

TO: HONORABLE BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER

Your Committee recommends passage of “A LOCAL LAW amending Chapter 186 of the Laws of Westchester County relating to the qualifications for an Assigned Counsel Administrator in the Independent Office of Assigned Counsel.”

As your Committee is aware, Westchester County is mandated by New York State County Law Article 18-B with the responsibility for provision of defense legal services. Up until October 1, 2022, Westchester County provided indigent legal services or Assigned Counsel pursuant to a Plan of Representation (“Plan”) between the County, Legal Aid Society of Westchester County (“Legal Aid”) and the Westchester County Bar Association (“WCBA”). This Plan provided legal representation by Legal Aid attorneys and by private attorneys (“Panel”) for indigent clients in the Criminal and Family Courts in Westchester County.

Your Committee is informed that in the past few years, Westchester County, as well as other counties throughout New York State, have been required to amend their Assigned Counsel Plans based upon New York State legislation mandating reforms to improve the provision of indigent legal services in New York. Accordingly, in September of 2021, Westchester County amended their Plan by enacting Chapter 186 of the Laws of Westchester County (“Chapter 186”), creating an Independent Office of Assigned Counsel (“OAC”). This new Plan, which was formally approved by the New York State Office of Indigent Legal Services on September 24, 2021, went into effect on March 24, 2022. The OAC was fully operational as of October 1, 2022.

Your Committee is further informed that according to Chapter 186, OAC is a County Department administered by an Assigned Counsel Administrator (“Administrator”) under the

direction of an eleven (11) member Assigned Counsel Board of Directors ("Board"). The Administrator is the administrative head of the office, and has the duty to ensure that all indigent persons are provided with quality legal representation. Specifically, the duties of the Administrator as detailed in Chapter 186, include but are not limited to: developing and monitoring program policies, standards and operational procedures of the Assigned Counsel Program regarding qualifications for appointment to the Panel, recruitment of attorneys to serve on the Panel, limitations on attorney caseloads, guidelines for the administrative responsibilities of Panel attorneys and supervision and review of attorney caseloads and quality of legal representation; maintaining a Panel of attorneys eligible to receive assignments for indigent representation; establishing qualifications and standards for certification of attorneys to become members of the Panel; making determinations on applications for initial certification or recertification to serve on the Panel based upon recommendations of the WCBA; ensuring the ability, training and experience of Panel attorneys are matched to the complexity of the cases to which they are assigned; reviewing all vouchers submitted for payment for services provided through the Assigned Counsel program; appointing a Deputy Assigned Counsel Administrator following consultation with the Board and such assistants and other administrative staff as may be necessary, and applying for other sources of state and federal funding or any other funding resources to meet the budgetary and programmatic needs of the Assigned Counsel program.

Your Committee is advised that pursuant to Chapter 186, the Board appoints an Administrator subject to the approval of the County Executive and confirmation of the Board of Legislators. The current requirements for the position of Administrator pursuant to Chapter 186, are that the Administrator shall be: an attorney in good standing, licensed in the State of New York and admitted to practice for at least ten (10) years, who possesses administrative

experience, skill in the representation of criminal defendants and/or adults in Family law matters, and who demonstrates integrity and commitment to quality representation of public defense clients. The first Administrator of the OAC, was appointed in 2022 and served until December 2024. The Administrator resigned her position due to her election as a Westchester County Court Judge with a term beginning on January 1, 2025.

Your Committee is further advised that the proposed amendment to Chapter 186 would expand the eligibility requirements for the position of Administrator, to include skill in both the prosecution and/or defense of criminal defendants, respondents in Juvenile Delinquency matters and/or adults in Family Law matters. This amendment would enable both prosecutors and defense attorneys in criminal and or Family Courts to qualify for the Administrator position, thereby increasing the pool of applicants eligible to apply for the position. Prosecutors in criminal proceedings, juvenile delinquency matters or in Family Law matters have extensive interactions with Panel attorneys both in and out of court, on a daily basis and are quite familiar with the duties and requirements of Panel attorneys representing indigent defendants. It is therefore appropriate to include experience as prosecutors in the criminal or Family Courts in the qualifications for the Administrator position. Expanding the applicant pool will help ensure that an Administrator is chosen from a large, diverse and highly skilled group of applicants.

Your Committee is informed that the proposed project does not meet the definition of an action under New York State Environmental Quality Review Act ("SEQRA") and its implementing regulations 6 NYCRR Part 617. Please refer to the memorandum from the Department of Planning, dated January 8, 2024, which is on file with the Clerk of the Board of Legislators. Your Committee concurs in this conclusion.

Your Committee, after careful consideration, recommends option of this Local Law.

Dated: February 19, 2025

White Plains, New York

Margaret A. Gyo

Colin J. [Signature]

David [Signature]

[Signature]

Donald J. Subito

Benjamin Boylston II

[Signature]

[Signature]

Robert [Signature]

Carl [Signature]

David [Signature]

[Signature]

[Signature]

Legislation

COMMITTEE ON

Law & Major
Contracts

SDK/1/17/25

Dated: February 10, 2025

White Plains, New York

The following members attended the meeting remotely and approved this item out of Committee with an affirmative vote. Their electronic signature was authorized and is below.

Emiljana May

Emiljana May

COMMITTEES ON

Legislation

Law & Major Contracts

FISCAL IMPACT STATEMENT

SUBJECT: Amend OAC Law-Admin Quals 2025

☒ NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

SECTION A - FUND

☒ GENERAL FUND

☐ AIRPORT FUND

☐ SPECIAL DISTRICTS FUND

SECTION B - EXPENSES AND REVENUES

Total Current Year Expense \$ -

Total Current Year Revenue \$ -

Source of Funds (check one): ☐ Current Appropriations ☐ Transfer of Existing Appropriations

☐ Additional Appropriations

☐ Other (explain)

Identify Accounts: N/A

Potential Related Operating Budget Expenses: Annual Amount \$ -

Describe: No Fiscal Impact Projected

Potential Related Operating Budget Revenues: Annual Amount \$ -

Describe: N/A

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: N/A

Next Four Years: N/A

Prepared by: Jaevon Boxhill *J.B.*

Title: Sr. Budget Analyst

Department: Budget

Date: January 28, 2025

Reviewed By: *[Signature]*

Budget Director

Date: 1/28/25

LOCAL LAW INTRO. NO. 2025

A LOCAL LAW amending
Chapter 186 of the Laws of
Westchester County relating to the
qualifications for an Assigned
Counsel Administrator in the
Independent Office of Assigned
Counsel.

BE IT ENACTED by the County Board of the County of Westchester as follows:

Section 1. Section 186.61 (a) of the Laws of Westchester County is amended to read as follows:

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Sec. 186.61. Assigned Counsel Administrator; appointment, qualifications, term

- a. The Board of Directors shall appoint an Assigned Counsel Administrator subject to the approval of the County Executive and confirmation of the Board of Legislators. Any person so appointed shall be an attorney in good standing, licensed in the State of New York and admitted to practice for at least ten (10) years, who possesses administrative experience, skill in the prosecution and/or defense representation of criminal defendants, respondents in juvenile delinquency matters and/or adults in Family law matters and who demonstrates integrity and commitment to quality representation of public defense clients;
- b. The Administrator shall serve full time and shall not engage in the private practice of law during their appointment;
- c. The Administrator shall serve a term of four (4) years subject to reappointment at the discretion of the Board of Directors;
- d. The Administrator may be removed for cause by the Board of Directors, after notice and an opportunity to be heard pursuant to procedures established by the Board of Directors.

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§2. This Local Law shall take effect immediately.