

ALTERNATE PUBLIC DEFENDER - 1171

MISSION STATEMENT

The mission of the Albany County Alternate Public Defender's Office is to provide the highest quality legal representation to those who cannot afford to hire an attorney and to ensure that the client's constitutional right to equal representation under the law is upheld.

WHO WE SERVE

We serve any individual who is financially unable to retain counsel. Although the term indigent is often used in referring to public defense representation, Article 18-B of New York's County Law and 18 U.S.C. § 3006A (1989), its federal counterpart, as well as the legislative history of both statutes, specify that the proper standard to be employed in determining eligibility for appointed counsel is financial inability to hire a lawyer and not indigency. There are no uniform guidelines in New York State for appointing counsel and that eligibility determination is reserved for the judiciary on a case by case basis. Once that determination is made, the Alternate Public Defender's Office is appointed to qualified individuals by the Court.

ABOUT OUR DEPARTMENT

The Alternate Public Defender's Office consists of six Criminal Court attorneys, two Family Court attorneys and two support staff. Every attorney in the office is knowledgeable in their field and has trial experience.

The Alternate Public Defender's Office is appointed by the Court to provide mandated legal representation for financially qualified individuals where a bona fide conflict of interest prevents the Albany County Public Defender's Office from accepting the assignment. We represent clients in both Criminal and Family Court proceedings from the inception of the case through hearings, trial and sentencing. The Alternate Public Defender's Office does not handle appeals.

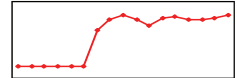
Pursuant to §722 of Article 18-B of the County Law, the governing body of each county... "shall place in operation throughout the county a plan for providing counsel to persons charged with a crime (any offense punishable by incarceration) or who is entitled to counsel pursuant to section two hundred sixty-two or section eleven hundred twenty of the Family Court Act (including child custody cases), article six-C of the correction law, section four hundred seven of the surrogate's court procedure act or article ten of the mental hygiene law, who are financially unable to obtain counsel. Each plan shall also provide for investigative, expert and other services necessary for an adequate defense."

In 2010, the New York State Bar Association issued Revised Standards for Providing Mandated Representation to any personal financially unable to obtain counsel without substantial hardship under the guidelines listed in Article 18-B of the County Law. In addition, the NYS Office of Indigent Legal Services, in fulfillment of its responsibilities under Executive Law Article 30, Section 832 (3)(d), provided additional standards and criteria for the provision of mandated representation in cases involving a conflict of interest. Those standards and criteria took effect as of July 1, 2012.

The standards that the Albany County Alternate Public Defender's Office must abide by include:

1. Demonstrating a commitment to quality representation of every client;
2. Maintaining a manageable workload to ensure capacity to provide quality representation;
3. Access to and use of investigative services, as needed, to provide quality representation without restriction;
4. Provide access to and use, as needed, of experts in a variety of fields;
5. Having the ability to provide representation for every eligible person at the earliest possible time and to begin advocating for every client without delay, in addition to providing continuous representation by the same attorney;

APPROPRIATION HISTORY



1998:	\$0
1999:	\$0
2000:	\$0
2001:	\$0
2002:	\$0
2003:	\$0
2004:	\$729,329
2005:	\$950,514
2006:	\$1,049,065
2007:	\$954,438
2008:	\$818,496
2009:	\$979,927
2010:	\$1,022,424
2011:	\$949,501
2012:	\$940,011
2013:	\$989,422
2014:	\$1,041,404

CONTACT INFORMATION

Office of the
Alternate Public Defender
County of Albany
112 State Street
Suite 1220
Albany, New York 12207
Office: (518) 447-5532
Fax: (518) 447-7416

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6. Having the ability to spend sufficient time with clients to establish a meaningful client/attorney relationship; to inform the client regularly as to the progress of the case; to provide documents prepared or received; and to provide the client with the opportunity to make an intelligent and informed decision where there is one to be made;
7. Operating under quality control procedures that provide for meaningful attorney qualifications and include mechanisms for evaluating attorneys;
8. Investigating potential consequences that can arise in cases and advising clients of such consequences;
9. Providing well prepared sentencing advocacy in criminal cases and well prepared dispositional advocacy in parent representation cases; and
10. Having and using adequate resources and procedures to main appropriate law office facilities and seek additional resources whenever the client needs require.

2013 ACCOMPLISHMENTS AMD CHALLENGES

The existence of the Alternate Public Defender's Office continues to reduce the use of assigned counsel and saves Albany County a substantial amount of money in doing so. In 2013, this office resolved 980 files, 273 of which were felonies, including one homicide. The office handles approximately two thousand cases each year.

2014 GOALS AND PERFORMANCE TARGETS

The Alternate Public Defender's Office will continue to provide the highest quality legal representation possible and always ensure that the rights of our clients are protected. Through County and State funded education and trainings, we will continue to increase the quality of defense services provided by this office.

SUMMARY OF BUDGET CHANGES

The 2014 Executive budget for the Albany County Alternate Public Defender's Office does not include any substantive programmatic changes.

