check one:**

- In-State (needs Supervisory Committee authorization)
- Out-Of State (needs Board resolution)

The Criminal Justice Committee hereby authorizes Anna Besson  
(Supervisory Committee) (Employee Name)

to attend Families Matter: Parent Defense in New York  
(Name of meeting or organization)

at Hilton Albany, 40 Lodge Street, Albany, NY 12207  
(Address)

on October 14-15, 2016. Mode of transportation to be used Own Vehicle  
(Dates) (County Vehicle or Mass Transportation)

If the mode of transportation is not a county vehicle or mass transportation, please explain:

using own vehicle

**Proper documentation must be attached when submitting for approval.**  
(Please check documents attached)

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**For Overnight Travel**

- Room rate \$ \_\_\_\_\_ GSA\* Rate \$ \_\_\_\_\_
- Meal costs - GSA\* per diem rate \$ \_\_\_\_\_

\* [www.gsa.gov](http://www.gsa.gov)

Date: 9/9/16

  
\_\_\_\_\_  
Department Head Signature

Date: 9/25/16

  
\_\_\_\_\_  
Committee Chairman Signature

Please refer to the Warren County Travel Policy and County Vehicle Use Regulations for general policy guidelines.

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Please check to request a fleet vehicle.

- REQUEST FOR USE OF FLEET VEHICLE**

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5. Copy to County Administrator if credit card will be used.

## Families Matter: Parent Defense in New York – Registration Form

Name \_\_\_\_\_  
Office/Program \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ County \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Office Phone (\_\_\_\_\_) \_\_\_\_\_ E-mail \_\_\_\_\_  
 Public Defender     Legal Aid Society     Conflict Defender     Assigned Counsel     Advocate

**COST: \$125** (Program registration includes continental breakfast, snack, and lunch on Saturday.)

Please complete the registration form and return it, along with payment, one the following three ways.

**1. By mail: (for payment by check or credit card)**

NYSDA  
194 Washington Ave, Suite 500  
Albany, NY 12210

**2. By fax:**

518-465-3249

**3. By email:**

Scan and send a pdf version of your registration form, with credit card information, to:  
**dgeary@nysda.org**

Please make your check payable to NYSDA or complete the credit card authorization below.

Your registration form must be received by October 7, 2016.

<i>To pay by Credit Card:</i> <input type="checkbox"/> VISA <input type="checkbox"/> MasterCard <input type="checkbox"/> Discover <input type="checkbox"/> American Express	
Card Billing Address: _____	
Credit Card Number: _____	Exp. Date: ____/____/____
Cardholder's Signature: _____	

### MCLE Credit

NYSDA has been certified by the New York State Continuing Legal Education Board as an Accredited Provider of continuing legal education in the State of New York (2013-2016). This transitional/non-transitional program has been approved in accordance with the requirements of the Continuing Legal Education Board for a maximum of 9.0 credit hours, of which 1.0 credit hours can be applied toward Ethics and Professionalism. No CLE credit may be earned for repeat attendance at any accredited CLE activity within any one reporting cycle.

New York State Defenders Association  
194 Washington Ave, Suite 500, Albany, NY 12210-2314

Non-Profit Organization  
U.S. Postage  
PAID  
Albany, NY  
Permit #590

# Families Matter: Parent Defense in New York



October 14-15, 2016  
Hilton Albany  
40 Lodge St  
Albany, NY 12207

*"Unless someone like you cares a whole awful lot,  
nothing is going to get better. It's not."*

—Dr. Seuss, *The Lorax*

*Parents' fundamental liberty interest in the companionship, care, custody, and control of their children "does not evaporate simply because they have not been model parents or have lost temporary custody of their child to the State . . . parents retain a vital interest in preventing the irretrievable destruction of their family life."*

—Santosky v. Kramer, 455 U.S. 745, 753 (1982)

The organizers are proud to bring together legal and social work practitioners from all parts of New York State to focus on concrete ways to improve the quality of legal representation for low-income people threatened with the loss of their children to state custody. While we are incredibly grateful for our talented and selfless speakers, this conference also would not be possible without the generosity of time and effort of the volunteer Conference Planning Committee. Their dedication to networking all providers and sharing strategy and tactics are key to the success of this conference and will enhance what we are all able to do for our clients. To the people who care a whole lot, thanks to:

