

Litigation Meeting Agenda



Committee Chair: David Imamura

800 Michaelian Office Bldg.
148 Martine Avenue, 8th Floor
White Plains, NY 10601
WestchesterLegislatorsNY.gov

Monday, August 24, 2026

10:00 AM

Committee Room

Joint w/B&A

CALL TO ORDER

Please note: Meetings of the Board of Legislators and its committees are held at the Michaelian Office Building, 148 Martine Avenue, 8th Floor, White Plains, New York, 10601, and livestreamed via the WebEx video conferencing system. Legislators may participate in person or via Webex. Members of the public may attend meetings in person at any of its locations, or view the meeting and its video recording online on the Westchester County Legislature's website: <https://westchestercountyny.legistar.com/>. This website also provides the links to documents to be discussed at a given meeting.

MINUTES APPROVAL

Monday, July 13, 2026 at 10:00 AM

I. ITEMS FOR DISCUSSION

1. [2026-363](#) ACT - Authorization to Assign a Bankruptcy Recoverable Owed to the Department of Environmental Facilities

AN ACT authorizing the County Attorney to assign a bankruptcy recoverable owed to the Department of Environmental Facilities to recover such recoverable minus a "finder's fee".

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND LITIGATION

Guest: Law Dept.: County Attorney John Nonna

2. [2026-395](#) ACT - Lawsuit Settlement "D.G."

AN ACT authorizing the County Attorney and the Commissioner of Finance to compromise the liability of the County of Westchester and pay a reduced lump sum to a former County employee, "D.G", in lieu of future payments.

COMMITTEE REFERRAL: COMMITTEES ON BUDGET & APPROPRIATIONS AND LITIGATION

Guest: Law Dept.: Associate County Attorney Sean Carey

II. OTHER BUSINESS

1. [2026-45](#) CLERK OF THE BOARD - Office of Assigned Counsel Annual Report - 2025

Forwarding the 2025 Office of Assigned Counsel Annual Report.

COMMITTEE REFERRAL: COMMITTEE ON LITIGATION

III. RECEIVE & FILE

ADJOURNMENT



Memorandum
Office of the County Attorney
Michaelian Office Building

TRANSMITTAL MEMO

To: The Honorable Members of the Board of Legislators

From: John Nonna, County Attorney

Date: July 23, 2026

Re: Request for authorization to assign a bankruptcy recoverable owed to the Department of Environmental Facilities to recover such recoverable minus a "finder's fee."

Attached for your consideration is an Act which, if enacted by your Board, would authorize the assignment of a \$84,051.82 bankruptcy recoverable of which the Department of Environmental Facilities ("DEF") has been notified by Dilks & Knopik, LLC, ("D&K"), an unclaimed fund recovery service, as respects bankrupt debtor GGSI Liquidation, Inc. ("GGSI"). DEF will assign to D&K the right to recover the \$84,051.82 due to DEF in exchange for payment of \$58,836.27 to DEF. The \$58,836.27 will be remitted to DEF once the full debt has been released from the court to D&K.

Based upon our due diligence with regards to D&K, I believe that it is a reputable company. D&K is a business specializing in unclaimed funds. Unclaimed funds are money or property that belongs to someone, but has not been claimed, often because the owner is unknown, cannot be found, or has not come forward. D&K has maintained an A+ rating with the Better Business Bureau since its accreditation in 2003 and is fully insured with professional liability insurance.

DEF is creditor to GGSI in its bankruptcy case, number 01-31751-JBS, filed in the Northern District of Illinois (the "Case"). As a creditor in the Case, DEF is entitled to funds from GGSI's bankruptcy estate in the amount of approximately \$84,051.82. However, payment by GGSI to DEF could not be achieved, and under Federal Rule of Bankruptcy Procedure 3011 and Section 11 U.S.C. 347, the funds were deposited into the Court's Unclaimed Fund Registry, where they remain subject to withdrawal under Section 28 U.S.C. 2042.

Section 28 U.S.C. 2042 specifies that if court-held money sits unclaimed for five years, the funds get transferred to the Federal Treasury. The rightful owner can still file for recovery, prove the funds belong to the claimant, and obtain a court order requiring payment to the company. To recover this money, the claimant must petition the court for release of those funds, provide notices of the request to the United States Attorney and, after providing full proof of the right thereto, may obtain an order from the court directing payment to the claimant. Through this

act of the County's Board of Legislators, the rights to recover would be transferred to D&K.

For DEF to retrieve these funds on its own, I would need to retain local counsel to execute the lengthy claiming process under Section 28 U.S.C. 2042 on behalf of DEF.

If DEF assigns its recovery rights to D&K, my staff has been advised that recovering the funds GGSI owes DEF will take approximately three to five months. Conversely, pursuing recovery through local counsel is expected to take approximately one and a half to two years. In addition, D&K has already worked extensively on the GGSI bankruptcy matter and possesses detailed knowledge of the court holding the funds. As a result, D&K knows precisely with whom to file the claim and how to efficiently obtain and conduct the necessary hearing. Lastly, securing the funds via D&K requires no oversight on the part of our staff attorneys because D&K has been engaged in this bankruptcy for multiple years and is completely familiar with the bankruptcy. Conversely, local counsel is unlikely to have the prerequisite knowledge to recover the funds GGSI owes to DEF in such a short time frame.

Because retaining local counsel would take significantly more time and money and would likely result in more work for our staff attorneys, I determined that paying the commission to D&K was the more practical and cost-effective option to secure the funds.

