

CRIMINAL JUSTICE & PUBLIC SAFETY COMMITTEE MEETING
PUBLIC DEFENDER AGENDA
February 22, 2023

COMMITTEE MEMBERS: Supervisors GERACI, Conover, McDevitt, Driscoll, Magowan, Leggett and Vacant - *Chair of the Board shall serve as an Ex-Officio member when needed in accordance with Section C (4) of the Rules of the Board*

- I. Committee meeting called to order by Chair
- II. Approval of minutes of prior Committee Meeting
- III. Privilege of the floor and public comment
- IV. Action Agenda/New Business Items:
 1. Request: Request to engage in Internship Program with Albany Law School.
Rationale: To have an opportunity to showcase Warren County and the Public Defender's Office to Albany Law School students preparing for the NYS BAR exam and deciding where to begin their careers as Attorneys.
 2. Request: Notice of Intent to Fill Vacant Position – Assistant Public Defender (3).
Rationale: To fill the vacant position of Assistant Public Defender (3) after resignation.
 3. Request: Request to Decrease Salary of *Non-Union* Position.
Rationale: To amend the table of organization and Warren County Salary and Compensation Plan in accordance with the entry level of the recently vacated Assistant Public Defender (3) position.
 4. Request: Request to Create *New* Position
Rationale: To add newly funded position Assistant Public Defender (10) into the Salary Schedule for the Public Defender's Office
 5. Request: Notice of Intent to Fill Vacant Position – Assistant Public Defender (10).
Rationale: To fill the vacant position of Assistant Public Defender (10) after created.
 6. Request: Request to Amend County Budget
Rationale: To add Appropriation and Revenue for ILS funded Assistant Public Defender (10) into the Public Defender Budget for 2023
- V. Discussion Items:
 - a. Vacant Attorney Positions & Recruitment
- VI. Referrals/Pending Items:
- VII. Privilege of the floor and public comment
- VIII. Motion to adjourn

Attachments:

1. Resolution Request Form No. 20 – Miscellaneous - Albany Law School Internship Program
2. Resolution Request Form No. 12 – Notice of Intent to Fill - Assistant Public Defender (3)
3. Resolution Request Form No. 13 – Request to Increase or Decrease Salary of *Non-Union* Position APD (3)
4. Resolution Request Form No. 11 – Request to Create New Position – Assistant Public Defender (10)
5. Resolution Request Form No. 12 – Notice of Intent to Fill - Assistant Public Defender (10)
6. Resolution Request Form No. 7 – Request to Amend County Budget – ILS funding for APD (10)

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: Warren County Public Defender's Office

DATE: 2/22/2023

- (a) Purpose of Request: **Request permission to engage in an Internship Program with Albany Law School.**
- (b) Details: **Opportunity to showcase Warren County and the Public Defender's Office to Albany Law School students preparing for the NYS BAR exam and deciding where to begin their careers as Attorneys.**
- (c) Previous Resolution Number:
- (d) Where are the Funds (if required)? List Budget Code, Object Code, Full Title* and Amount:

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

* as listed in budget and LOGOS

THE JUSTICE CENTER AT ALBANY LAW SCHOOL
FIELD PLACEMENT PROGRAM

Memorandum of Understanding

Field Placement: _____

Supervising Attorney: _____

Law Student: _____

Semester: _____

The Field Placement Program provides participating law students with substantial lawyering experience reasonably similar to the experience of a lawyer advising or representing a client or engaging in other lawyering tasks under direct attorney supervision at the placement. The field placement includes opportunities for performance, feedback, and self-evaluation to assist students in making progress toward individual educational goals and program-wide learning objectives.

The Supervising Attorney, Law Student, and Faculty/Director of field placements agree as follows:

Responsibilities for All Participants:

1. I have read the Field Placement Handbook and agree to follow the learning objectives and program guidelines stated therein.
2. I understand that the Student is the primary beneficiary of the Field Placement Program and that the purpose of the Program is to allow the student to learn from the experience of working as a lawyer.