Lauren Shapiro, Director, Family Defense Practice, Brooklyn Defender Services; Michelle Burrell, Senior Trial Attorney, Family Defense Team, Neighborhood Defender Service of Harlem; Angela Burton, Director of Quality Enhancement, Parent Representation, NYS Office of Indigent Legal Services; Stacy Charland, Managing Attorney, Family Defense Practice, Neighborhood Defender Service of Harlem; Juliana Chereji, Supervising Attorney, Family Defense Practice, Brooklyn Defender Services; Teha Coles, Senior Staff Attorney, Center for Family Representation; Michele Cortese, Deputy Director, Center for Family Representation; Elizabeth Fessler, Litigation Supervisor, Center for Family Representation (Queens); Adele Fine, Bureau Chief, Family Court Bureau, Monroe County Public Defender's Office; Linda Gehron, Supervising Attorney, Family Court Program, Frank H. Hiscock Legal Aid Society; Marty Guggenheim, Co-Director, Family Defense Clinic, NYU School of Law; Rebecca Horvitz, Manager of Government Affairs & Institutional Giving, Center for Family Representation; Emma Ketteringham, Managing Attorney, Family Defense Practice, The Bronx Defenders; Christine Kiesel, Coordinator, NYS Child Welfare Court Improvement Project; Lucy McCarthy, Family Court Staff Attorney, NYS Defenders Association; Yvonne Vertlieb, Deputy Director for Family Court, Erie County Bar Association Aid to Indigent Prisoners Society; Lynn Vogelstein, Senior Supervising Attorney, Family Defense Practice, Brooklyn Defender Services.

Sponsored by

NYS Office of Indigent Legal Services  
Improving the quality of legal representation through-out NY State



NEW YORK STATE  
DEFENDERS ASSOCIATION



NEW YORK STATE UNIFIED COURT SYSTEM  
CHILD WELFARE COURT IMPROVEMENT PROJECT

**Friday, October 14, 2016**

Registration

**Welcome — Chief Judge Janet D'Flore**

Workshops (Select One)

**Article 10 and Domestic Violence: Overcoming Barriers to Reunification**

Julia Hernandez and Tehra Coles

OR

**Changing the Conversation: Public Conversations and Practice Opportunities**

Jeanette Vega, Richard Wexler, and Stacy Charland

Break

Workshops (Select One)

**Working with Clients with Intellectual Disabilities and Utilizing the Americans with Disabilities Act in Family Court**

Gabe Frieman, Amy Mulzer, and Carolyn Walther

OR

**Defaults: Preservation of Rights and Ethical Concerns**

Chris Gottlieb and Adele Fine

Dinner on your own- restaurant recommendations are available at the concierge desk.

Be sure to turn in your sign out sheets for CLE credit.

**Saturday, October 15, 2016**

Continental Breakfast

Workshops (Select One)

**Appeals and Family Court: The When and the How**

Linda Gehron, Jeremy Dyckman, Lauren Shapiro, and Maura Keating

OR

**Dismantling and Rebuilding "Best Interests": Adding Factors that Matter to Children and Families**

Michele Cortese

Break- snacks and beverages provided (Hilton checkout time is 11 AM). Concierge service for holding bags at the front desk

Workshops (Select One)

**Neonatal Abstinence Syndrome for Lawyers**

Bernadette Hoppe and Emma Ketteringham

OR

**Res Ipsa: Defending Allegations, Expert Use, and Other Techniques**

Emma Alpert and Amanda McHenry

Lunch

**Speaker — Molly McGrath Tierney, Director for the Baltimore City Department of Social Services**

Workshops (Select One)

**Challenging the Credibility of a Child's Out-of-Court Statements**

Juliana Chereji, Elizabeth Fassler, and Beile Lindner

OR

**Motion Practice: What We Should Be Filing**

Linda Gehron and Nancy Farrell

Break

**Plenary Session**

**Fundamentals in Action: Discovery in Neglect Proceedings**

Emma Ketteringham, Adele Fine, and Rachel Barish Swartz

Be sure to turn in your sign out sheets for CLE credit.



**Lunch Speaker**

**Molly McGrath Tierney, M.Ed.**, is the Director for the Baltimore City Department of Social Services where she manages the City's child welfare and public assistance programs. Over the past nine years, she has led a massive reform effort that dramatically improved the services provided to vulnerable citizens of Baltimore, including reducing the number of children in foster care by 60%. She created a business model for sustainable agency performance that is now considered a national model for modern social services. She joined the Department after 5 years in Chicago where she designed and managed the social service programs that supported Mayor Richard M. Daley's major human service reform plans. Prior to that, she spent 15 years in public child welfare systems in Illinois and in Washington D.C. She holds a master's degree from Loyola University and is a fellow with the Annie E. Casey Foundation. She lives in Baltimore with her family.

