ANNUAL REPORT OF THE OFFICE OF THE GREENE COUNTY

PUBLIC DEFENDER FOR THE YEAR 2013

During this past year, the Office of the Greene County Public Defender underwent several changes; most notably the appointment of myself as Interim Greene County Public Defender to complete the term of the seat formally occupied by Dominic J. Cornelius.

During my tenure as Interim Public Defender, there was an increase in the caseload of the Office from the year 2011. Our caseload increased by greater than five percent (5%). What makes the matter even more serious is that the increased caseload was in the area of cases that involve more work as a Public Defender. The felony cases (the most serious of crimes) increased almost eleven percent (11%). Also, the Family Court cases increased greater than thirty-two percent (32%) last year. While Family Court cases do not necessarily involve grave crimes, they can be just as complex and involve more hours of work as they are not resolved quickly. The Family Court cases also involve numerous participants which leads to situations where there is an increase in the amount of conflicts necessitating the appointment of outside counsel. The number of conflict cases for the year 2012 was greater than that of 2011 by more than twenty-two (22%).

Despite the increase in the number of cases, the Office was able to effectively represent its clients with less staffing than in the year 2011. The Office lost a full-time position at the beginning of the year 2012 when I was appointed as Interim Public Defender.

In light of a grant from the New York State Office of Indigent Legal Services, the office managed to hire a part-time assistant public defender for June, 2012. This grant provides money over three years that will absorb the entire cost of the additional part-time attorney along with any benefits paid. This position has assisted with the loss of the full-time position and the increased caseload.

In addition to the increased caseload, the courts have had a flurry of activity leading to increased appearances by this Office. Relatively newer courts, such as Drug Court and Integrated Domestic Violence Court, have grown by large numbers. Many of these courts are duplicitous in that they require appearances for cases that have already been started in other courts. These courts require more appearances on different dates than the other regularly scheduled courts. The Drug Court alone requires, at a minimum, the appearance of a public defender every week for several hours.

Last year was the first time in history that the Greene County Public Defender’s Office obtained an Order from a court which required the payment of monies for Article 81 proceedings for services rendered by our office. Article 81 proceedings are proceedings where someone alleges that a person is in need of the appointment of a Guardian. In these proceedings, the courts have appointed our office to represent the alleged incapacitated person. These people are not necessarily indigent. As such, I was able to obtain a Court Order awarding the payment of funds to the Office of the Greene County Public Defender for representing them. This has resulted in the adoption of a new policy where an Order for the payment of services will be sought in all Article 81 proceedings.

Even in these tough economic times, the Office has managed to improve on the quality of its services in updating its electronic equipment. Previous grant money from the New York State Office of Indigent Legal Services has permitted this Office to obtain updated computers and printers. Later this year, the Office is expecting to use the balance of the funds from this grant to install a Public Defense Caseload Management system which is currently being used in the majority of the counties throughout New York State. This system will help to streamline work and increase efficiency with less secretarial staffing. As you know, this Office continues to function with only one secretary. In installing this system, reports and simple form letters can be generated with ease and speed thus absorbing some of the effort that an additional secretary would expend.

Looking forward, it is also the hope of this Office to attempt to control the costs of the appointment of outside counsel. As stated earlier, the number of conflicts rose last year by greater than 22%.

One manner in which some of this cost may be controlled would be with a sharing of defense services with Columbia County. A system may be able to be established to accommodate the referral of a conflict case to the opposing county. Therefore, Greene County Public Defenders may cover some Columbia County Public Defender cases while Columbia County Public Defenders would cover some Greene County Public Defense cases. While this may ultimately increase the number of cases handled by the Greene County Public Defender’s Office, it should alleviate some of the outside counsel expense, as the cost to the County of handling the cases “in house” is less expensive than using outside counsel.

Another way in which to possibly control the cost of outside counsel appointments would be with the creation of a Conflict Defender position. This position would be funded by a set salary or fee arrangement. A conflicted case would then be sent to this person in the first instance before an outside hourly waged attorney. Presumably, this would save money as the case would not be billed hourly at the current rate of $75.00 for private attorneys.

Despite all of the above, the increased caseload, increased court appearances and less staffing, the Office of the Greene County Public Defender has managed to provide quality and effective representation of its clients while addressing and improving on any issues brought to the knowledge of the Office such as in visiting clients at the jail.