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

COMMITTEE MEMBERS: Supervisors <u>GERACI</u>, Magowan, Smith, Conover, McDevitt, Driscoll and Leggett - *Chair of the Board shall serve as an Ex-Offcio 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. <u>Request:</u>   Request to Extend Contract for PDCMS (Case Management System).
    <u>Rationale:</u> To extend contract for Case Management system currently used for Public Defender data.

2. <u>Request:</u>   Request for New Contract for new Case Management System, LegalServe.
    <u>Rationale:</u> To request a new contract for more efficient Case Management System, subject to Hurrell-Harring/State funding approval.

V.   Discussion Items:
        a. Recruitment, Vacant Attorney Positions (Public Defender Legal Intern)
        b. LegalServe (Case Management System)
        c. Hurrell-Harring/Caseload requirements (State Funding)

VI.   Referrals/Pending Items:

VII.   Privilege of the floor and public comment

VIII.   Motion to adjourn

Attachments:
1. Resolution Request Form No. 4 – Request for Extending, Rescinding or Amending Existing Contract - PDCMS
2. Resolution Request Form No. 3 – Request for New Contract – LegalServe
3. Temporary Authorization of Certain Law Graduates to Engage in the Supervised Practice of Law in New York per the New York Court of Appeals

RESOLUTION REQUEST FORM NO. 4

Request for Extending, Rescinding or Amending Existing Contract

DEPARTMENT NAME: Warren County Public Defender's Office

DATE: 03/22/2023

(a) Purpose of Contract Change:
To extend PDCMS Contract for annual period of 04/13/2022 - 04/12/2023.

(b) Resolution Number, or Numbers if Amended, which Authorized the Original Contract:

(c) Name of Contractor:
New York State Defender's Association

(d) Address of Contractor: **194 Washington Ave. Suite 500
Albany, NY 12210-2314**

(e) Contractor's Contact Person and Telephone Number:
Jane Pearson (518) 465-3524

(f) Commencement Date of Extension: **04/13/2022**

(g) Termination Date of Extension: **04/12/2023**

(h) Payment Provisions:
  i) lump sum amount **$5,500**
  ii) hourly rate amount
  iii) total amount not to exceed
  iv) how will payments be made (i.e. monthly, quarterly, upon completion of the project, etc.

(i) Where are the Funds for this Contract? List Budget Code, Object Code, Full Title* and Amount: **OR** Capital Project **OR** Capital Reserve Project Number, and Title, and Amount:
2022: A.1171 470 $2,625 + A.1171 4202 470 $2,875 = $5,500

Sample: A.1010 470 Legislative Board – Contract $xx.xx
Capital Project No. H289.9550 480 – Old Jail Renovations $xx.xx

*as listed in budget and LOGOS

EXTENSION

TO

PUBLIC DEFENSE CASE MANAGEMENT SYSTEM

MAINTENANCE AND SOFTWARE SUPPORT AGREEMENT

BETWEEN

WARREN COUNTY PUBLIC DEFENDER OFFICE

AND

NEW YORK STATE DEFENDERS ASSOCIATION, INC.

THIS AGREEMENT, made this 13th day of April, 2022 by and between WARREN COUNTY PUBLIC DEFENDER OFFICE, having offices located at 1340 State Route 9, Lake George, NY 12845, hereinafter referred to as "WCPD" and NEW YORK STATE DEFENDERS ASSOCIATION, INC., a New York not-for-profit corporation, with offices located at 194 Washington Avenue, Suite 500, Albany, New York 12210-2314, hereinafter referred to as "NYSDA,"

WITNESSETH:

WHEREAS, the WCPD and NYSDA entered into a Maintenance and Software Support Agreement for the Public Defense Case Management System, ("Maintenance Agreement") dated December 15, 2010, wherein NYSDA agreed to provide certain support and maintenance services to the WCPD for the Public Defense Case Management System ("PDCMS") software; and

WHEREAS, the WCPD and NYSDA desire to extend the Maintenance Agreement for one additional year;

NOW, THEREFORE, in consideration of the mutual covenants hereinafter set forth, the parties hereto mutually agree as follows:

1. Paragraph #12 in Maintenance Agreement stating: "This Agreement shall commence on the date the PDCMS is installed in WCPD and shall terminate on the first anniversary of the installation date unless otherwise extended for one additional year by written agreement of the parties." shall be deleted and replaced with the following:

    This Agreement shall terminate on April 12, 2023 unless otherwise extended for one additional year by written agreement of the parties.