**Speakers**

- Emma Alpert**, Senior Staff Attorney, Brooklyn Defender Services
- Stacy Charland**, Managing Attorney, Family Defense Practice, Neighborhood Defender Service of Harlem
- Juliana Chereji**, Supervising Attorney, Family Defense Practice, Brooklyn Defender Services
- Tehra Coles**, Senior Staff Attorney, Center for Family Representation
- Michele Cortese**, Executive Director, Center for Family Representation
- Jeremy Dyckman**, Assistant Conflict Defender, Franklin County Conflict Defender's Office
- Nancy Farrell**, Staff Attorney, Frank H. Hiscock Legal Aid Society
- Elizabeth Fassler**, Litigation Supervisor, Center for Family Representation (Queens)
- Adele Fine**, Bureau Chief of the Family Court Bureau, Monroe County Public Defender's Office
- Gabe Frieman**, Supervising Attorney, Family Defense Practice, Brooklyn Defender Services
- Linda Gehron**, Supervising Attorney, Family Court Program, Frank H. Hiscock Legal Aid Society
- Chris Gottlieb**, Co-Director, New York University School of Law Family Defense Clinic
- Julia Hernandez**, Staff Attorney, Family Defense Practice, Brooklyn Defender Services
- Bernadette Hoppe**, Adjunct Professor, SUNY Buffalo Law School, Daemen College, and D'Youville College
- Maura Keating**, Litigation Supervisor, Center for Family Representation (Manhattan)
- Emma Ketteringham**, Managing Attorney of the Family Defense Practice, The Bronx Defenders
- Beile Lindner**, Staff Attorney, Family Defense Practice, Brooklyn Defender Services
- Amanda McHenry**, Staff Attorney, Frank H. Hiscock Legal Aid Society
- Amy Mulzer**, Staff Attorney and Instructor, Disability and Civil Rights Clinic, Brooklyn Law School
- Lauren Shapiro**, Director of the Family Defense Practice, Brooklyn Defender Services
- Rachel Barish Swartz**, Senior Associate, Dechert LLP
- Jeanette Vega**, Parent Leader, Rise
- Carolyn Walther**, Litigation Supervisor, Center for Family Representation
- Richard Wexler**, Executive Director, National Coalition for Child Protection Reform

NYS Office of Indigent Legal Services announces nominations are now open for the **Ella B. Family Justice Award**. This award recognizes efforts to advance high quality representation for low-income parents and caregivers threatened with the temporary or permanent loss of their children to state custody. Nominees must be attorneys or other advocates (social worker, investigator, parent advocate, legislator, policy advocate, etc.) working to advance high quality representation for low-income parents in proceedings brought against them by a child protection services agency.

Nomination forms and further instructions can be found on the conference webpage, [nyparentdefense.com](http://nyparentdefense.com)

Nomination packets must be received by **Friday, September 30, 2016**

**Hotel Reservations**

**Reserve your room directly with the Albany Hilton by calling the 866-691-1183 and using the NYSDA conference code: IDEFEN.**

**The special rate and guaranteed availability end on September 14, 2016.** (Hilton check in time is 4 PM.)

**MEETING REQUEST FORM**

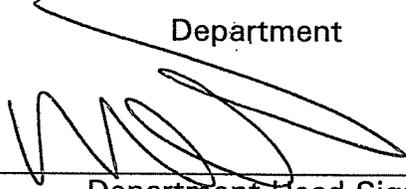
In order to assist in the preparation of monthly agendas, Department Heads are requested to complete this form no later than the 10<sup>th</sup> of each month and return it to the Office of the Clerk of the Board of Supervisors.

<u>COMMITTEE</u>	<u>MEETING DESIRED</u>		<u>APPROXIMATE TIME NEEDED</u>	<u>REMARKS</u>
	<u>YES</u>	<u>NO</u>		
<u>Criminal Justice &amp; Public Safety</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>15 min.</u>	<u>          </u>

I have contacted my committee chair about the meeting:    Yes    No

The following days are inconvenient for me and/or the committee chair:

I would like to be placed on the agenda of the following meetings:

Department  
  
\_\_\_\_\_  
Department Head Signature

Date: September 9, 2016

*Please note: The changes made to this form include (1) you are being asked to coordinate with your committee chairman; and (2) you are being asked to return this form monthly, either requesting a meeting or indicating one is not necessary.*

# **RESOLUTION REQUEST FORM NO. 20**

## **MISCELLANEOUS**

***\*Please List All Other Requests Not Covered by Previous Resolution Request Forms Here.  
Please attach any backup information available and be as detailed as possible.***

**DEPARTMENT NAME: Public Defender**

**DATE: 9-27-16**

- (a) Purpose of Request:  
**To request that the governor sign pending legislation**
  
