

**STATE OF NEW YORK MASTER CONTRACT FOR GRANTS FACE PAGE**

<p>STATE AGENCY (Name &amp; Address):</p> <p><b>NYS Office of Indigent Legal Services A. E. Smith Building, 11th Floor 80 South Swan Street Albany, NY 12210</b></p>	<p>BUSINESS UNIT/DEPT. ID: <b>OLS01 1350200</b></p> <p><b>CONTRACT NUMBER: CSTWIDEHH27</b></p> <p>CONTRACT TYPE:</p> <p><input checked="" type="checkbox"/> <b>Multi-Year Agreement</b>  <input type="checkbox"/> Simplified Renewal Agreement  <input type="checkbox"/> Fixed Term Agreement</p>
<p><b>CONTRACTOR SFS PAYEE NAME:</b></p> <p><b>Montgomery, County of</b></p>	<p>TRANSACTION TYPE:</p> <p><input type="checkbox"/> New  <input type="checkbox"/> Renewal  <input checked="" type="checkbox"/> <b>Amendment</b></p>
<p>CONTRACTOR DOS INCORPORATED NAME:</p>	<p>PROJECT NAME:</p> <p><b>Statewide Expansion of Hurrell-Harring</b></p>
<p>CONTRACTOR IDENTIFICATION NUMBERS:</p> <p><b>NYS Vendor ID Number: 1000002433 Federal Tax ID Number: 14-6002568 DUNS Number (if applicable):</b></p>	<p>AGENCY IDENTIFIER:</p> <p>CFDA NUMBER (Federally funded grants only):</p>
<p>CONTRACTOR PRIMARY MAILING ADDRESS:</p> <p>Montgomery County Office of the Public Defender PO Box 1500 Fonda, NY 12086</p> <p>CONTRACTOR PAYMENT ADDRESS:</p> <p><input checked="" type="checkbox"/> Check if same as primary mailing address</p> <p>CONTRACTOR MAILING ADDRESS:</p> <p><input checked="" type="checkbox"/> Check if same as primary mailing address</p>	<p>CONTRACTOR STATUS:</p> <p><input type="checkbox"/> For Profit  <input checked="" type="checkbox"/> <b>Municipality, Code: 270100000000</b>  <input type="checkbox"/> Tribal Nation  <input type="checkbox"/> Individual  <input type="checkbox"/> Not-for-Profit</p> <p>Charities Registration Number:</p> <p>Exemption Status/Code:</p> <p><input type="checkbox"/> Sectarian Entity</p>



IN WITNESS THEREOF, the parties hereto have executed or approved this Master Contract on the dates below their signatures.

CONTRACTOR:

\_\_\_\_\_  
\_\_\_\_\_

By: \_\_\_\_\_

Printed Name

Title: \_\_\_\_\_

Date: \_\_\_\_\_

STATE AGENCY:

NYS Office of Indigent Legal Services

By: William J. Leahy

William J. Leahy

Printed Name

Title: Director – Office of Indigent Legal Services

Date: 3/24/20

STATE OF NEW YORK

County of \_\_\_\_\_

On the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, before me personally appeared \_\_\_\_\_, to me known, who being by me duly sworn, did depose and say that he/she resides at \_\_\_\_\_, that he/she is the \_\_\_\_\_ of the \_\_\_\_\_, the contractor described herein which executed the foregoing instrument; and that he/she signed his/her name thereto as authorized by the contractor named on the face page of this Master Contract.

(Notary) \_\_\_\_\_

ATTORNEY GENERAL'S SIGNATURE

N/A

Printed Name

Title: \_\_\_\_\_

Date: \_\_\_\_\_

STATE COMPTROLLER'S SIGNATURE

N/A

Printed Name

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Contract Number: CSTWIDEHH27

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Master Grant Contract, Face Page

## ATTACHMENT A

### PROGRAM SPECIFIC TERMS AND CONDITIONS

### STATEWIDE EXPANSION OF HURRELL-HARRING

#### I. Notices

All written notices made pursuant to this Agreement shall be delivered to the addresses set forth below.