2. The total cost of this one-year contract is five thousand five hundred dollars ($5,500). (The annual support fee is for 11 licenses x $500/license.)

3. All other terms and conditions of the Maintenance Agreement and Extension Agreement shall remain unchanged.

IN WITNESS WHEREOF, the parties have hereunto executed this Extension as of the date set forth above.

WARREN COUNTY BOARD OF SUPERVISORS

By: _____
Kevin B. Geraghty
Chairman

NEW YORK STATE DEFENDERS ASSOCIATION, INC.
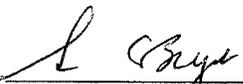
By: _____
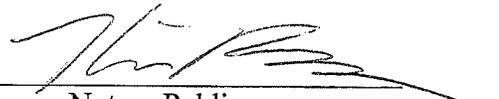Susan C. Bryant, Esq.
Executive Director

STATE OF NEW YORK)
COUNTY OF WARREN) SS:

On this _____ day of _____, in the year _____ before me, the subscriber, personally came **KEVIN B. GERAGHTY,** to me known, who being by me duly sworn did depose and say that he is the Chairwoman of the Board of Supervisors, and person described in and who executed the foregoing instrument in the name of the County of Warren, and he duly acknowledged to me that he executed the same as and for the act and deed of said Warren County Public Defender Office.
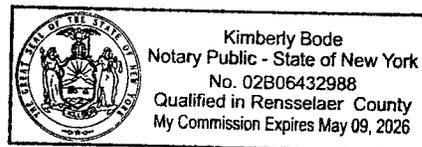

_____
Notary Public

STATE OF NEW YORK)
COUNTY OF ALBANY) SS:

On this 26th day of May, in the year 2022 before me, the subscriber, personally came **SUSAN C. BRYANT**, to me known, who being by me duly sworn did depose and say that she is the Executive Director of the New York State Defenders Association, and person described in and who executed the foregoing instrument in the name of the New York State Defenders Association, and she duly acknowledged to me that she executed the same as and for the act and deed of said New York State Defenders Association.

_____
Notary Public

Kimberly Bode
Notary Public - State of New York
No. 02BO6432988
Qualified in Rensselaer County
My Commission Expires May 09, 2026

RESOLUTION REQUEST FORM NO. 3

Request for <u>New</u> Contract

DEPARTMENT NAME: Warren County Public Defender's Office

DATE: 03/22/2023

    (a)   Is this a Result of a Bid or Request for Proposal?

    (b)   Purpose of Contract:
To purchase a new Case Managment System for efficiency in day to day operations to include Court Appearances, Data Entry, Reporting

    (c)   Name of Contractor:

           Legal Server

    (d)   Address of Contractor:

    (e)   Contractor's Contact Person and Telephone Number:

           Aaron Krause, Director of Legal Solutions (773) 782-1021 ext. 313

    (f)   Has or will the Contract be provided, if so, please attach:

    (g)   Commencement Date of Contract:

           TBD

    (h)   Termination Date of Contract:

           TBD

    (i)   Payment Provisions: i) lump sum amount **$55,950**
                                ii) hourly rate amount
                                iii) total amount not to exceed
                                iv) how will payments be made (i.e. monthly, quarterly, upon completion of the project, etc.

    (j) Where are the Funds for this Contract? List Budget Code, Object Code, Full Title* and Amount: <u>**OR**</u> Capital Project <u>**OR**</u> Capital Reserve Project Number, Title, and Amount:

        Request subject to Hurrell-Harring/State funding approval.