- (b) Details:  
**To request that the governor sign pending legislation which will reimburse localities for the expense of providing state mandate indigent legal services, also known as the Defense Mandate Relief Act (S.8114/A.10706).**
  
- (c) Previous Resolution Number:  
**none**
  
- (d) Where are the Funds (if required)? List Budget Code, Object Code, Full Title\* and Amount:  
**no funds to be expended**

**Sample: A.8021 470 Planning & Community Development – Contract**

**\* as listed in budget and LOGOS**



## News Release

# Assembly Speaker Carl E. Heastie

FOR IMMEDIATE RELEASE:  
June 17, 2016

## State Legislature Passes Measure to Address Disparities in New York's Justice System

Assembly Speaker Carl Heastie and Assemblymember Patricia Fahy today announced both houses of the Legislature have officially passed a measure that would ensure all New Yorkers have equal access to quality indigent legal services (A.10706, Fahy).

Under the proposal, the state would gradually take over full funding of indigent legal services programs by 2023 relieving counties of their financial obligation. By requiring the state to reimburse localities for these vital legal services programs, the legislation aims to ensure access to quality legal representation for all New Yorkers and lift an expensive unfunded mandate off the counties.

"This legislation guarantees quality legal representation regardless of where you live in New York State," said Speaker Heastie. "In addition to protecting the constitutional rights of New Yorkers, this bill represents tremendous financial relief for local governments across the state and will help lighten the heavy workload for many public defenders allowing them to offer the best legal representation possible."

Currently, each county in New York is responsible for funding legal services for persons charged with a crime and in various family court proceedings who are unable to afford counsel. However, the quality and effectiveness of the services varies from county to county often depending on the availability of funding.

"This was a landmark ruling more than half a century ago and this marks a tremendous chapter in moving New York forward in fully realizing this constitutional right here in the Empire State by providing equitable treatment for the accused and providing serious mandate relief for counties. A 2006 report chaired by former Chief Judge Judith Kaye labeled the state of public defense as an 'ongoing crisis.' This may also lead to cost savings if better legal representation leads to reduced pre-trial incarceration. When fully phased in, the legislation will relieve counties of hundreds of millions of dollars in mandate relief. Thanks to the many advocates - including Albany County - lawmakers, and more for their work on this decades-long issue," said Assemblymember Patricia Fahy.

"The passage of this legislation resolves an issue in our justice system that has long plagued New Yorkers and the state's counties," said Assemblymember Joseph Lentol, chair of the Codes Committee. "By allowing the state to take over indigent legal services funding, we can assure that New Yorkers will have access to high quality legal defense services regardless of their ability to pay."

"This legislation will help correct the disparities that exist in securing quality legal representation for those who need it most," said Assemblymember Helene Weinstein chair of the Judiciary Committee. "Every county will be much better positioned to provide adequate access to public defenders to ensure that the justice system is working for everyone."

"This bill is fundamental to raising the standards for our justice system in New York State," said Assemblymember Nick Perry, chairman of the Black, Puerto Rican, Hispanic & Asian Caucus. "By taking this burden off of counties, we can be sure we are offering New Yorkers quality legal representation that is more likely to be fair and more truly represents the type of justice system New Yorkers deserve."

"This legislation commits New York State to systemic reform of the of the criminal justice system," said Robert Perry, legislative director at the NYCLU. "By its terms, the new law would commit the state to providing effective legal representation to persons facing criminal charges who cannot afford to hire an attorney. The bill promises to provide public defense services that are fairer and more accountable."

"It is the beginning of a new day in New York State for public defense services. NYSDA is grateful to Assemblywoman Pat Fahy and Senator John DeFrancisco and both houses of the legislature for helping to bring Gideon (the right to counsel) to maturity," said Jonathan Gradess, executive director of the New State Defenders Association.

"The Assembly's passage of legislation that reforms the state's indigent legal services program brings true mandate relief to counties and improves access to justice for all New Yorkers. We appreciate Assemblymember Patricia Fahy's perseverance and commitment to balancing the needs of counties from all regions of the state. Her work was instrumental in ensuring county needs were included in the final version of this legislation. This bill accomplishes three objectives. It provides real and meaningful mandate relief for counties and property taxpayers. It protects taxpayers from costly and unnecessary lawsuits against New York's public defense program. And it improves legal defense services for the poor in all counties in the state," said William E. Cherry, President, New York State Association of Counties (NYSAC).