Notification to the Office of Indigent Legal Services (ILS):

Office of Indigent Legal Services  
A. E. Smith Office Building, 11th Floor  
80 South Swan Street  
Albany, NY 12210

Notification to County and New York City ("County"):

Matthew L. Ossenfort, County Executive  
Montgomery County  
County Annex Building  
PO Box 1500  
20 Park Street  
Fonda, NY 12068-1500  
(518) 853-4304  
[creese@co.montgomery.ny.us](mailto:creese@co.montgomery.ny.us)

#### II. Supplanting Funds.

The amounts paid to County by ILS pursuant to this Agreement shall be used to supplement and not supplant any state or local funds, as defined in paragraph (c) of subdivision 2 of section 98-b of the State Finance Law, which such County would otherwise have had to expend for the provision of counsel and expert, investigative and other services pursuant to article eighteen-B of the County Law. In the event funds are used to supplant local funds, such funds actually provided by ILS shall be returned to ILS by County.

#### III. Collect and Report Data.

County will be required to collect and report data to ILS on an annual basis, or as otherwise specified by ILS, in written form, as determined by ILS, which data will be used to analyze and measure implementation, compliance and outcomes under the three statewide plans (counsel at arraignment, quality improvement and caseload relief).

#### IV. Extensions.

The terms of this Agreement may be extended only by mutual written consent of the parties and approval of the Office of the State Comptroller for a period of not more than 24 months.

**ATTACHMENT B-1**

**BUDGET**

**Office of Indigent Legal Services  
Statewide Expansion of Hurrell-Harring  
April 1, 2018 - March 31, 2023**

**COUNTY OF MONTGOMERY**

**Total Contract Amount: \$2,889,844.89**

Budget Expenditure Item	Year 1 4/1/18 - 3/31/19	Year 2 4/1/19 - 3/31/20	Year 3 4/1/20 - 3/31/21	Year 4 4/1/21 - 3/31/22	Year 5 4/1/22 - 3/31/23
<b>PUBLIC DEFENDER'S OFFICE</b>					
<b>CASELOAD RELIEF</b>					
<b>Personnel:</b>					
Criminal Defense Attorney (FT)-City Court - Salary	\$80,000.00	\$80,000.00			
Criminal Defense Attorney (FT)-City Court - Fringe	\$36,710.00	\$36,710.00			
Secretary/Typist (assists CAFA and attorneys) - Salary	\$27,000.00	\$27,000.00			
Secretary/Typist (assists CAFA and attorneys) - Fringe	\$28,385.00	\$28,385.00			
Confidential Secretary - Salary Increase	\$0.00	\$3,000.00			
Data Officer (PT) - Salary	\$0.00	\$37,000.00			
Data Officer (PT) - Fringe	\$0.00	\$8,269.50			
<b>Contracted/Consultant:</b>					
Investigator Services	\$0.00	\$14,047.26			
<b>Caseload Relief - Subtotal</b>	<b>\$172,095.00</b>	<b>\$234,411.76</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>QUALITY IMPROVEMENT</b>					
<b>OTPS:</b>					
Case Management Software	\$9,625.00	\$2,025.00			
Legal Reference Materials/Subscriptions/Books	\$0.00	\$7,000.00			
Office Supplies/Furniture/Postage	\$0.00	\$4,000.00			
<b>Quality Improvement - Subtotal</b>	<b>\$9,625.00</b>	<b>\$13,025.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>COUNSEL AT FIRST APPEARANCE</b>					
<b>OTPS:</b>					
Mileage/Travel	\$0.00	\$7,000.00			
<b>Counsel at First Appearance - Subtotal</b>	<b>\$0.00</b>	<b>\$7,000.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>PUBLIC DEFENDER'S OFFICE - TOTAL</b>	<b>\$181,720.00</b>	<b>\$254,436.76</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>ASSIGNED COUNSEL PROGRAM</b>					
<b>CASELOAD RELIEF</b>					
<b>Personnel:</b>					
Assigned Counsel Program Administrator - Salary	\$0.00	\$65,000.00			
Assigned Counsel Program Administrator - Fringe	\$0.00	\$14,572.50			
Secretary - Salary	\$0.00	\$15,593.76			
Secretary - Fringe	\$0.00	\$3,358.98			