A draft Assignment Agreement specifies that DEF will assign to D&K the right to recover the \$84,051.82 due to DEF in exchange for payment of \$58,836.27 to DEF. Payment will be remitted to DEF once the full debt has been released from the court to D&K.

The accompanying Act will authorize DEF to assign the bankruptcy recoverable due to it by GGSI to D&K for payment of \$58,836.27.

BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER

Your Committee is in receipt of a proposed Act, which, if enacted by your Board, would authorize the assignment of a \$84,051.82 bankruptcy recoverable of which the Department of Environmental Facilities (“DEF”) has been notified by Dilks & Knopik, LLC, (“D&K”), an unclaimed fund recovery service, as respects bankrupt debtor GGSI Liquidation, Inc. (“GGSI”). DEF will assign to D&K the right to recover the \$84,051.82 due to DEF in exchange for payment of \$58,836.27 to DEF. The \$58,836.27 will be remitted to DEF once the full debt has been released from the court to D&K.

Based upon the County Attorney’s due diligence with regards to D&K, the County Attorney believes that it is a reputable company. D&K is a business specializing in unclaimed funds. Unclaimed funds are money or property that belongs to someone, but has not been claimed, often because the owner is unknown, cannot be found, or has not come forward. D&K has maintained an A+ rating with the Better Business Bureau since its accreditation in 2003 and is fully insured with professional liability insurance.

DEF is creditor to GGSI in its bankruptcy case, number 01-31751-JBS, filed in the Northern District of Illinois (the “Case”). As a creditor in the Case, DEF is entitled to funds from GGSI’s bankruptcy estate in the amount of approximately \$84,051.82. However, payment by GGSI to DEF could not be achieved, and under Federal Rule of Bankruptcy Procedure 3011 and Section 11 U.S.C. 347, the funds were deposited into the Court’s Unclaimed Fund Registry, where they remain subject to withdrawal under Section 28 U.S.C. 2042.

Section 28 U.S.C. 2042 specifies that if court-held money sits unclaimed for five years, the funds get transferred to the Federal Treasury. The rightful owner can still file for recovery, prove the funds belong to the claimant, and obtain a court order requiring payment to the company. To recover this money, the claimant must petition the court for release of those funds, provide notices of the request to the United States Attorney and,

after providing full proof of the right thereto, may obtain an order from the court directing payment to the claimant. Through this act of the County's Board of Legislators, the rights to recover would be transferred to D&K.

For DEF to retrieve these funds on its own, the County Attorney would need to retain local counsel to execute the lengthy claiming process under Section 28 U.S.C. 2042 on behalf of DEF.

If DEF assigns its recovery rights to D&K, the County Attorney was advised that recovering the funds GGSI owes DEF will take approximately three to five months. Conversely, pursuing recovery through local counsel is expected to take approximately one and a half to two years. In addition, D&K has already worked extensively on the GGSI bankruptcy matter and possesses detailed knowledge of the court holding the funds. As a result, D&K knows precisely with whom to file the claim and how to efficiently obtain and conduct the necessary hearing. Lastly, securing the funds via D&K requires no oversight on the part of the County Attorney's office because D&K has been engaged in this bankruptcy for multiple years and is completely familiar with the bankruptcy. Conversely, local counsel is unlikely to have the prerequisite knowledge to recover the funds GGSI owes to DEF in such a short time frame.

Because retaining local counsel would take significantly more time and money and would likely result in more work the County Attorney's Office, the County Attorney determined that paying the commission to D&K was the more practical and cost-effective option to secure the funds.

A draft Assignment Agreement specifies that DEF will assign to D&K the right to recover the \$84,051.82 due to DEF in exchange for payment of \$58,836.27 to DEF. Payment will be remitted to DEF once the full debt has been released from the court to D&K.

Your Committee has carefully considered the subject matter, the settlement proposal, the attached Act and recommends authorizing the County Attorney or his designee to assign the bankruptcy recoverable due to DEF by GGSI to D&K for payment of \$58,836.27.

An affirmative vote of a majority of the Board is required to pass this legislation.

Dated: White Plains, New York

, 2026

COMMITTEE ON:

FISCAL IMPACT STATEMENT

SUBJECT: Bankruptcy Bill

NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

SECTION A - FUND

GENERAL FUND

AIRPORT FUND

X

SPECIAL DISTRICTS FUND

SECTION B - EXPENSES AND REVENUES

Total Current Year Expense

Total Current Year Revenue

58,836.27

Source of Funds (check one):

Current Appropriations

Transfer of Existing

Additional Appropriations

Appropriations Other (explain)

Identify Accounts: 251-60-7700-7700-9670

Potential Related Operating Budget Expenses:

Annual Amount

Describe:

Potential Related Operating Budget Revenues:

Annual Amount

58,836.27

Describe: GGSI bankruptcy case number 01-01751-JBS

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

Current Year:

Next Four Years:

Prepared by:

Sebastian Abraham

Title:

Budget Specialist II

Department:

Environmental Facilities

Date:

07/16/2026

Approved by:

Christina
Rampata

Budget Director

Date:

Digitally signed by Christina
Rampata
Date: 2026.07.22 15:20:44
0470

ACT NO. -2026

AN ACT authorizing the County Attorney to assign a bankruptcy recoverable owed to the Department of Environmental Facilities to recover such recoverable minus a “finder’s fee.