The staff of the Alternate Public Defender's Office deals with multiple members of the public on a daily basis. A typical case involves interaction with many more than just our client and can include speaking with the worried parents and family members of the accused, arranging drug or mental health services as alternatives to incarceration, negotiating the best possible plea bargain with the District Attorney's Office and then conferencing that with the judges, and/or preparing witnesses for hearings or trials.

					2013	2014	2012	2013	2014	2014	2014	
A 1171 Alternate Public Defender					Count	Count	Expended	Adjusted	Requested	Proposed	Adopted	
Personnel Services Individual												
A	1171	11044	001	670001	Alternate Public Defender	1	1	\$90,482	\$100,342	\$102,350	\$102,350	-
A	1171	12025	001	670002	Assistant Alternate Public Def	1	1	\$84,786	\$86,594	\$88,326	\$88,326	-
A	1171	12025	002	670003	Assistant Alternate Public Def	1	1	\$82,126	\$86,578	\$88,310	\$88,310	-
A	1171	12025	003	670004	Assistant Alternate Public Def	0	1	-	-	\$30,000	\$30,000	-
A	1171	12025	004	670005	Assistant Alternate Public Def	1	1	\$32,211	\$65,150	\$66,453	\$66,453	-
A	1171	12025	005	670010	Assistant Alternate Public Def	1	1	\$63,824	\$65,150	\$66,453	\$66,453	-
A	1171	12025	006	670011	Assistant Alternate Public Def	1	1	\$63,824	\$65,150	\$66,453	\$66,453	-
A	1171	12025	007	670012	Assistant Alternate Public Def	1	1	\$62,060	\$60,889	\$64,616	\$64,616	-
A	1171	12025	008	670013	Assistant Alternate Public Def	1	1	\$63,824	\$65,150	\$66,453	\$66,453	-
A	1171	15025	001	670014	Legal Secretary	1	1	\$37,959	\$38,748	\$39,523	\$39,523	-
A	1171	16412	001	670016	Receptionist	1	1	\$28,612	\$35,180	\$35,884	\$35,884	-
					<i>Personnel Services Individual Subtotal</i>	10	11	\$609,708	\$668,931	\$714,821	\$714,821	\$0
Personnel Non-Individual												
A	1171	19950			Longevity Raise			\$1,550	\$2,050	\$1,350	\$1,350	\$0
A	1171	19951			Health Insurance Buyout			\$8,750	\$9,000	\$9,000	\$9,000	\$0
					<i>Personnel Non-Individual Subtotal</i>			\$10,300	\$11,050	\$10,350	\$10,350	\$0
Equipment												
A	1171	22050			Computer Equipment			\$9,190	\$0	\$0	\$0	\$0
					<i>Equipment Subtotal</i>			\$9,190	\$0	\$0	\$0	\$0
Contractual Expenses												
A	1171	44020			Office Supplies			\$2,386	\$2,500	\$2,250	\$2,250	\$0
A	1171	44035			Postage			\$1,196	\$950	\$900	\$900	\$0
A	1171	44036			Telephone			\$1,339	\$2,000	\$1,800	\$1,800	\$0
A	1171	44037			Insurance			\$3,296	\$3,843	\$3,191	\$3,191	\$0
A	1171	44039			Conferences, Training, Tuition			\$1,508	\$2,000	\$0	\$0	\$0
A	1171	44040			Books Transcripts Subscript			\$6,040	\$7,500	\$7,000	\$7,000	\$0
A	1171	44042			Printing And Advertising			\$51	\$75	\$60	\$60	\$0
A	1171	44046			Fees For Services			\$22,413	\$15,000	\$15,000	\$15,000	\$0
A	1171	44065			Photocopier Lease			\$999	\$1,500	\$0	\$0	\$0
A	1171	44070			Equipment Repair And Rental			\$0	\$2,000	\$1,800	\$1,800	\$0
A	1171	44903			DGS Shared Services Charges			\$24,845	\$24,788	\$26,629	\$26,629	\$0
					<i>Contractual Expenses Subtotal</i>			\$64,074	\$62,156	\$58,630	\$58,630	\$0
Fringe Benefits												
A	1171	89010			State Retirement			\$77,972	\$148,832	\$149,836	\$149,836	\$0
A	1171	89030			Social Security			\$47,484	\$51,115	\$55,476	\$55,476	\$0
A	1171	89060			Hospital and Medical Insurance			\$91,520	\$67,353	\$52,291	\$52,291	\$0
					<i>Fringe Benefits Subtotal</i>			\$216,976	\$267,300	\$257,603	\$257,603	\$0

				2013	2014	2012	2013	2014	2014	2014	
A 1171 Alternate Public Defender				Count	Count	Expended	Adjusted	Requested	Proposed	Adopted	
Total Appropriations						\$921,961	\$997,630	\$1,041,404	\$1,041,404	\$0	
Revenue											
A	1171	03025	Indigent Legal Services Fund			(\$529,809)	(\$262,243)	(\$360,286)	(\$360,286)	\$0	
Total Revenue						(\$529,809)	(\$262,243)	(\$360,286)	(\$360,286)	\$0	
County Share						\$392,152	\$735,387	\$681,118	\$681,118	\$0	