

**Authorizing The Creation Of One Full Time Assistant Public Defender Attorney – Amending the 2007 Ulster County Budget – Public Defender**

The Criminal Justice and Safety Committee (Chairman Dart and Legislators Distel, Gregorius, R.A. Parete, Zimet, Aiello and Every) offers the following:

WHEREAS, the Ulster County Public Defender is requesting approval to appoint a full-time Felony (Senior) Assistant Public Defender Attorney to represent indigent clients, and

WHEREAS, a full-time Assistant Public Defender is needed to assist with the increased felony caseloads precipitated by the backlog of trial-ready cases, the assignment by the Office of Court Administration of numerous “visiting” County Court Judges to Ulster County, and in part, the prosecution’s “no plea bargaining” policy; over forty felonies are beyond “Standards and Goals,” the date by which such cases are directed to be disposed of by the Administrative Judge, and

WHEREAS, the Ulster County District Attorney’s Office has seven (7) full-time attorneys handling felony cases while conversely, the Ulster County Public Defender’s Office has only one (1) full-time attorney handling felony cases despite the fact that the Public Defender’s Office is responsible for approximately 40% of the County’s felony cases, and

WHEREAS, an additional full-time staff attorney will help avoid any deficiency in providing quality representation and also to serve to avoid the possible inability to meet the Public Defender’s mandated ethical obligations to the clients of the Office, at a time when there is great discussion and concern about underpaid and overwhelmed public defense lawyers throughout the State, and

WHEREAS, the establishment of this position will help fulfill not only the promise of speedier dispositions of cases and quality representation, but also that of the desired objective of “vertical representation” (having one attorney represent the same individual from the beginning of the case until its conclusion) enabling, for example, the same attorney meeting the felony client in Kingston City Court and representing him/her through Grand Jury and County Court, and

WHEREAS, the Criminal Justice and Safety Committee has met and reviewed said request with a majority of the members voting approval, and

WHEREAS, the Personnel Committee has met and reviewed said request with a majority of the members voting approval, and

WHEREAS, the Ways and Means Committee has met and reviewed said request with a majority of the members voting approval.

Resolution No. 393 December 5, 2007

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RESOLVED, that the 2007 Ulster County Budget is hereby amended as follows:

	<u>CREATE</u>	<u>AMOUNT</u>
1170-1188 (PC #)	Assistant Public Defender Full Time Hourly Rate \$38.17 Salary to year end - \$4,275.00 Benefits year end - \$1,635.00 (Effective December 10, 2007) *Annual Salary	\$70,000.00*

	<u>TRANSFER</u>	
<u>FROM</u>		<u>AMOUNT</u>
A4-1331-4553 (App. #)	Contingent Account	\$ 5,910.00

		<u>AMOUNT</u>
<u>TO</u>		
A4-1046-1005	Regular Pay, Public Defender (Effective December 10, 2007)	\$ 4,275.00
A4-3800-8001	State Retirement	\$ 411.00
A4-3850-8002	Social Security	\$ 327.00
A4-4000-8021 (App. #'s)	Health Insurance	\$ 897.00

ADOPTED BY THE FOLLOWING VOTE:

AYES: 29                      NOES: 0  
(Absent: Legislators Every, Felicello, Harris and Roberti)

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FINANCIAL IMPACT:

\$ 5,910.00 – TRANSFER FROM CONTINGENCY – BUDGETED 2007

\$70,000.00 – SALARY – TRANSFER FROM CONTINGENCY – 2008

\$26,768.00 – BENEFITS – TRANSFER FROM CONTINGENCY – 2008

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