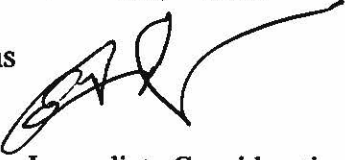


January 27, 2025

TO: Hon. Vedat Gashi, Chair
Hon. Jose Alvarado, Vice Chair
Hon. Tyrae Woodson-Samuels, Majority Leader
Hon. Margaret Cunzio, Minority Leader

FROM: Kenneth W. Jenkins
County Executive 

RE: Message Requesting Immediate Consideration: **LOCAL LAW –
Qualifications for an Assigned Counsel Administrator in the
Independent Office of Assigned Counsel.**

This will confirm my request that the Board of Legislators allow submission of the referenced communication to be submitted to the Board of Legislators January 27, 2025 Agenda.

Transmitted herewith for your review and approval is a Local Law, as referenced above.

Therefore, since this communication is of the utmost importance, it is respectfully submitted that the County Board of Legislators accepts this submission for January 27, 2025 “blue sheet” calendar.

Thank you for your prompt attention to this matter.



Kenneth W. Jenkins
County Executive

January 27, 2025

Westchester County Board of Legislators
800 Michaelian Office Building
148 Martine Avenue
White Plains, New York 10601

Dear Honorable Members of the Board of Legislators:

Attached hereto for your consideration is "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."

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.

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.

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

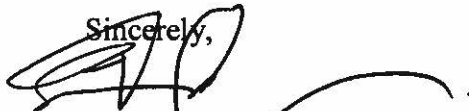
of attorney caseloads and quality of legal representation; maintaining a Panel of attorneys eligible to receive assignments for indigent representation; establishing qualifications and standards for certification of attorneys to become members of the Panel; making determinations on applications for initial 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.

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.

The proposed amendment to Chapter 186 would expand the eligibility criteria 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.

I recommend approval of the attached Local Law.

Sincerely,



Kenneth W. Jenkins
County Executive

KJ/nn

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: _____, 2025

White Plains, New York

COMMITTEE ON

SDK/1/17//25

RESOLUTION NO. ____ – 2025

RESOLVED, that this Board hold a public hearing pursuant to Section 209.141(4) of the Laws of Westchester County on Local Law Intro. No. ____ - 2025, entitled “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.” The public hearing will be held at __.m. on the ____ day of _____, 2025 in the Chambers of the Board of Legislators, 8th Floor, Michaelian Office Building, White Plains, New York. The Clerk of the Board shall cause notice of the time and date of such hearing to be published at least once in one or more newspapers published in the County of Westchester and selected by the Clerk of the Board for that purpose in the manner and time required by law.