Budget Expenditure Item	Year 1 4/1/18 - 3/31/19	Year 2 4/1/19 - 3/31/20	Year 3 4/1/20 - 3/31/21	Year 4 4/1/21 - 3/31/22	Year 5 4/1/22 - 3/31/23
<b>CONTRACTED/CONSULTANT:</b>					
Adolescent Criminal Defense Attorney	\$7,035.00	\$10,000.00			
<b>Caseload Relief - Subtotal</b>	<b>\$7,035.00</b>	<b>\$108,525.24</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>QUALITY IMPROVEMENT</b>					
<b>CONTRACTED/CONSULTANT:</b>					
Specialized Services (Experts/Investigators/Interpreters/ Social Workers/Transcription Services, etc.).	\$2,526.33	\$13,000.00			
<b>OTPS:</b>					
CLE Trainings/Other Professional Trainings	\$1,375.00	\$5,000.00			
Office Equipment/Office Supplies/Office Furniture	\$0.00	\$4,350.65			
<b>Quality Improvement - Subtotal</b>	<b>\$3,901.33</b>	<b>\$22,350.65</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>COUNSEL AT FIRST APPEARANCE</b>					
<b>Personnel/Contracted/Consultant/OTPS:</b>	\$0.00	\$0.00			
<b>Counsel at First Appearance - Subtotal</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>ASSIGNED COUNSEL PROGRAM - TOTAL</b>	<b>\$10,936.33</b>	<b>\$130,875.89</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>Total</b>	<b>\$192,656.33</b>	<b>\$385,312.65</b>	<b>\$577,968.98</b>	<b>\$770,625.30</b>	<b>\$963,281.63</b>
<b>FIVE-YEAR TOTAL</b>	<b>\$2,889,844.89</b>				

## ATTACHMENT C

### WORK PLAN

#### OFFICE OF INDIGENT LEGAL SERVICES

#### STATEWIDE EXPANSION OF HURRELL-HARRING

APRIL 1, 2018 – MARCH 31, 2023

COUNTY OF MONTGOMERY

### Goals, Objectives, and Performance Measures

On a semi-annual basis, each grantee/contractor shall provide the Office of Indigent Legal Services with a written progress report summarizing the work performed during each such semi-annual period. The reports shall detail the grantee/contractor's progress toward attaining the specific goals, objectives and key performance measures as outlined below along with any additional information that may be required by the Office. These program progress reports must be submitted October 31<sup>st</sup> for the period starting April 1<sup>st</sup> and ending September 30<sup>th</sup> and April 30<sup>th</sup> for the period starting October 1<sup>st</sup> and ending March 31<sup>st</sup>.

Program progress reports will continue until such time as the funds subject to this contract are no longer available, have been accounted for, and/or throughout the contract period. The first progress report may be waived if the final approval of the grantee/contractor's contract by the Office of the State Comptroller is within two months of the date such progress report would be due. **(See Attachment D ["Payment and Reporting Schedule"] for written progress report reporting requirements in their entirety.)**

#### Goal

Implement the provisions of Chapter 59 of the Laws of 2017, Part VVV, sections 11-13, providing that the Office of Indigent Legal Services shall implement a plan to extend statewide the benefits of the Hurrell-Harring settlement reforms.

#### First Objective

Ensure all eligible criminal defendants are represented by counsel at arraignment, provided that timely arraignment with counsel is not delayed pending a determination of a defendant's eligibility.

#### Key Performance Measures

1. The number of attorneys hired with this funding who provide representation at arraignment;

2. The number of arraignments handled by each attorney compensated with this funding; and
3. A brief description of all activities funded by this grant under this objective and how those activities have improved the provision of counsel at first appearance.

### **Second Objective**

Full compliance with the caseload standards issued by the Office of Indigent Legal Services.

#### Key Performance Measures

1. The number of attorneys hired with this funding and the dates of such hires;
2. The number of new cases opened by attorneys compensated with this funding;
3. The number of non-attorneys hired with this funding and the dates of such hires;
4. The name, and date of appointment, of the Data Officer or a description of progress toward appointment of a Data Officer; and
5. A brief description of all activities funded by this grant under this objective and how those activities have reduced caseloads.

### **Third Objective**

Implement initiatives to improve the quality of indigent defense such that attorneys receive effective supervision and training, have access to and appropriately utilize investigators, interpreters and expert witnesses on behalf of clients, communicate effectively with their clients, have the necessary qualifications and experience, and, in the case of assigned counsel attorneys, are assigned to cases in accordance with article 18-b of the county law and in a manner that accounts for the attorney's level of experience and caseload/workload.

#### Key Performance Measures

1. The number of training events supported by this funding;
2. The number of attorneys whose attendance at training events was supported by this funding;
3. The number of cases in which expert services supported by this funding was used, and the dollar amount, both total and hourly rate, spent on such services;
4. The number of cases where investigative services supported by this funding was used, and the dollar amount, both total and hourly rate, spent on such services; and
5. A brief description of all activities funded by this grant under this objective and how those activities have improved the quality of representation provided to clients.