Field Placement Supervising Attorney Responsibilities:

1. The Supervising Attorney accepts primary responsibility for overseeing the Student experience at the placement throughout the semester and monitoring the progress of all Student work including any work assigned by other attorneys.
2. The Supervising Attorney agrees that the Field Placement is in compliance with New York State Labor Law § 201-g regarding sexual harassment training.
3. The Supervising Attorney agrees to assign tasks to the Student that are representative of the placement and Supervising Attorney's work. Where appropriate, the Student will be certified to appear in court or personally represent a client under attorney supervision.

4. The Supervising Attorney agrees that as appropriate, the Student will be offered opportunities to participate in all aspects of placement cases or projects, including, but not limited to, client interviewing, counseling, case planning, negotiation, fact investigation, trial preparation and trial, meetings, policy development, legal research, drafting, legal writing, and guided observation of these or other lawyering activities.
5. The Supervising Attorney will not assign the Student clerical tasks, e.g., filing, photocopying, library updating, indexing, unless such tasks are specifically related to an educational activity.
6. The Supervising Attorney and/or other attorneys assigning work to the Student agree to provide timely feedback on assignments.
7. The Supervising Attorney agrees to meet with the Student at the start of the semester to review and discuss the Student's educational goals and strategies for achieving goals. The Supervising Attorney will approve and sign the Educational Goals form.
8. The Supervising Attorney agrees to complete, review with the Student, and submit a mid-semester progress report and an end-of-semester final evaluation of the Student.

Student Responsibilities:

1. The Student agrees to perform work assigned by the Supervising Attorney in connection with the field placement for a minimum of 170 hours for the semester (approximately 12 hours per week for 14 weeks) and agrees to maintain weekly time records describing such placement activity.
2. The Student agrees to set a regular work schedule with the Supervising Attorney and seek permission for any changes or modifications in the placement work schedule.
3. The Student agrees to comply with the Rules of Professional Conduct and other rules, guidelines, or policies applicable to the particular field placement.
4. The Student agrees to attend all field placement classes and complete all class assignments.
5. The Student agrees to identify specific individual educational goals and strategies for achieving goals, review and discuss the goals and strategies with the Supervising Attorney, and submit a copy of the Educational Goals to Faculty.
6. The Student agrees to complete a mid-semester and an end-of-semester self-evaluation and report.

Albany Law Faculty/Director of Field Placement Program Responsibilities:

1. Albany Law Faculty/Director of Field Placements oversees the Field Placement Program to assure the educational quality of the Student's experience and to evaluate the Student's academic performance.
2. Faculty will review and evaluate the Student's time sheets, educational goals, and mid-semester and end-of-semester self-evaluation reports.
3. Faculty will provide or arrange for classroom instruction related to the field placement experience and will ensure on-going, contemporaneous, faculty-guided reflection.
4. Faculty will meet with the Student at mid-semester to review the Student's progress toward individual educational goals, and more often as needed to assist the Student and assure educational progress.
5. Faculty agrees to provide periodic training for Supervising Attorneys to assist attorneys in working with law students and to provide other information, materials, and regular communication with Supervising Attorneys
6. Faculty agrees to be available to assist the Student and/or Supervising Attorney should any questions or concerns arise during the semester.

Supervising Attorney _____ Date _____

Student _____ Date _____

Faculty/Director of Field Placement Program _____ Date _____

FIELD PLACEMENT EMPLOYER INFORMATION FORM

TO: Albany Law Field Placement Clinic
Att'n: Suzi Nohai, snoha@albanylaw.edu

Date:

PLACEMENT NAME:

PLACEMENT ADDRESS:

PHONE:

PLACEMENT WEBSITE:

SUPERVISING ATTORNEY(S):

(Please note Supervising Attorneys must have three [3] years-experience)

SUPERVISING ATTORNEY(S) EMAIL(S):

1) A brief statement about your office generally (e.g., mission, jurisdiction, size, nature of practice, etc.)

2) A description of the experiences law students are likely to have at your office, including the types of tasks a student may perform.