                Sample: A.1010 470 Legislative Board – Contract $xx.xx
                    Capital Project No. H289.9550 480 – Old Jail Renovations $xx.xx

*as listed in budget and LOGOS

Summary of Intent

This proposal document describes why **LegalServer** is an ideal case management software solution for the **Warren County Public Defender's Office (WCPD)**. LegalServer is a leader in helping the public defender community deliver excellence in representing each and every client by leveraging the power of a comprehensive web-based case management system.

LegalServer improves the effectiveness of WCPD's services by enhancing the processes by which data is collected, stored, used and reported. LegalServer will facilitate better communication, collaboration and reporting.

LegalServer will enable WCPD to accomplish the following goals:

- User friendly and intuitive to manage all aspects of a case
- Accessible from any location from any device with secure connection
- Streamline and organize the work of advocates in a paperless system
- Control access to data and functionality
- Measure, track, and analyze results and statistics in real time
- Showcase performance using built-in dashboards and reports
- Empowerment to customize LegalServer via a variety of built-in configuration tools
- Easy site administration to quickly modify user interface, fields & workflows
- Modernize outdated systems and automate manual processes
- Platform for making WCPD's innovative ideas a reality

At LegalServer we know you want to make a difference in society and help people who cannot afford legal representation. To optimize great legal services, advocates need a case management platform that can simplify and organize work.

A significant problem with the current way of operating is staff spending too much time on manual tasks, which can make one feel mentally fatigued and yearning for a better way to get work done. We believe the right case management system should allow you to feel empowered to accomplish more while saving time.

We understand ways technology can slow down the importance of your work which is why with over 400 implementations of LegalServer since 2002, we have a proven process for a positive transformation.

We desire a partnership with the Warren County Public Defender's Office providing affordable, robust, flexible solutions to help you do the work you want to do better and support you in feeling successful.

What Is LegalServer

LegalServer is an innovator in providing technology solutions to those who provide legal assistance to low income and vulnerable populations, and therefore understands the nuances, complexities, and challenges present within this unique legal service delivery model. LegalServer is very familiar with developing, deploying and supporting systems similar to what WCPD needs.

LegalServer is also a team of experts whose mission is to help you defend the liberty, honor and constitutional rights of the people you serve. The LegalServer onboarding and support teams have decades of hands-on experience optimizing the use of LegalServer for organizations similar to WCPD. The expertise of our people adds tremendous value to helping you improve your processes, taking a powerful case management system and configuring it to the unique way you desire operating.

Accessible from any location from any device with a secure connection, LegalServer allows you to provide superior legal assistance without worrying about technology related challenges. The look and feel of LegalServer focuses on usability with an intuitive navigation and information layout, saving time in making more informed decisions faster.

LegalServer is scalable and allows WCPD to easily add new types of data, reports and processes as needed in the future utilizing non-technical internal resources. In managing the system you won't have to write complicated software code or rely on outside assistance to make desired site changes.

LegalServer is an open platform built to leverage working with other systems and technology. We are regularly adding new integrations and utilizing the robust LegalServer API framework to communicate with third party platforms and tools.

LegalServer is a community. WCPD will benefit from the ongoing growth of our community and collaborative nature by which similar organizations help one another within the LegalServer platform.

As a dynamic application, the system is constantly evolving with enhanced features to leverage. We welcome a collaborative partnership with input from the Warren County Public Defender's Office for ways LegalServer can help better serve you and your clients.

Now let's review some of the important features and services from LegalServer that will help the Warren County Public Defender's Office achieve the transformation desired.

Functionality Description

The following descriptions provide an overview of LegalServer's robust functionality.

General Case Management Tools

LegalServer's intuitive web interface provides many modules to manage all aspects of a case. A comprehensive suite of tools gives you the flexibility to customize case management to fit your organization's requirements. Each user has a complete case summary view that can be modified to meet the needs of different units within WCPD.