## YEAR 1 BUDGET

### Public Defender:

#### Personnel:

- **Add a full-time City Court Defense Attorney position.** This new position will be assigned to Amsterdam City Court and will also assist with Counsel at First Appearance (CAFA).
- **Add a full-time Secretary/Typist position.** This new position will assist with CAFA and relieve the existing Confidential Secretary of duties to allow the Confidential Secretary to manage ILS grants and collect data.

#### OTPS:

- **Provide funding for updates to the Public Defender Case Management System (PDCMS).** Expenditures will include software installation, on-site training, data conversion, and an annual support agreement.

### Assigned Counsel:

#### Contracted/Consultant:

- **Add an Adolescent Criminal Defense Attorney position.** This contracted position will promote continuity of counsel as felony cases in Youth Part will be directly assigned to the Assigned Counsel panel, rather than the Public Defender's Office. This attorney will be responsible for an estimated three cases annually; two violent felonies and one non-violent felony.
- **Enhance the availability of specialized services.** Services will include experts at an hourly rate of \$100-\$500, plus travel/mileage; investigators at an hourly rate of \$50-\$150; interpreters at an hourly rate of \$50-\$200; social workers at an hourly rate of \$50-\$150; and transcription at a rate of \$2.50-\$5.25 per page. Attorneys will have direct access to these services through the Administrator, eliminating the process of delaying and previewing a case to the court by filing a motion.

#### OTPS:

- **Provide funding for Continuing Legal Education (CLE)/trainings.** Attorneys will have enhanced access to training and educational opportunities relating to developments in law, improving the quality of representation provided to clients.

## YEAR 2 BUDGET

### Public Defender:

#### Personnel:

- **Continue the full-time City Court Defense Attorney position.** This position is assigned to Amsterdam City Court and assists with Counsel at First Appearance (CAFA).
- **Continue the full-time Secretary/Typist position.** This position assists with CAFA and relieves the existing Confidential Secretary of duties to allow the Confidential Secretary to manage ILS grants and collect data.
- **Provide funding to increase the salary of the Confidential Secretary.** This salary increase reflects greatly expanded responsibilities due to increased number of PD Office staff and the increased number of grants to manage.
- **Add a part-time Data Officer position.** This position will be responsible for collecting, maintaining and reporting on data to comply with county obligations under this contract and County Law § 722-f.

#### Contracted/Consultant:

- **Provide funding for the Public Defender Office to retain investigative services.** This funding will allow the Public Defender Office to retain investigators as needed in specific cases. Investigators will be paid no more than \$100/hour.

#### OTPS:

- **Provide funding for updates to the Public Defender Case Management System (PDCMS).** Expenditures will include software installation, on-site training, data conversion, and an annual support agreement.
- **Provide funding for operational expenses** including subscription costs for on-line research (Lexis), legal reference materials/subscriptions/books, office supplies, office furniture (including paper, postage, stationary, pens, etc.).
- **Provide funding for mileage reimbursement** for attorneys providing representation at arraignments and client meetings. Mileage reimbursement rates are determined by the IRS.

## Assigned Counsel:

### Personnel:

- **Add a part-time Assigned Counsel Program (ACP) Administrator** position. This position will oversee the management of assigned counsel panel attorneys and provide support and quality oversight. The ACP Administrator will work 17.5 hours per week.
- **Add a part-time ACP Secretary.** This new part-time position (17.5 hours/week), will assist the ACP Administrator with clerical and administrative tasks, to bolster the ACP infrastructure.

### Contracted/Consultant:

- **Adolescent Criminal Defense Attorney position.** This contracted position promotes continuity of counsel as felony cases in Youth Part will be directly assigned to the Assigned Counsel panel, rather than the Public Defender's Office. This attorney will be responsible for an estimated three cases annually; two violent felonies and one non-violent felony.
- **Enhance the availability of specialized services.** Services will include experts at an hourly rate of \$100-\$500, plus travel/mileage; investigators at an hourly rate of \$50-\$150; interpreters at an hourly rate of \$50-\$200; social workers at an hourly rate of \$50-\$150; and transcriptions at a rate of \$2.50-\$5.25 per page. Attorneys will have direct access to these services through the Administrator, eliminating the process of delaying and previewing a case to the court by filing a motion.

### OTPS:

- **Provide funding for Continuing Legal Education (CLE) Trainings/trainings.** Attorneys will have enhanced access to training and educational opportunities relating to developments in law, improving the quality of representation provided to clients.
- **Provide funding for ACP operational expenses** which include office equipment (shredder, scanners, computers, printer, etc.), office supplies and office furniture (including paper, postage, stationary, pens, etc.).