3) Number of student placements you may accept each semester.

4) Any special requirements you have for student selection (e.g., writing sample, class standing, experience, third year students only, background check, etc.).

5) Will your office be willing to accept a field placement student who is not pursuing a Juris Doctor degree? (i.e. Master of Law [LLM students])

6) Albany Law School requires students to submit (through AlbanyLaw Link) an Application and resume. If your agency requires additional information, please indicate below.

7) Does your agency have an internship application process that our student must follow? If so, please describe. (For example, can you accept informational packets from us prior to student applying on your system? Website url for applications? Specific contacts?)

8) Anything else that you think would be helpful or informative.

Please attach a resume or statement of experience for the attorney(s) who will directly supervise our students. (As stated above, all supervising attorneys must have at least three years- experience in the specific area of law related to the student's field placement work).

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: A.1171
Title of Position: Assistant Public Defender (3) Base Salary of Position: \$71,015 Grade: _____
Filling at Step # (If Known): _____
Budget code and title: A.1171 110 (Public Defender Salaries) Union Non-Union
This position is vacated due to: Retirement Resignation Termination Promotion Other
Employee No./Last Name: 13403/Kelly-Barnes Date of Vacancy: 2/4/2023
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 _____
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. 703 2/4/23
Human Resources Director has approved this form when initialed. AP 2/4/23

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 [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 Frank E Thomas Date 2/17/23

SUPERVISORY COMMITTEE COMPLETES THIS SECTION

Name of Committee Criminal Justice & Public Safety

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 [Signature] Date 2/22/2023

ASSISTANT PUBLIC DEFENDER

DISTINGUISHING FEATURES OF THE CLASS: This work involves responsibility for representing indigent defendants as assigned by the Public Defender. The work involves representing the defendant through every stage of proceedings following arrest through and including any appeals. In addition to actual representation, the Assistant Public Defender assists the Public Defender in the investigation, preparation, conduct and appeal in various court and legal proceedings involving indigent defendants. Work is performed under the general supervision of the Public Defender and First Assistant Public Defender with wide leeway allowed for the exercise of independent judgment. Does related work as required.

TYPICAL WORK ACTIVITIES: (Illustrative only)

Represents and counsels' defendants at every stage of proceedings following arrest;
Initiates such proceedings as are necessary to protect the rights of the accused;
Assists the Public Defender in the preparation of various court proceedings;
Confers with defendants, law enforcement personnel, judges, and District Attorney's staff concerning individual cases;
Investigates respondent's financial status in family court support matters;
Prepares cases for trial by responding to motions, preparing for hearings, evaluation case, plea-bargaining and discussing case with District Attorney staff in criminal cases and with attorney for the other party in family court cases;
Prepares all pleadings, including petitions, answers, discovery demands, motions and orders in Family Court matters;
Prepares for trial by researching law and rules of evidence, preparing trial file of evidence, reviews prospective jurors, reviews trial charges by judge, prepares witnesses for trial and develops trial strategy;
Supervises clerical staff in connection with the preparation of cases and the maintenance of appropriate records;
Tries cases, including jury selection, presentment of cases, questions witnesses at trial, preparing opening statements and preparing closing summations;
May handle post judgment motions, including receiving motions to vacate judgment, preparing response and brief and arguing motion in Superior Court;
May handle appeals by preparing brief, arguing appeal in the Appellate Division, seeking permission of Court of Appeals if not a matter of right, and arguing the appeal in the Court of Appeals.

FULL PERFORMANCE KNOWLEDGE, SKILLS, ABILITIES AND PERSONAL CHARACTERISTICS:

Thorough knowledge of New York State criminal law, New York family court act and court proceedings (both preferred but not necessary); good knowledge of judicial procedures and rules of evidence; ability to interpret and work with New York State and Federal criminal code; ability to communicate effectively both orally and in writing; ability to reason quickly and logically in stressful situations; ability to analyze and interpret laws and legal documents in order to render an accurate legal opinion; ability to analyze and organize facts effectively; ability to prepare for and present cases in court; ability to establish and maintain effective working relationships with others; physical condition commensurate with the demands of the position.

