

CRIMINAL JUSTICE & PUBLIC SAFETY COMMITTEE MEETING
PUBLIC DEFENDER AGENDA
May 23, 2023

COMMITTEE MEMBERS: Supervisors GERACI, Magowan, Smith, Conover, McDevitt, Driscoll and Leggett - *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 Increase Salary of Non-Union Position – Assistant Public Defender #7
Rationale: To increase salary of Assistant Public Defender #7 based on longevity and qualifications/knowledge in criminal defense.
 2. Request: Request to Increase Salary of Non-Union Position – Assistant Public Defender #6
Rationale: To increase salary of Assistant Public Defender #6 based on qualifications/knowledge in criminal defense.
 3. Request: Request to Create New Position – Law School Graduate Trainee (10)* (DRAFT)
Rationale: To create a new position of Law School Graduate Trainee allowing the hiring of Law School Graduates with the goal of transitioning to Assistant Public Defender Positions. Industry trends show recruiting attorneys in this method as becoming the standard statewide. (ILS FUNDED POSITION.)
 4. Request: Request to Create New Position – Law School Graduate Trainee (11)* (DRAFT)
Rationale: To create a new position of Law School Graduate Trainee allowing the hiring of Law School Graduates with the goal of transitioning to Assistant Public Defender Positions. Industry trends show recruiting attorneys in this method as becoming the standard statewide. (ILS FUNDED POSITION.)
 5. Request: Request to Amend County Budget
Rationale: Request to add ILS Hurrell-Harring (Year 5) funding into the Public Defender’s 2023 budget to cover both Law School Graduate Trainee (10 & 11) positions
- V. Discussion Items:
- VI. Referrals/Pending Items:
- VII. Privilege of the floor and public comment
- VIII. Motion to adjourn

Attachments:

1. Resolution Request Form No. 13 – Request to Increase or Decrease Salary of Non-Union Position (x2)
2. Resolution Request Form No. 11 – Request to Create new Position (x2)
3. Resolution Request Form No. 7 – Request to Amend County Budget

RESOLUTION REQUEST FORM NO. 13

Request to Increase or Decrease Salary of Non-Union Position

DEPARTMENT NAME: Warren County Public Defender's Office

DATE: 5/23/2023

(a) Employee Name, Title and Employee No.:

Wodicka, Justin: Assistant Public Defender #7: 13599

(b) Current Annual **Base** Salary (and Grade if Applicable):

\$76,381

(c) Former Annual **Base** Salary (and Grade if Applicable):

\$71,015

(d) Effective Date for Salary Change*:

**Please do not backdate request unless the purpose is to correct an error*

6/19/2023

(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:

A. 1171 110 (Public Defender Salaries)

(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:

Increase will be absorbed within salary budget available due to vacant positions.

(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 recognize the 2023 longevity and current qualifications/knowledge in criminal defense.

RESOLUTION REQUEST FORM NO. 13

Request to Increase or Decrease Salary of Non-Union Position

DEPARTMENT NAME: Warren County Public Defender's Office

DATE: 5/23/2023

(a) Employee Name, Title and Employee No.:

Nicols, Benjamin: Assistant Public Defender #6: 13712

(b) Current Annual **Base** Salary (and Grade if Applicable):

\$74,280

(c) Former Annual **Base** Salary (and Grade if Applicable):

\$71,015

(d) Effective Date for Salary Change*:

**Please do not backdate request unless the purpose is to correct an error*

6/19/2023

(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:

A. 1171 110 (Public Defender Salaries)

(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:

Increase will be absorbed within salary budget available due to vacant positions.

(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 recognize current qualifications/knowledge in criminal defense.

RESOLUTION REQUEST FORM NO. 11

Request to Create New Position

DEPARTMENT NAME: Warren County Public Defender's Office

DATE: 5/23/2023

- (a) Title of Requested Position: **Law School Graduate Trainee (10)* (DRAFT) (ILS Funded)**
- (b) Annual **Base** Salary (and Grade if Applicable): **\$71,015**
- (c) Effective Date for New Position*: **06/19/2023**
**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):

n/a

- (e) Where are Funds in the Budget for this Position?
List Budget Code, Object Code, Full Title and Amount:

A. 1171 4202 110 Public Defender/Hurrell-Harring Salaries - Regular: \$71,015
A. 1171 4202 810 Retirement/830 SS/831 Medicare/860 Hospitalization/865 Dental

- (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:

Revenue from ILS Hurrell-Harring Funding

- (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:

New York State Office of Indigent Legal Services Hurrell-Harring mandates Attorney Caseload Requirements to receive funding

- (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 3045 \$71,015 + fringe

LAW SCHOOL GRADUATE TRAINEE

DISTINGUISHING FEATURES OF THE CLASS: Under the direct supervision of the Public Defender or designee, the Law School Graduate Trainee represents indigent defendants in the criminal or family courts. Additionally, the incumbent performs tasks assigned by the Public Defender or designated supervisors as needed for the smooth and effective functioning of the Public Defender's Office. This position is designed for those individuals who have graduated from law school and are undertaking the processes necessary for admission to practice law in the State of New York.

TYPICAL WORK ACTIVITIES: (Illustrative only)

Represents clients in criminal and family courts, under direct supervision and in accordance with applicable rules and regulations;

Researches legal issues and relevant precedent cases;

Drafts legal briefs and other essential documentation;

Reviews judicial transcripts;

Interviews clients;

Assists in preparing cases for hearings and trials;

May represent office in out-of-court proceedings, including negotiations with the District Attorney's Office, County Attorney's Office and/or DSS Attorneys.