"This groundbreaking legislation will help New York live up to the promise of fair representation of indigent defendants dictated in 1963 by the Supreme Court in *Gideon v. Wainwright*," said Albany County Executive Daniel P. McCoy. "I have been working with our state lawmakers and brought this to Assemblymember Pat Fahy to champion 17 months ago. Costs to counties to provide defense for the poor is escalating and this legislation provides a phased-in approach to fixing the state's fragmented system of justice. I commend our state legislators for helping us meet our longstanding obligation to protect the rights of all residents, regardless of income or social status."

"The State Bar Association has long supported legislation to require full state funding for and oversight of indigent criminal defense services. We are gratified that both houses have taken this critical step toward making this longstanding Association priority a reality," said Claire P. Gutekunst, president of the New York State Bar Association.

"St. Lawrence County is thankful for the leadership demonstrated by Assemblymember Patricia Fahy and our State Representatives in the Assembly on this important issue of unfunded mandate relief and social justice reform. For more than 50 years, New York State has forced the counties to shoulder the burden of this ever growing expense which has resulted in a patchwork quilt of indigent defense plans, woefully underfunded and inadequate in many areas of the State. By voting in favor of this measure, the New York State Assembly has sent a resounding message to the counties that it wishes to alleviate the financial burdens on property owners with respect to this mandate and assist the accused in ensuring compliance with the U.S. Constitution and the New York State Constitution. The fact that it passed in the manner that it did is an indication of how serious the State appears to be taking the pleas of the county leadership, the pleas of president David Miranda and the New York State Bar Association, the repeated calls to action by Executive Director Steve Acquario and the New York State Association of Counties, the fervent advocacy of Executive Director Jonathan Gradess and the New York State Defender's Association, and many more. This is an issue that resonates across party lines and throughout the bicameral legislature as it contains a little bit for everyone. We are thankful for the mutual support of Senate bill co-sponsor Deputy Majority Leader Senator John DeFrancisco and the St. Lawrence County Senate members which include Senator Patty Ritchie, Senator Joe Griffo and Senator Betty Little," said Stephen Button, County Attorney, St. Lawrence County.

**New York State Assembly**  
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RESOLUTION REQUEST FORM NO. 12

Schedule "A"

**NOTICE OF INTENT TO FILL VACANT POSITION**

This notice of intent is filed whenever a department head plans to fill an *existing* funded position in their budget that is vacated due to a retirement, resignation, termination or promotion. This notice may not be used for requests to create a *new* position. For complete instructions on the procedure to be followed, see the reverse of this form.

**DEPARTMENT HEAD COMPLETES THIS SECTION**

Department: Public Defender Payroll Dept. No: 1171  
 Title of Position: S<sup>2</sup> APD Base Salary of Position: \$5,443.00 Grade: —  
 Filling at Step # (If Known): — Request to Backfill Due to Promotion:  Yes  No  
 Budget code and title: \_\_\_\_\_ Union  Non-Union   
 This position is vacated due to:  Retirement  Resignation  Termination  Promotion  Other  
 Employee No.: 12833 Is this position mandated?  Yes  No Is the position reimbursable?  Yes  No  
 Source of reimbursement:  Federal \_\_\_\_\_%  State \_\_\_\_\_%  Other \_\_\_\_\_%

**CIVIL SERVICE STATUS AND HUMAN RESOURCES DIRECTOR APPROVAL**

Competitive-active eligible list  Competitive-no list (*hiring would be provisional*)  Non-Competitive  Other Exempt 9/26/16  
 Actual Impact to Budget Report will be provided monthly by Human Resources Director.  
 Candidate's qualifications must be approved by Personnel Officer prior to hiring.  
 Human Resources Director has approved this form when initialed. [Signature] 9-26-16

**COUNTY ADMINISTRATOR COMPLETES THIS SECTION**

- The Administrator has no objection to the filling of the vacancy.
- The Administrator objects to the filling of the vacancy.

Administrator Signature \_\_\_\_\_ Date \_\_\_\_\_

**BUDGET OFFICER COMPLETES THIS SECTION**

- The Budget Officer has no objection to the filling of the vacancy.
- The Budget Officer objects to the filling of the vacancy.

Budget Officer Signature \_\_\_\_\_ Date \_\_\_\_\_

**SUPERVISORY COMMITTEE COMPLETES THIS SECTION**

Name of Committee \_\_\_\_\_

- The committee has no objection to the filling of the vacancy.
- The committee objects to the filling of the vacancy.
- In the case of an emergency, Committee Chair has no objection to the filling of the vacancy.
- In the case of an emergency, Committee Chair objects to the filling of the vacancy.

Ranking Committee Member Signature \_\_\_\_\_ Date \_\_\_\_\_