

Criminal Justice  
Warren County Assigned Counsel  
AGENDA  
November 23, 2020

Committee Members: SEEBER, Leggett, Beaty, Diamond, Driscoll, McDevitt and Shepler

- I. Committee meeting called to order by Chairman
- II. Motion to approve minutes of prior committee meeting
- III. Action Agenda/New Business
  - 1. **Request:** To re-approve the Assigned Counsel Plan to include minor corrections that were required by the NYS Office of Indigent Legal Services and made by the County Attorney's Office.

**Rationale:** This Committee and the Board approved our first version of the Assigned Counsel Plan via Resolution #27 of 2019.

- IV. Referral/Pending Items: None
- V. Information for Discussion/Review:
- VI. Privilege of the floor and public comment (please allow for 15 second delay on live stream meetings)
- VII. Motion to adjourn

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**Attachments:**

- #1 **Synopsis of actual changes to AC Plan  
Approved by the Board in January 2019.**

# ***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: Assigned Counsel**

**DATE: November 23, 2020**

- (a) Purpose of Request: **To re-approve the Assigned Counsel Plan**
- (b) Details: **Minor changes were requested by the Office of Indigent Legal Services, said changes were made and now meets with that office's approval in final form.**
- (c) Previous Resolution Number: **Resolution #27 of 2019**
- (d) Where are the Funds (if required)? List Budget Code, Object Code, Full Title\* and Amount: **None required.**

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

\* as listed in budget and LOGOS

## Articles that have been modified in accordance with OILS standards:

- 1) Article III, no law enforcement member may serve on the board : “Prosecutors, law enforcement officers, and government officials may not serve on the Assigned Counsel Advisory Board.”
- 2) Article V(9) was modified to read : “Assigned attorney shall assess the need for investigatory, expert, and other non-attorney support services in all cases and shall apply for such services where reasonably required.”
- 3) Article VIII(2)(a) was modified to read: “Assignment of counsel shall be accomplished so that an indigent defendant will be represented at all critical phases of the prosecution, including first appearance.” The word arraignment was replaced with “first appearance.”
- 4) Article IX caseloads was modified to include a link to the ILS website for their standards under the Hurrell-Harring settlement: “The Office of Indigent Legal Services’ standards can be found online at the Office of Indigent Legal Services website: <https://www.ils.ny.gov/files/Hurrell-Harring/Caseload%20Reduction/Caseload%20Standards%20Report%20Final%20120816.pdf>.” ILS recommended that link be inserted so that as the standards are modified, the new standards can be found at the website.
- 5) Article XI. Put in link for eligibility : “The criteria and procedures for determining assigned counsel eligibility can be found at the Office of Indigent Legal Services website at: <https://www.ils.ny.gov/content/eligibility-standards-related-documents-and-resources>.”

## OILS suggestions that will remain unchanged from the original plan:

- 1) Article IV(1)(b) we kept the requirement for attorneys to have a mailing address in Warren County, even though removing that condition was a suggested change by OILS.
- 2) Article V(4) records retention. We kept the seven year requirement for records retention and did not make it lifetime as OILS recommended.