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

Section 1. The County Attorney is authorized to assign a \$84,051.82 bankruptcy recoverable owed to the Department of Environmental Facilities by debtor GGSI Liquidation, Inc. to Dilks & Knopik in exchange for payment of \$58,836.27 to the Department of Environmental Facilities. The \$58,836.27 will be remitted to the Department of Environmental Facilities once the full debt has been released from the court to Dilks & Knopik.

Section 2. The County Attorney or his designee is hereby authorized and empowered to execute and deliver all documents and take such actions as the County Attorney deems necessary or desirable to accomplish the purpose of this Act.

Section 3. This Act shall take effect immediately.

TRANSMITTAL MEMO

To: The Honorable Members of the Board of Legislators

From: John M. Nonna, Westchester County Attorney

Karin E. Hablow, Commissioner of Finance

Date: July 28, 2026

Re: Legislation authorizing the County Attorney and the Commissioner of Finance to compromise the liability of the County of Westchester and pay a reduced lump sum to a former County employee in lieu of future payments.

Attached for your consideration is an Act which, if approved, would authorize the County Attorney and the Commissioner of Finance to compromise the liability of the County of Westchester (the "County") to pay Workers' Compensation benefits to a former County employee identified herein as "D.G." Consistent with prior practice in similar cases, we have deleted the name of the employee to protect the individual's privacy. The name, of course, will be disclosed to the Board of Legislators upon request.

Pursuant to Section 32 of the New York State Workers' Compensation Law, the County is permitted to reduce the liability for ongoing benefits by paying a lump sum to the employee. When a County employee suffers a work-related injury, he or she qualifies for Workers' Compensation benefits. Once the Workers' Compensation Board issues a permanency finding, the County is obligated to make continuing payments. Pursuant to Section 32 of the New York State Workers' Compensation Law, the County is permitted to reduce its liability for ongoing benefits by paying the employee a reduced lump sum. As a result of this lump sum, future payments are eliminated and the County realizes substantial savings.

In the past, the Department of Finance, in its role as administrator of the County's Workers' Compensation Program, has negotiated, with the cooperation of the County Attorney's Office, lump-sum settlements with the attorneys for injured employees. Such settlements have been and remain subject to final approval in the interest of justice by the New York State Workers' Compensation Board.

This settlement is based upon the following criteria:

1. The anticipated future litigation expenses;
2. The anticipated future loss-of-use award; and
3. The settlement amount proposed by the claimant's attorney.

Primary Incident

On Monday, July 2, 2018, at approximately 12:00 p.m., D.G., a Supervisor of Case Work in the Westchester County Department of Social Services (the "Department") was on foot as a pedestrian traversing the intersection of Martin Luther King Jr. Blvd. and Quarropas Street in White Plains, New York. She was then struck by motor vehicle operated by an independent contractor employed by the City of White Plains (the "Primary Incident").

As a result of the Primary Incident, D.G. sustained injuries to her neck, both wrists, both shoulders, left hip, right knee, and back. D.G. also sustained a concussion, post-traumatic stress disorder, and pain disorder. Said injuries required surgery for an ACL reconstruction with lateral meniscectomy, synovectomy, and chondroplasty on D.G.'s right knee.

Personal Injury Action

As a result of the primary incident, D.G. commenced a personal injury action against the City of White Plains and its independent contractor. On or about May 8, 2023, D.G. agreed in principle to settle the personal injury action for one million two hundred thousand (\$1,200,000.00). On June 6, 2023, the County consented to the settlement (see Act No. 96-2023). On or about July 28, 2023, it received a check for its Workers' Compensation lien in the amount of forty-six thousand two hundred eighty-three and 50/100 dollars (\$46,283.50).

Workers' Compensation – Expenses

Shortly after the injury—and on a parallel track to the above-referenced personal injury action—D.G. filed a claim for her injury with the NYS Workers' Compensation Board ("WCB"). The County did not controvert that claim.

To date, the County has paid on that claim medical expenses totaling one hundred twelve thousand seven hundred seventy-nine and 68/100 dollars (\$112,779.68) and indemnity (lost wage) expenses totaling one hundred twenty-three thousand four hundred sixty-two and 19/100 dollars (\$123,462.19). The County's total expenses on this claim to date total two hundred thirty-six thousand two hundred forty-one and 87/100 dollars (\$236,241.87).

For the reader's convenience, a table setting forth those values is included below:

Expenses to Date			
	Medical	Indemnity	Total
Claim No. WC180161	\$ 112,779.68	\$ 123,462.19	\$ 236,241.87

[Remainder of Page Intentionally Left Blank]

Workers' Compensation – Permanency Award (Future Indemnity)

The County and D.G. are now disputing whether the Primary Incident permanently disabled D.G.—and, if so, to what degree. As with all litigation, it is unclear how this dispute will resolve if left to the WCB for decision. The third-party administrator of the County's Workers' Compensation fund (Triad Group LLC) estimates that:

- (i) Duration of Award: WCB would likely award D.G. a Loss of Wage Earning Capacity ("LWEC") at 75%, which would entitle D.G. to 400 weeks (approximately 7.75 years) with no additional offsets; and
- (ii) Rate of Award: WCB would likely set the award at \$312.70/week, which would represent a substantial offset due to the amount recovered in the above-referenced third-party litigation and in accordance with the calculation set forth in *Burns v Varriale*, 9 NY3d 207 (2007) and its progeny.

Using these figures, the County estimates its total reserve in this matter to be one hundred twenty-five thousand eighty and 00/100 dollars (125,080.00). With a discount rate of 5%, the County estimates the net present value of that reserve to equal one hundred twenty one thousand eight hundred three and 02/100 dollars (\$121,803.02).

