

## Legislation Details (With Text)

**File #:** ID-4973      **Version:** 1      **Name:**

**Type:** Resolution      **Status:** Passed

**File created:** 9/30/2022      **In control:** County Legislature

**On agenda:** 10/20/2022      **Final action:** 10/20/2022

**Enactment date:** 10/20/2022      **Enactment #:** 426-22

**Title:** TO AUTHORIZE A STIPEND FOR THE COUNSEL AT FIRST APPEARANCE PROGRAM

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
10/20/2022	1	County Legislature	adopted	Pass
10/13/2022	1	Management & Budget Committee	carried at Committee	Pass

### Narrative of Resolution:

To authorize a stipend for the Administrator of Assigned Counsel to participate on the Counsel for First Appearance Attorney Panel.

### If Resolution requires expenditure of County Funds, provide the following information:

**Amount to be authorized by Resolution:** \$2500.00 each participation

**Are funds already budgeted?** Yes

### Specify Compliance with Procurement Procedures:

I do not believe that this is applicable. This is a grant funded stipend. There is an established CAFA Panel of attorneys. As a result of resignations; illness and other attorney unavailability, there are times when coverage is necessary to ensure constitutional rights of individuals accused of crimes. Administrator is a licensed attorney admitted to practice in the Courts of the State of New York and is willing to cover although considered a part of the Administrators job duties.

**WHEREAS**, Resolution No. 160-19 adopted by the Sullivan County Legislature on April 18, 2019 authorized the County to enter into a five year agreement with the State of New York Office of Indigent Legal Services (hereinafter “NYSOILS”) to develop a plan to improve mandated indigent legal defense services in accordance with the statewide expansion of the Hurrell-Harring Settlement and Section 832(4) of the Executive Law of the State of New York; Contract Number CSTWIDEHH45 (hereinafter “Agreement”) for the contract term from April 1, 2018 through March 31, 2023; and

**WHEREAS**, one area of reform required the County to develop a program to ensure that that all persons arrested for a crime would be provided with an attorney at first appearance/arraignment effective

January 1, 2020; and

**WHEREAS**, the Agreement with NYSOILS provides funding for the Counsel at First Appearance (hereinafter “CAFA”) program which is anticipated to continue through the duration of the agreement; and

**WHEREAS**, Resolution No. 471-19 adopted by the Sullivan County Legislature on December 19, 2019 created the CAFA program and authorized the County Manager to enter into agreements with qualified attorneys to be “primary on call” for one week and “back up” for a second week at a cost of \$2,500.00 (Two Thousand Five Hundred Dollars) for that two week period; and

**WHEREAS**, while this program has been very successful, several attorneys have left the CAFA Panel and the County has had difficulty attracting new attorneys; and

**WHEREAS**, the reduction of Panel members has led to challenges to cover the schedule in the event of illness or other attorney unavailability when other coverage cannot be found or when there are holes in the schedule; and

**WHEREAS**, the Administrator of Assigned Counsel has agreed to cover in the event of emergency or holes in the schedule; and

**WHEREAS**, the State has agreed that the Administrator of Assigned Counsel is eligible to receive the stipend in the same amount and under the same terms and conditions as the aforementioned panel attorneys through the term of the agreement.

**NOW, THEREFORE BE IT RESOLVED**, that the Sullivan County Legislature hereby authorizes the Administrator of Assigned Counsel to receive a stipend in the amount of \$2,500.00 (Two Thousand Five Hundred Dollars) for covering as “primary on call” attorney for the CAFA Panel in the event of an emergency or to cover holes in the schedule in accordance with the workplan contained in Contract No. CSTWIDEHH45;

**BE IT FURTHERED RESOLVED**, that the effective date for this resolution shall be retroactive to October 1, 2022 and shall run through the termination of Contract No. CSTWIDEHH45.