MINIMUM QUALIFICATIONS: At the time of appointment, possession of a license to practice law in the State of New York. Salary range \$65,295 to \$71,988 (commensurate with experience).

SPECIAL REQUIREMENT: Possession of an appropriate NYS motor vehicles license at the time of appointment or otherwise demonstrate an ability to meet the transportation needs of the position.

RESOLUTION REQUEST FORM NO. 13

Request to Increase or Decrease Salary of Non-Union Position

DEPARTMENT NAME: Warren County Public Defender's Office

DATE: 2/22/2023

- (a) Employee Name, Title and Employee No.:
Assistant Public Defender (3)
- (b) Current Annual **Base** Salary (and Grade if Applicable):
\$71,015
- (c) Former Annual **Base** Salary (and Grade if Applicable):
\$73,116
- (d) Effective Date for Salary Change*:
**Please do not backdate request unless the purpose is to correct an error*
3/20/2023
- (e) If This is a Request for a Salary Increase, Where are Funds in the Budget for this Position?
List Budget Code (with title), Object Code (with title), and Amount:
- (f) Is a Budget Transfer needed? YES NO
If yes, please complete Resolution Request Form No. 10 – Transfer of Funds
If no, please provide details on how the increase will be funded within the current budget:
- (g) Is there expected revenue from this position? YES NO
If yes, please complete Resolution Request Form No. 07 – Amend County Budget to recognize revenue
- (h) Justification of Request:
To amend the Table of Organization and Warren County Salary and Compensation Plan.

RESOLUTION REQUEST FORM NO. 11

Request to Create New Position

DEPARTMENT NAME: Warren County Public Defender's Office

DATE: 2/22/2023

- (a) Title of Requested Position: **Assistant Public Defender (10)**
- (b) Annual **Base** Salary (and Grade if Applicable): **\$71,015**
- (c) Effective Date for New Position*: **3/20/2023**
**Please do not backdate unless the purpose is to correct an error.*
- (d) List Any Position in the Department's Table of Organization Being Deleted as a Result of this Request: (Include annual salary and grade if applicable):
- (e) Where are Funds in the Budget for this Position?
List Budget Code, Object Code, Full Title and Amount:
- (f) Is a Budget Transfer needed? YES NO
If yes, please complete Resolution Request Form No. 10 – Transfer of Funds
If no, please provide details on how the increase will be funded with the current budget:
- (g) Has Personnel Officer Reviewed and Approved of the New Position Title? YES NO
*(This is necessary **BEFORE** bringing the request to committee)*
- (h) Is this a mandated position? YES NO
If yes, please explain:
- (i) Is there expected revenue from this position? YES NO
If , please explain and complete Resolution Request Form No. 07 – Amend County Budget to recognize revenue:
A.1171 4202 110 (& associated fringe/retirement/hospitalization/dental)

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: A.1171
Title of Position: Assistant Public Defender (10) Base Salary of Position: \$71,015 Grade: _____
Filling at Step # (If Known): _____
Budget code and title: A.1171 4202 110 (Public Defender/Hurrell-Harring Salaries) Union Non-Union
This position is vacated due to: Retirement Resignation Termination Promotion Other
Employee No./Last Name: n/a Date of Vacancy: 3/20/2023
Is this position mandated? Yes No Is the position reimbursable? Yes No
Source of reimbursement: Federal _____% State 100% Other _____%

CIVIL SERVICE STATUS AND HUMAN RESOURCES DIRECTOR APPROVAL

Competitive-active eligible list Competitive-no list (*hiring would be provisional*) Non-Competitive Other _____
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. Pat 2/15/23
Human Resources Director has approved this form when initialed. AS 2/15/23

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 [Signature] Date 2/15/2023

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 Frank E. Thomas Date 2/17/23

SUPERVISORY COMMITTEE COMPLETES THIS SECTION

Name of Committee Criminal Justice & Public Safety

- 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 [Signature] Date 2/22/2023

ASSISTANT PUBLIC DEFENDER

DISTINGUISHING FEATURES OF THE CLASS: This work involves responsibility for representing indigent defendants as assigned by the Public Defender. The work involves representing the defendant through every stage of proceedings following arrest through and including any appeals. In addition to actual representation, the Assistant Public Defender assists the Public Defender in the investigation, preparation, conduct and appeal in various court and legal proceedings involving indigent defendants. Work is performed under the general supervision of the Public Defender and First Assistant Public Defender with wide leeway allowed for the exercise of independent judgment. Does related work as required.