For the reader's convenience, a table setting forth those values is included below:

Indemnity Exposure Calculation	
Estimated Indemnity Award - Rate	\$ 312.70
Estimated Indemnity Award - Duration	400 Weeks
Total Reserve	\$ 125,080.00
Discount Rate	5.0%
Total Reserve (Reduced to Net Present Value)	\$ 121,803.02

Workers' Compensation – Future Medical Expenses

Irrespective of whether WCB finds permanency and awards D.G. future indemnity payments, the County will still be the primary insurer for D.G.'s medical expenses related to the Primary Incident. Triad estimates those future payments to total seventy-eight thousand three hundred seventy-eight and 61/100 dollars (\$78,378.61). However, as a result of the personal injury action settlement—and pursuant to *Burns* and its progeny—the County would be entitled to an offset in the amount of fifty thousand six hundred twenty-five and 51/100 dollars (\$50,625.51), leaving the County responsible for an estimated twenty-seven thousand seven hundred fifty-three and 10/100 (\$27,753.10).

[Remainder of Page Intentionally Left Blank]

Proposed Settlement

D.G. has presented the County with a proposed settlement of all of her workers' compensation claims for fifty-two thousand four hundred three and 10/100 dollars (\$52,403.10). That settlement includes a single lump sum to extinguish the County's obligation for D.G.'s future indemnity payments and medical reimbursements. Additionally, Triad's subcontractor for setting up Medicaid Set Aside quotes, MSA Advocates, LLC, has confirmed that this matter does not require approval from the Centers for Medicare & Medicaid Services.

If the County accepts the proposed settlement, its potential savings will total ninety-seven thousand one hundred fifty-three and 02/100 dollars (\$97,153.02).

For the reader's convenience, a chart of the relevant figures appears below:

Projected Savings			
	Indemnity	Medical	Total
County Exposure	\$ 121,803.02	\$ 27,753.10	\$ 149,556.12
Proposed Settlement	\$ 24,650.00	\$ 27,753.10	\$ 52,403.10
Potential Savings	\$ 97,153.02	\$ -	\$ 97,153.02

Based upon the foregoing, the County Attorney and the Commissioner of Finance request authority to compromise the liability of the County by contributing fifty-two thousand four hundred three and 10/100 dollars (\$52,403.10) toward a lump-sum settlement in full satisfaction of the County's indemnity and medical obligation in all workers' compensation claims involving D.G.

We therefore recommend the accompanying Act.

TO: BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER

Your Committee is in receipt of a proposed Act which, if enacted by your Board, would authorize the County Attorney and the Commissioner of Finance to compromise the liability of the County of Westchester (the "County") to pay Workers' Compensation benefits to a former County employee, identified herein as "D.G." Consistent with prior practice in similar cases, we have deleted the name of the employee to protect the individual's privacy. The name, of course, will be disclosed to the Board of Legislators upon request.

Pursuant to Section 32 of the New York State Workers' Compensation Law, the County is permitted to reduce the liability for ongoing benefits by paying a lump sum to the employee. When a County employee suffers a work-related injury, he or she qualifies for Workers' Compensation benefits. Once the Workers' Compensation Board issues a permanency finding, the County is obligated to make continuing payments. Pursuant to Section 32 of the New York State Workers' Compensation Law, the County is permitted to reduce its liability for ongoing benefits by paying the employee a reduced lump sum. As a result of this lump sum, future payments are eliminated and the County realizes substantial savings.

The Department of Finance, in its role as administrator of the County's Workers' Compensation Program, has negotiated, with the cooperation of the County Attorney's Office, lump-sum settlements with the attorneys for injured employees. Such settlements have been and remain subject to final approval in the interest of justice by the New York State Workers' Compensation Board.

Employee: D.G.
Department: Social Services
Dates of Primary Injury: July 2, 2018
Injuries: Neck, wrists, shoulders, left hip, right knee,
back
Lump-Sum Settlement (Medical & Indemnity): \$52,403.10

Your Committee has carefully considered the matter and recommends authorizing the County Attorney and the Commissioner of Finance to compromise the liability of the County to pay Workers' Compensation benefits to the above-named former County employee, thereby reducing the liability for ongoing benefits by paying a lump sum to and/or for the benefit of D.G. An affirmative vote of a majority of the Board is required to pass this legislation.

Dated 2026
White Plains, New York

COMMITTEE ON

FISCAL IMPACT STATEMENT

SUBJECT: Settlement of Workers Comp Benefits (D.G.)

NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

SECTION A - FUND

X

GENERAL FUND

AIRPORT FUND

SPECIAL DISTRICTS FUND

SECTION B - EXPENSES AND REVENUES

Total Current Year Expense \$52,403

Total Current Year Revenue

Source of Funds (check one):
Current Appropriations Transfer of Existing
Additional Appropriations Appropriations Other (explain)

Identify Accounts: 613-57-0018-4280

Potential Related Operating Budget Expenses: Annual Amount

Describe:

Potential Related Operating Budget Revenues: Annual Amount

Describe:

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

Current Year:

Next Four Years:

Prepared by: Sean T. Carey

Title: Associate County Attorney

Department: Law

Date: 07/09/2026

Approved by: Lawrence Soule
Digitally signed by Lawrence Soule
Date: 2026.07.09 15:07:32 EDT

Budget Director

Date: 07/09/2026

ACT NO. ____ – 2026

AN ACT authorizing the County Attorney and the Commissioner of Finance to compromise the liability of the County of Westchester and pay a reduced lump sum to a former County employee in lieu of future payments.