Built with an intelligent interface design, including branch logic, workflow automation, and guided navigation, information is presented in a way that encourages accurate data entry and pleasant interaction for optimal usability.

Users are presented on their homepage information specific to their role in a customizable dashboard showing all open cases, tasks, events, reports, etc. in a user-friendly manner, optimizing the management of daily work. Managers can have a dashboard relevant to their work with a glimpse into the broader teams caseloads and more granular reporting metrics. Supervisors and managers will have management-specific workflow and work queues and report views. Staff can easily add or update information pertaining to a case, individual, or event.

Every case presents a one click view to read and/or add case notes. Users can quickly create notes of virtually any length with custom formatting (font, color size, bullet items, etc.). Notes can be sent within the system using the built-in secure messaging center, or via email from the system.

Every case in LegalServer must be assigned to a primary advocate. Any number of attorneys, investigators, 3rd party experts, support staff, social workers, etc., can also be assigned to cases. Users can be reassigned from cases, and the history of that assignment is saved. Cases can be reassigned as a bulk operation using a search and mass update. In addition to allowing easy reporting and filtering on logical subsets of cases, every pending and open case will appear on someone's home page, ensuring clients get optimal attention.

User permissions WCPD controls determine who can assign cases and who can edit/delete those assignments. There is no limit to the number of "additional" assignments on a case and organizations can define as many assignment types as needed (ex: co-counsel, contract attorney, pro bono, paralegal, etc.).

Pricing – Investment for Your Future

This section details the cost to implement and support the LegalServer application. One time charges are spread throughout the life of the project. Monthly fees start in month two of the project.

Pricing Summary:

Onboarding Fees	$39,750. Includes the services described under *Onboarding Methodology and Process* to configure the features under *Functionality Description*.
Data Migration Services	$8,000. Data migration services of up to 50 fields from a single (PDCMS) database provided to LegalServer.
Document Migration Services	$N/A
Additional Optional Modules	$TBD. See separate Optional Modules listed on the next page. Optional Modules can be purchased/enabled at any time, including after the site is live.
Monthly hosting - internal staff	$600 for the entire organization, up to 40 internal staff users. Includes up to one (1) Terabyte storage. $100 per month per Terabyte thereafter. Includes the services described under *Professional & Support Services*.
AWS GovCloud Add-on	$200 per month. Added to monthly hosting fees. Provides added security protection of the <u>AWS GovCloud</u>.
Contract Edits	$5,000 (subject to change). If any edits are required by WCPD to the standard LegalServer contract, additional charges may apply depending on the level of changes requested.

Optional Modules

SMS Text Messaging

Communicate with clients, contract/private attorneys, third party investigators, etc. to and from a case via SMS/MMS text messages. Send text message reminders regarding calendar events, tasks, and deadlines. Collect information for a case via text.

- One-Time Setup Fee: $1,200
- Monthly fee: $50/month

NOTE: Your organization must have a Twilio SMS account and is responsible for all SMS charges.

Online Intake Module

The Online Intake Module publishes intake forms externally such that potential applicants can apply online for services. The online intake application is hosted by a separate LegalServer site and transferred to the organization's existing LegalServer site for further action. Help configuring the process or per provided specifications is billable at variable buckets of hours.

- One-Time Setup Fee: $4,500
- Monthly Fee: $50 per month
- Advanced Configuration Assistance: $7,500 (up to 30 hours)
- Moderate Configuration Assistance: $5,000 (up to 20 hours)
- Basic Configuration Assistance: $2,500 (up to 10 hours)
- Limited Configuration Assistance: $1,250 (up to 5 hours)

GIS Module

The GIS Module validates and geocodes client address data.

Validates Address: LegalServer uses the US Postal Service's Address Validation API to validate addresses (i.e., attempts to determine whether the address is recognized by the US Postal Service).

Geocodes Addresses: For LegalServer to map data correctly we must have access to a valid shapefile with a spatial reference identifier (SRID). Providing a sample address with a corresponding latitude/longitude that falls within the shapefile will help ensure it works as expected in LegalServer. Shapefiles are typically publicly available and maintained by an outside entity, such as a government agency.