TYPICAL WORK ACTIVITIES: (Illustrative only)

Represents and counsels' defendants at every stage of proceedings following arrest;
Initiates such proceedings as are necessary to protect the rights of the accused;
Assists the Public Defender in the preparation of various court proceedings;
Confers with defendants, law enforcement personnel, judges, and District Attorney's staff concerning individual cases;
Investigates respondent's financial status in family court support matters;
Prepares cases for trial by responding to motions, preparing for hearings, evaluation case, plea-bargaining and discussing case with District Attorney staff in criminal cases and with attorney for the other party in family court cases;
Prepares all pleadings, including petitions, answers, discovery demands, motions and orders in Family Court matters;
Prepares for trial by researching law and rules of evidence, preparing trial file of evidence, reviews prospective jurors, reviews trial charges by judge, prepares witnesses for trial and develops trial strategy;
Supervises clerical staff in connection with the preparation of cases and the maintenance of appropriate records;
Tries cases, including jury selection, presentment of cases, questions witnesses at trial, preparing opening statements and preparing closing summations;
May handle post judgment motions, including receiving motions to vacate judgment, preparing response and brief and arguing motion in Superior Court;
May handle appeals by preparing brief, arguing appeal in the Appellate Division, seeking permission of Court of Appeals if not a matter of right, and arguing the appeal in the Court of Appeals.

FULL PERFORMANCE KNOWLEDGE, SKILLS, ABILITIES AND PERSONAL CHARACTERISTICS:

Thorough knowledge of New York State criminal law, New York family court act and court proceedings (both preferred but not necessary); good knowledge of judicial procedures and rules of evidence; ability to interpret and work with New York State and Federal criminal code; ability to communicate effectively both orally and in writing; ability to reason quickly and logically in stressful situations; ability to analyze and interpret laws and legal documents in order to render an accurate legal opinion; ability to analyze and organize facts effectively; ability to prepare for and present cases in court; ability to establish and maintain effective working relationships with others; physical condition commensurate with the demands of the position.

MINIMUM QUALIFICATIONS: At the time of appointment, possession of a license to practice law in the State of New York. Salary range \$65,295 to \$71,988 (commensurate with experience).

SPECIAL REQUIREMENT: Possession of an appropriate NYS motor vehicles license at the time of appointment or otherwise demonstrate an ability to meet the transportation needs of the position.

WC: 2003, 2015, 2021

RESOLUTION REQUEST FORM NO. 7

Request to Amend County Budget*

**If this is the result of a grant award, also complete and submit Form No. 5 or 6*

DEPARTMENT NAME: Warren County Public Defender's Office

DATE: 2/22/2023

- (a) Purpose of Amendment:
To add New Position from Year 4 Hurrell-Harring Grant of Assistant Oublic Defender (10)

- (b) Appropriation Code, Object Code, Full Title and Amount:
 - A. 1171 (Public Defender) 4202 (Hurrell-Harring)**
 - 110 (Full Time Salary) = \$71,015**
 - 810 (Retirement) = \$7,460**
 - 830 (Social Security) = \$4,403**
 - 831 (Medicare) = \$1,030**
 - 830 (Hospitalization) = \$11,956**
 - 865 (Dental) \$289**

- (c) Revenue Code (with title), and Amount:
 - A. 1171 (Public Defender) 4202 (Hurrell-Harring)**
 - 3045 (Office of Indigent Legal Services) = \$96,153**