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

1. The County Attorney and the Commissioner of Finance are hereby authorized to compromise the County's obligation to pay Workers' Compensation benefits to D.G., a former employee, by contributing \$52,403.10 towards a lump-sum settlement, thereby extinguishing the County's liability for ongoing benefits to and/or for the benefit of the employee.
2. The County Attorney or his designee and the Commissioner of Finance or her designee are hereby authorized to execute and deliver all documents and take such actions as the County Attorney and/or the Commissioner of Finance deem necessary or desirable to accomplish the purposes hereof.
3. This Act shall take effect immediately.

INDEPENDENT OFFICE OF ASSIGNED COUNSEL

Annual Report for 2025

Submitted by the Board of Directors of the Independent Office of Assigned Counsel

Wendy Marie Weathers, Esq. Chair

Overview of the Office

The Independent Office of Assigned Counsel (OAC) is Westchester County's largest provider of mandated representation as defined by County Law Article 722, offering high quality legal representation by approximately 220 independent lawyers in private practice to low-income people with cases in the Criminal and Family Courts of the County as well as criminal and family law appeals and matters related to parole violations, revocations and appeals.

The office was created and operates pursuant to Westchester County Law Chapter 186, passed unanimously by this Honorable Board and signed into law by County Executive George Latimer in 2021. It is governed by a Board of Directors comprised of members selected in accordance with the law. Oversight of this office is also provided by the New York State Office of Indigent Legal Services (ILS).

Summary of State Funds Intended to Support the OAC

The primary source of funds to support this office and its initiatives are state grant funding provided by ILS. ILS has 2 main grants:

- Distribution Funding—a lump sum is granted to the County for the County to determine allocation among providers. It is a 3-year budget cycle. These grants cover funding for resources to support Family Court attorneys as well as Criminal Court attorneys. The OAC is the primary provider of parental legal representation. In the vast majority of cases, at least 2 assigned attorneys are involved in each case. Legal Services of the Hudson Valley is the other provider of parental representation. They do not receive funding from this funding stream.
- Hurrell-Haring Settlement Funds—ILS determines funding to each provider of criminal defense representation. The Legal Aid Society of Westchester and the OAC provide this representation.

There are also 3 smaller grants:

- Counsel at First Appearance in Criminal Cases (CAFA)—a lump sum is granted to the County to provide stipends to ensure counsel at arraignment in after court hours in criminal cases. This is a 3-year budget cycle. The entirety of this Grant is allocated to the Legal Aid Society of Westchester.
- Upstate Quality Improvement Grant—a lump sum granted to the County to determine allocation among providers. This is a 3-year budget cycle. Funds can be used for both Family and Criminal. The entirety of this Grant is allocated to the Legal Aid Society of Westchester.
- Second Upstate Family Representation Grant—a competitive 3-year grant submitted by the County to provide pre-petition representation to parents in Article 10 (abuse/neglect) cases and to provide support for attorney resources to improve the quality of representation.

State Grant Funding—Westchester County is Grantee

Distribution 14, a three year grant for mandated representation expenditures in calendar years 2024, 2025 and 2026. In 2025 ILS updated its allocation causing a delay in the county determining the allocations for the OAC and LAS.

It should be noted that the Assigned Counsel Panel represents approximately 80% of all mandated representation for which the County is responsible and further, that it provides almost all Family Court parental representation in the County. Distribution 14 funds may be used for family court representation as well as criminal defense.

Hurrell-Haring 2 - continuation of a three year grant for indigent representation expenditures of criminal defense matters, for state fiscal years 4/1/25-3/31/28. ILS initially allocated \$5,029,450 in the most recent **Hurrell-Haring 2** funding cycle, representing a 25.71% increase over the past allocation. Additionally, in 2025 ILS added an additional \$507,073 to Westchester County in this grant with specific allocations of that amount between the OAC and the LASW as follows:

- \$279,840 to the OAC
 - Funding for 2nd Accountant position, owing to the robust reimbursement claiming being done by the OAC.
 - An additional \$10,000 each year for 2 years to go towards trainings for attorneys.
- \$227,233 to LASW - stipends for the attorneys for appearing at arraignments.

The OAC deeply appreciates the growing support for the work that we do, so that attorneys have all the resources they need to do their finest work.

DCJS Aid to Defense and **Discovery Reform** funds – since 2024 each year the Division of Criminal Justice Services (DCJS) has allocated \$1.5 million in **Aid to Defense** funds to the County. The OAC requested that the County use some of that funding to offset the cost of the only 2 staff positions in the office that are not reimbursed by the State. DCJS allocated an additional \$1.5 million each year for **Discovery Reform**. The OAC proposed that these funds would be most effectively utilized by the County if both of the providers of mandated representation and the District Attorney's Office work together to determine the most effective way to address discovery access, download and retention issues.

Board of Directors Summary

The Board met regularly during the year to review reports from the Administrator. Meetings were primarily public, but on occasion some parts of the meetings were conducted in Executive Sessions.

Upon the resignation of the former Administrator at the start of 2025, the Board of Directors voted unanimously to appoint Stephanie Perez Acting Administrator. The Board posted for and interviewed candidates for this position, and formally appointed Stephanie Perez as Administrator. This appointment was subsequently approved by the County Executive and

confirmed by the Board of Legislators in June 2025. Since then a thorough search has been conducted for a Deputy Administrator and we hope to appoint a candidate in the New Year.