Sets Geopolitical Boundaries (Shapefiles): Once an Address is geocoded, LegalServer will populate up to eight (8) pre-designated geopolitical boundaries (shapefiles - displaying boundaries on a map). Included are Upper and Lower State, Congressional District, County, Census Tract, and

Zip Code. These can be custom shapes, so long as they are publicly available and can be downloaded free of charge.

Report Geopolitical (Tabular) Data: Geopolitical boundaries are stored as data in the database and are available in reports.

Report Geopolitical (Mapping) Data: Report designers can generate maps within LegalServer reports to show the number and density of matching results. Visually map, for instance, the number of cases closed by congressional district and their relative concentration.

- One-Time Setup Fee: $3,500

Offline Mode

Offline LegalServer is primarily designed to provide you with read-only information about cases while the internet is not available. The other primary feature is to support creating new intake records for people you screen while the internet is not available. A basic intake is provided that can be modified. Not all information or features can function offline, since without internet access, you are disconnected from the full LegalServer database. The following is available offline:

- **Downloaded Cases**
  - Cases on which you are the primary assignment
  - Cases you have explicitly marked for Make Available Offline

- **Events and Tasks**
  Events and Tasks on Cases that you have marked for download, and events and tasks on cases for which you are the primary assignment.

- **Timekeeping**
  - From the offline case, view but not edit timeslips associated with synced cases
  - Enter new time on synced cases while offline
  - Enter new time on Offline Cases that were created while offline

- **Documents**
  - View documents marked as available offline that are connected to synced cases

- **Notes**
  - View but not edit notes associated with synced cases
  - Enter new notes on synced cases while offline
  - Enter new notes on Offline Cases that were created while offline

- One-Time Setup Fee: $2,500
- Monthly Fee: $50/month up to 100 users

Thank You!

We continue to make a concerted effort to work on projects that have tremendous social merit and serve as a way to transform your organization to being able to help more people. Through many years of helping advocates be more efficient, we estimate your organization could save at least <u>1,600 hours per year</u> leveraging LegalServer's time savings features.

We are pleased to have the opportunity to partner with the Warren County Public Defender's Office and exceed your expectations.

Getting started is easy. When you're ready to proceed with this exciting transformation we'll prepare a contract for your review and signature. Once signed we can schedule the start of your Onboarding.

State of New York
Court of Appeals

At a session of the Court, held at Court of Appeals Hall in the City of Albany, on the 1st day of July, 2020.

Present, HON. JANET DiFIORE, Chief Judge presiding.

In the Matter

of

The Amendment of the Rules of the Court of Appeals
to add a new Part 524 thereof for the Temporary
Authorization of Certain Law Graduates to
Engage in the Supervised Practice of Law in New York.

Pursuant to section 53 of the Judiciary Law, it is hereby

ORDERED that the Rules of the Court of Appeals are amended, effective July 22, 2020,

or as soon thereafter as section 52 of the Judiciary Law is complied with, by adding a new Part

524 thereof pertaining to the Temporary Authorization of Certain Law Graduates to Engage in

the Supervised Practice of Law in New York. Part 524 provides as follows:

RULES OF THE COURT OF APPEALS FOR THE TEMPORARY

AUTHORIZATION OF CERTAIN LAW GRADUATES TO ENGAGE IN THE

SUPERVISED PRACTICE OF LAW IN NEW YORK

524.1 Temporary authorization for supervised practice of law.

The Appellate Division of the Supreme Court, in its discretion, may authorize certain law school

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graduates to engage in the supervised practice of law in accordance with the provisions of this Part. These provisions have been adopted in recognition of the impact of the coronavirus health emergency, including the postponement of the July 2020 New York State bar examination.