FULL PERFORMANCE KNOWLEDGE, SKILLS, ABILITIES AND ATTRIBUTES:

Good knowledge of the principles and practices of applicable field of law;

Good knowledge of court procedures and the rules of evidence;

Good knowledge of legal documents and procedure;

Skill in performing accurate legal research;

Skill in the preparation of briefs and other legal documents;

Ability to analyze, appraise and legal principles, facts and precedents to legal problems;

Ability to communicate effectively, both orally and in writing;

MINIMUM QUALIFICATIONS:

Possession of Juris Doctor degree.

SPECIAL REQUIREMENTS:

- 1) At the time of appointment, must be eligible to sit for the next scheduled NYS bar exam or have bar exam results pending;
- 2) At the time of appointment and throughout the term of employment, must possess a valid New York State Driver's License or otherwise demonstrate an ability to meet the transportation needs of the position.

NOTES:

- 1) Upon approval of the Appellate Division, incumbent may act as Assistant Public Defender by arguing motions, trying local criminal court matters, participating in calendar practice, and preparing appeals pursuant to Section 478 and 484 of New York State Judiciary Law.;
- 2) Your degree must have been awarded by a college or university accredited by a regional, national, or specialized agency recognized as an accrediting agency by the U.S. Department of Education/U.S. Secretary of Education. If your degree was awarded by an educational institution outside the United States and its territories, you must provide independent verification of equivalency. A list of acceptable companies who provide this service can be found on the Internet at <http://www.cs.ny.gov/jobseeker/degrees.cfm>. You must pay the required evaluation fee."

RESOLUTION REQUEST FORM NO. 11

Request to Create New Position

DEPARTMENT NAME: Warren County Public Defender's Office

DATE: 5/23/2023

- (a) Title of Requested Position: **Law School Graduate Trainee (11)* (DRAFT) (ILS Funded)**
- (b) Annual **Base** Salary (and Grade if Applicable): **\$71,015**
- (c) Effective Date for New Position*: **06/19/2023**
**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):
n/a
- (e) Where are Funds in the Budget for this Position?
List Budget Code, Object Code, Full Title and Amount:
A. 1171 4202 110 Public Defender/Hurrell-Harring Salaries - Regular: \$71,015
A. 1171 4202 810 Retirement/830 SS/831 Medicare/860 Hospitalization/865 Dental
- (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:
Revenue from ILS Hurrell-Harring Funding
- (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:
New York State Office of Indigent Legal Services Hurrell-Harring mandates Attorney Caseload Requirements to receive funding
- (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 3045 \$71,015 + fringe

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DISTINGUISHING FEATURES OF THE CLASS: Under the direct supervision of the Public Defender or designee, the Law School Graduate Trainee represents indigent defendants in the criminal or family courts. Additionally, the incumbent performs tasks assigned by the Public Defender or designated supervisors as needed for the smooth and effective functioning of the Public Defender's Office. This position is designed for those individuals who have graduated from law school and are undertaking the processes necessary for admission to practice law in the State of New York.

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Drafts legal briefs and other essential documentation;

Reviews judicial transcripts;

Interviews clients;

Assists in preparing cases for hearings and trials;

May represent office in out-of-court proceedings, including negotiations with the District Attorney's Office, County Attorney's Office and/or DSS Attorneys.

FULL PERFORMANCE KNOWLEDGE, SKILLS, ABILITIES AND ATTRIBUTES:

Good knowledge of the principles and practices of applicable field of law;

Good knowledge of court procedures and the rules of evidence;

Good knowledge of legal documents and procedure;

Skill in performing accurate legal research;

Skill in the preparation of briefs and other legal documents;

Ability to analyze, appraise and legal principles, facts and precedents to legal problems;

Ability to communicate effectively, both orally and in writing;

MINIMUM QUALIFICATIONS:

Possession of Juris Doctor degree.

SPECIAL REQUIREMENTS:

- 1) At the time of appointment, must be eligible to sit for the next scheduled NYS bar exam or have bar exam results pending;
- 2) At the time of appointment and throughout the term of employment, must possess a valid New York State Driver's License or otherwise demonstrate an ability to meet the transportation needs of the position.

NOTES:

- 1) Upon approval of the Appellate Division, incumbent may act as Assistant Public Defender by arguing motions, trying local criminal court matters, participating in calendar practice, and preparing appeals pursuant to Section 478 and 484 of New York State Judiciary Law.;
- 2) Your degree must have been awarded by a college or university accredited by a regional, national, or specialized agency recognized as an accrediting agency by the U.S. Department of Education/U.S. Secretary of Education. If your degree was awarded by an educational institution outside the United States and its territories, you must provide independent verification of equivalency. A list of acceptable companies who provide this service can be found on the Internet at <http://www.cs.ny.gov/jobseeker/degrees.cfm>. You must pay the required evaluation fee."

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: 5/23/2023

(a) Purpose of Amendment:

To add ILS Hurrell-Harring (Year 5) funding into the Public Defender 2023 Budget

(b) Appropriation Code, Object Code, Full Title and Amount:

A.1171 4202 110 Public Defender/Hurrell-Harring Salaries: \$142,030

A.1171 4202 Public Defender/Hurrell-Harring Fringe - 810 Retirement/830 SS/831 Medicare/860 Hospitalization/865 Dental: TBD

(c) Revenue Code (with title), and Amount:

A.1171 4202 3045 Public Defender/Hurrell-Harring - Office of Indigent Legal Services Distribution: \$142,030 + associated fringe