There are two vacancies on the OAC Board.

- Board member Ron Abad resigned in October 2023. That position must be filled by a qualified member of the general public who are not members of the legal profession and who reside in Westchester County. A potential candidate has been proposed to the County Executive's office
- Board member Alexandra Bisesi resigned in February 2025. That position must be filled by a member chosen from among several recommended by the Hudson Valley Hispanic Bar Association. Two potential candidates have been proposed to the County Executive's office.

Administrator's Summary

In General

In its 3rd year of operation, the OAC continued to build upon its foundation of equipping panel attorneys with tools, resources and training to provide high quality legal representation to its clients. OAC provided important resources for attorney use in furtherance of high-quality legal representation and greater access to counsel by low-income litigants. It should be noted that, as discussed above, state grant funding through ILS is intended to be the primary funder of this office designed by this Honorable Board to replicate the resources, supports and accountability measures typically available in an institutional provider setting. It is respectfully submitted that given the numerous resources and supports provided to attorneys, rigorous standards for admission to the panel, high level of attorney accountability, vertical representation of all clients, and minimal administrative costs, Westchester's ACP is both highly efficient and cost-effective in general and by comparison to institutional providers of mandated representation.

In addition to the services and resources provided to attorneys in 2024 that were outlined in the 2024 Annual Report, 2025 saw:

- Access to Counsel – indigent clients being able to have easy, free and fast access to counsel is a critical component of mandated representation. We at the OAC help to facilitate this access in many ways, all at no cost to Westchester County taxpayers, the clients, or the attorneys providing the direct service.
 - CAFA/CAP/Criminal – Our attorneys staff the centralized arraignment part for the six (6) City Courts of Westchester County which is held on the weekends and holidays at the Westchester County Courthouse.
 - Access to counsel from Westchester County jail - Working together with County IT and the Dept of Corrections, we launched a first of its kind phone calling system, allowing our clients who are residents at the County Jail to be able to call their

- attorneys, at no cost to them, or to their attorney. In its 1st year of operation we have had over 1300 calls from clients to their 18-B attorney.
- Attorney office space in county courthouse - In conjunction with the 9th JD, we have secured space in the County Courthouse for use by our panel attorneys.
 - Attorney Wellness - Pioneered a virtual Attorney Wellness Fair with partners in other departments and organizations around the County, during which we addressed vicarious trauma, moral injury, and their effects head-on.
 - Future of the Panel: We are very mindful of the makeup of our panel, and the need to ensure its longevity and the availability of counsel for clients. Some of the things we have focused on in 2025 to accomplish that are as follows:
 - Screening – Bolstered our interview process to ensure that attorney applicants to the 18-B Panel possess the necessary skills to provide the highest level of client-centered advocacy.
 - Mentorship - Broadened the scope of the various mentorships we offer, including traditional mentoring activities and our hybrid mentorship program “ACP@ACP” which pairs experienced attorneys with attorneys newer to the practice of mandated representation, as a means of fostering learning and camaraderie.
 - 2nd Seat Program – Championed the already strong connection the attorneys have with each other by increasing the use of our Second Chair program. Utilizing reimbursable state funds, we assigned more experienced attorneys to serve as either the lead or support attorney on serious family and criminal court cases.
 - Community Partnerships – Continued to forge relationships with community partners, such as the Office for Women, Department of Corrections, Pace Law School, Legal Services of the Hudson Valley, Pace Womens Justice Center, Bronx Defenders, New York State Defenders Association and ILS. These relationships strengthen the connections that panel attorneys are able to access and provides opportunities to enhance representation for our clients.
 - Interns – Welcomed two legal interns this summer. They shadowed panel attorneys, observed court proceedings, drafted legal memoranda and participated in OAC operations. We also attended job fairs for law students to promote the values of representing indigent clients.
 - Investigators/Social Workers/Osborne/Experts – Further simplified the assignment and payment of non-attorney experts, leading to a significant increase in the use of investigators, social workers, specialized experts, etc. in the defense of the county’s indigent populations. These non-attorney experts aid attorneys in compiling evidence, reviewing discovery, connecting clients with services, preparing mitigation packets and examining the circumstances leading to court involvement.

- Newsletter - Expanded Dicta, the quarterly OAC newsletter, to include more articles and information, which serves to connect the Panel to resources that aid our clients and to each other to create a community of colleagues.

Attorney Billing/Attorney Retention

Working closely with the Finance and IT Departments, the OAC continued to streamline the billing process for attorneys and experts to ensure both prompt payments for services rendered as well to maximize reimbursements from the State. In January 2025 we launched Phase 2 of our online billing system, which focused on enhancing auditing, control, and digital transition capabilities within the e-vouchering system. The following key upgrades were implemented:

- Prevents attorneys from billing for services prior to the assignment date or after the last date of representation. The upgrades in Phase 2 further ensures accuracy on the bill, and promptness of payment.
- Restricts billing for in-court services on weekends and holidays. Phase 2 of the system alerts the attorney that the day they are inputting is a weekend or holiday, and thus court is not typically in session, allowing them to correct the mistake at the forefront.
- Phase 2 triggers automated email notifications to administrators when unusual in-court or out-of-court time entries are submitted
- The online billing system is now prepared for a full paperless transition, allowing OAC to make vouchers available to attorneys online. It enables both attorneys and judges to digitally sign and submit vouchers for review. We will pilot a program with a select few courts in 2026, as part of Phase 3.
- New portal feature alerts both attorneys and OAC of upcoming certification expiration dates.
- In 2025 we launched “The Hub,” a lawyer resource portal containing an online repository of documents and videos for the attorneys, including sample motions, case law, practice advisories, lists of resources and contacts, recordings of our trainings, and links to the written materials from those trainings.