524.2 Eligibility of law graduates for temporary authorization.

To be eligible for authorization to engage in the supervised practice of law pursuant to this Part, the applicant must:

(a) have received a first degree in law or LL.M. degree from a law school that is approved by the American Bar Association,

(b) be qualified to take the New York State bar examination pursuant to the Rules for the Admission of Attorneys and Counselors-at-Law (22 NYCRR Part 520),

(c) not have previously failed a bar examination in New York or any other state or territory of the United States, or in the District of Columbia, and

(d) be employed to engage in the practice of law in New York.

524.3 Scope of supervised practice.

(a) With the approval of the Appellate Division of the Supreme Court, the applicant is authorized to perform, under the supervision of a supervising attorney and subject to the terms of the order of the Appellate Division of the Supreme Court, and subject to the limitations set forth in paragraph (b) below, the functions of an attorney and counselor-at-law throughout the State.

(b) Limitations on authorized practice.

(1) A supervising attorney shall be actually present to supplement or correct any written or oral statement, or any action of the applicant in all (i) examinations before trial and (ii) cases in which the applicant appears before a court, except for routine calendar calls. If a supervising attorney is

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not available and present, the matter may not proceed. For routine calendar calls, a supervising attorney shall be immediately available to appear should the need arise. In all circumstances, the applicant's appearance shall be on notice to the jurist before whom the appearance is made.

(2) A supervising attorney must approve the final versions of all legal and litigation documents drafted by the applicant, and the supervising attorney's name must appear thereon. Where a signature is required by section 130 of the Rules of the Chief Administrator of the Courts (22 NYCRR Part 130), the paper shall be signed by a qualified supervisor.

(3) The applicant may not open or maintain any attorney escrow account and may not be a signatory on any attorney escrow account.

(4) The applicant may not finally dispose of any matter without the prior approval of a supervising attorney.

(5) Whenever appearing before the Court of Appeals or the Appellate Division of the Supreme Court, the applicant must secure prior Court approval.

(c) Nothing in this Part shall be construed to limit any authority to practice law pursuant to other rules or laws of this State.

524.4 Supervising attorney.

For purposes of section 524.3, a supervising attorney must be an attorney duly admitted to practice in the State of New York for a period of at least three years and who is in good standing of the bar of the State of New York.

524.5 Application for authorization.

The applicant shall apply for authorization to the Appellate Division of the Supreme Court in the department in which the applicant expects to be certified for admission by the New York State

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Board of Law Examiners pursuant to section 520.7(a) of the Rules of the Court of Appeals for

the Admission of Attorneys and Counselors-at-Law (22 NYCRR 520.7[a]). The application

shall be supported by an employer affidavit certifying understanding of this Part's requirements

and compliance therewith.

524.6 Disciplinary authority.

An applicant who practices law temporarily in this State pursuant to this Part shall be subject to

the New York Rules of Professional Conduct and to the disciplinary authority of this State in

connection with such temporary practice to the same extent as if the applicant were admitted or

authorized to practice in the State. A grievance committee may report complaints and evidence

of a disciplinary violation against an applicant practicing temporarily pursuant to this Part to the

department of the Appellate Division of the Supreme Court in which the applicant applied for

authorization.

524.7 Termination of authorization.

Authorization granted under the provisions of this Part shall terminate upon the first to occur of

the following:

(a) revocation of this Part,

(b) revocation of authorization, for good cause, by the Appellate Division of the Supreme

Court,

(c) termination of the applicant's employment to engage in the practice of law in New York,

(d) notification that the applicant has failed to pass a bar examination administered in New

York or any other state or territory of the United States, or in the District of Columbia,

(e) failure of the applicant to sit for an administration of the Uniform Bar Examination by

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August 2021,

(f) failure of the applicant to submit a completed Application for Admission to Practice as an Attorney and Counselor-at-Law in the State of New York to the applicable Appellate Division of the Supreme Court within four weeks of notification that the applicant has passed the Uniform Bar Examination or failure, following the submission of such completed Application, to timely respond to any request for additional materials, or

(g) notification that a recommendation has been made to the applicable Committee on Character and Fitness to disapprove the applicant's application for admission.