Data Highlights

From January 1, 2025 to December 23, 2025, the OAC opened over 17,500 cases in the case management system. Opening a case permits attorneys to bill for services rendered on that case.

It should also be noted that in contrast to institutional providers, at the OAC, a client’s multiple docket numbers associated with a particular matter and/or arraignment date, are considered a single case for billing and case volume data. As such, when comparing 18B case volume to that reported by other providers, we respectfully request that this be considered.

During the same time period, the OAC reviewed, corrected when necessary, and sent 14,658 vouchers to Finance. This marks an increase from 2025, which we attribute to greater all-around accuracy and efficiency as a result of our digital payment system. The OAC remains up-to-date processing vouchers, and all payable vouchers received by the Department of Finance's deadline for inputting vouchers into their AMS financial system of 12/12/25, have been input and sent to Finance for payment.

Reimbursements

During the above-mentioned period, the OAC has sought and the County has received approximately \$8.185 million in reimbursements from State grants and the partial hourly rate reimbursement. Additionally, we are prepared to file for reimbursement from the State of \$23,107 through the Division of Criminal Justice Services for 2025 qualifying expenditures relative to representing client on parole cases.

Staffing

Administrator – The former Administrator resigned, effective 1/2/25. The then Deputy Administrator, Stephanie Perez was appointed as Acting Administrator and in June 2025 was formally appointed as Administrator.

Deputy Administrator – Following the appointment of Stephanie Perez as Administrator, which left a vacancy in the Deputy Administrator position, a search was conducted to fill that position. A candidate has been identified and we hope to appoint them in the new year. This position has remained vacant the entirety of 2025.

Accountant – In January 2025 our sole Accountant commenced an extended leave. The position was initially filled with a temporary leave replacement by an employee who was retired as an Accountant from the County. This employee was with us for just a few weeks and then submitted their resignation. A canvass was conducted and a 2nd temporary leave replacement joined our team in April 2025. We worked with ILS to allocate additional funding in our Hurrell- Haring grant for a 2nd Accountant position, owing to the need for 2 staff members to maintain the robust level of reimbursement claiming that our department engages in to ensure continued revenue coming back to the County. In September 2025 our temporary replacement Accountant moved into that new 2nd Accountant line in our Department. In November 2025 our other Accountant returned from her extended leave.

Junior Administrative Assistant – In January 2025 a staff member joined our team, filling the position of Junior Administrative Assistant.

Attorney Rate Increase

In the FY 2025-26 State budget, the partial rate reimbursement remains in effect until March 31, 2026.

2026 County Budget

The OAC budget was timely submitted to the County Budget Office. Anticipated revenue from State reimbursement is intended to offset the cost of all staff except 2 permanent administrative support staff (1 full-time, 1 part-time), \$40,000 to the Westchester County Bar Association, miscellaneous expenses, such as bar memberships for legal staff and, all pre-April 1, 2023 hourly attorney fees and a portion of those post-April 1, 2023 hourly attorney fees.

Training

Ongoing trainings is a hallmark of the OAC program. We provide a robust program for the attorneys to meet their continuing legal education “CLE” requirements, funded by state grant dollars, which allows panel attorneys to gain valuable information and experience to equip them to best represent our clients. We are on our way to becoming an accredited CLE provider, which is a three year process. In addition to CLE programming, we also host periodic virtual meetings, called Wednesday Wags, where we discuss topics relevant to indigent representation. Below is a list of the programs put on by the OAC in 2025:

- **1/22 - CLE: Representing the Veteran in Criminal Court**
- **1/29 - Wednesday Wag: Let's Talk About Taking Time**
- **2/5 - CLE: DVSJA Basics- How to Advocate for Lower Sentences in Westchester County Court and Post-Conviction**
- **2/12 - Wednesday Wag: Immigration Issues Under Trump's Second Administration**
- **2/21 – Wednesday Wag: The Hub- An Introduction**
- **2/16 - CLE: Representing the Veteran in Family Court**
- **3/19 – CLE: Cybersecurity, Privacy, and Responsible Data Collection - (in partnership with the County IT dept)**
- **4/22 – CLE: Overview of Family Court Appeals**
- **4/30 – CLE: Challenging Guilty Pleas and Protecting your Client’s Rights to Appeal**
- **5/21 – CLE: Upon Information or Belief: The Top Ten Issues On the Path of a Criminal**
- **5/28 – CLE: Wait... What Happens In Family Court?: A Primer For Criminal Defense Attorneys**
- **6/5 – CLE: In Defense of Defenders: Understanding and Mitigating Burnout, Vicarious Trauma, and Moral Injury**
- **7/16 – CLE: Advocating for Non-Respondent Parents in Family Court- Constitutional and Statutory**
- **7/23 – Wednesday Wag: CPL 183 update and AO/JO arraignments**
- **8/6 – Wednesday Wag: COC changes under the rollbacks**

- **8/13 – CLE: COI and SCR: A Nefarious Nexus**
- **9/3 – Wednesday Wag: Mt. Vernon Emerging Adult Justice Part**
- **9/24 – CLE: Guardianship & Custody in the context of SIJs**
- **10/22 – CLE: Certificates of Relief**
- **11/19 – CLE: AOs and JOs: Demystifying Raise the Age and Removal**
- **12/10 – CLE: Employing A Social Worker Throughout Your Family Court Case**

Mentorship:

- **ACP @ ACP: Attorney collaboration program at the assigned counsel panel**
 - In 2025 twenty-one (21) Panel members participated in the second iteration of the OAC’s groundbreaking mentorship program, ACP@ACP, which focused on equipping experienced criminal law practitioners with the skills necessary to begin taking assignments in family court.
 - In addition to traditional mentor/mentee pairing, ACP@ACP also featured Resource Attorneys from the Family Panel presenting lectures focused on the legal concepts which a family defense panel member regularly faces, in a series called “Panel Points.” See below for the topics presented in 2025:
 - 8/15 - The Practical Side of Family Court
 - 8/22 - The Basics of Article 10 Cases
 - 9/12 - The Basics of Custody/Visitation Cases
 - 9/26 - The Basics of Support/Willfulness/Civil Contempt in Family Court
 - 10/17 - The Basics of Family Offense Petitions

Objectives for 2026

The OAC intends to focus on:

- Expansion of the digital billing platform to include greater accountability measures, opportunities for data collection and analysis, and pilot program for online submission.
- Broader early access to counsel for low-income litigants in both Criminal and Family Court
- Continued implementation of standards for high quality representation that all panel attorneys are required to meet
- Submitting reimbursement claims to ILS
- Continued expansion of attorney training.

Continued expansion of online billing system (AC Portal)

- In 2026 we will launch Phase 3, which will focus on full implementation, user training, and further strengthening of the AC system. Planned updates include:
 - Installation and activation of the digital voucher system.
 - We'll run a comprehensive training for the attorneys and judges to ensure a smooth transition to the digital process.
 - We'll be implementing additional controls to detect duplicative billing or overlapping service entries for more precise review.
 - We'll be adding additional reporting requirements of data within each record, to generate case-handling reports by court and area.
 - Use of these reports to support equitable case assignments across the 18-B panel.

Counsel at First Appearance (CAFA)

In April 2024, the 9th Judicial District implemented a weekend and holiday City Court Centralized Arraignment Part located in the Westchester County Courthouse. At inception, 2 attorneys per provider in 2 different courtrooms were arraigining defendants, but beginning in 2025 the program was consolidated into 1 courtroom. Due to the prior 18B administrator's decision not to seek state funding for Counsel at First Appearance (CAFA) for 18B attorneys' Saturday City Court arraignments, ILS disallowed reimbursement for Saturdays based on supplantation when the OAC requested state funding for this representation. The OAC was granted 50% of a state CAFA grant, or \$120,500 per year for 3 years to pay for this program. As well, we were granted additional state funds to reimburse the cost of off hours Town and Village arraignments under CAFA.

It is essential to have counsel at this critical stage in a legal action. Beyond that and with respect to criminal matters, funds for CAFA in the Town and Village Courts would go a long way toward instituting a fair rotation of attorneys that in turn best assures attorney independence—a key ingredient of high-quality legal representation and a mandate of Local Law Chapter 186.

Training

We will continue to offer regular continuing legal education programming, as well as other trainings, in 2026, as we progress towards our goal of becoming an accredited provider. Below are trainings planned for 2026:

- January 14th: Refuse to Lose at DMV Refusal Hearings
- February 4th: Infrequently Answered Questions: Sealing and Clean Slate
- March: The Nuts & Bolts of Hearsay

- Feb or March: Regional Immigration Assistance Center - immigration update Wednesday Wag
- April 28th: Pannual Conference
- May: Client-Centered Representation Series: Representing and interacting with the Neurodiverse
- June: Utilizing school records and information in family court cases
- July 15th: Discovery in family court
- August: Client-centered representation
- September/October: Conducting that first client-centered interview in criminal cases/family cases
- November/December: More in depth trainings on hearsay concepts.

Pannual Conference

On April 28, 2026 the OAC will host its 2nd Annual Panel (Pannual) conference for all members of Westchester's Assigned Counsel Panel. The conference will focus on challenges. We will offer strategies for challenging their cases, such as challenging by filing motions, or making oral arguments to dismiss, challenging cases by strategic and effective cross examination, challenging cases by utilizing investigators and social workers to bolster your own case and evidence, challenging cases by using mitigation experts to get better sentences or dispositions, and then also challenges that attorneys can face themselves in handling these cases, as well as challenges our clients may face. Attendance at this conference will afford the attorneys five (5) continuing legal education credits, as well as opportunities to network with other panel members, furthering our goal of creating a community of colleagues amongst the panel attorneys. This conference will once again be held at the County Center.

Outlook for 2026

The future is bright for the OAC. In its first 3 years of operation, the office established itself by working collaboratively with multiple county departments, ILS, the court system, ACP attorneys and all stakeholders interested in working with us in furtherance of high quality, client-centered representation. Through efficiency, advocacy and commitment, we created new energy and high expectations, provided resources galore, including a robust training program, increased client access to counsel, a modern billing system and an attorney handbook that outlines our mutual responsibilities.

Conclusion

The OAC's administrative and legal team continue to innovate, focused on high quality, client-centered legal representation, efficient and cost-effective administration of mandated representation using a strategic approach that factors in trends in the law, client needs, attorney demographics and state funding opportunities to fulfill our statutory mandate, energize the legal community and provide dynamic leadership.