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To: Patrick Alderson, Policy Analyst, Albany County Executive's Office

From: Thomas C. DeBose III, Administrator, Albany County Assigned Counsel Program

Date: March 2, 2022

Re: The Albany County Regional Collaboration Structure

Since 2018, Albany County has been the recipient of a significant amount of money from the New York State Office of Indigent Legal Services (NYS ILS) which is dedicated to the supplementation of the various County indigent defense providers ("Statewide"). These funds are conditioned upon the County providing programs designed to improve the representation of indigent defendants, such as Mentoring Programs for assigned counsel attorneys (so that the younger attorneys may learn from more experienced ones, MCLE trainings (to develop the assigned counsel attorneys substantive practice), and 2nd Chair Programs (to allow attorneys to draw upon additional support in cases where they may need it).

As is the case with all government programs, it is essential to find effective ways to make the resources provided stretch as far as they can go. To this end, the Assigned Counsel Program has been engaged in conversations with similarly situated programs in the Capital Region. As we are all required to establish the same types of programming for our attorneys, it makes sense for us to collaborate on these issues in the long term. By pooling our resources, the various programs will be able to provide more intensive training programs, as well as more of them. The impact of such a collaboration will be magnified due to the fact that many of our panel attorneys overlap from one county government to another.

Each of the other assigned counsel programs are representatives of other municipal entities, and thus by our Charter, we need legislative authorization in order to collaborate with them. However, if we are successful in reducing the costs of each individual collaboration, the amount of money that the County will have to contribute in each program is likely to be significantly less than the bar for legislative approval (\$100,000).

Further, in circumstances like MCLE trainings, opportunities are very likely to spring up and dissipate very quickly, without the time and opportunity to get a full resolution through the legislature between the two. An example of this was our two MCLE “Lunch and Learns” where NYSDA gave hour trainings to the panels. From conception to launch, this process took less than a month. The fortunate circumstance in this example is that both of these MCLE trainings were offered to us for free. I don’t anticipate that the Program will be as fortunate for future trainings.

Drawing upon my experiences in the Law Department, I’ve been considering a solution not dissimilar from what the County utilizes in other contexts like the Stormwater Coalition or the Inter-municipal Shared Services Agreements. I propose a resolution that names and identifies the various assigned counsel programs and the counties that they represent, and allows for them to work together to collaborate on the objectives of this Statewide funding for indigent defense. The MOU would allow the programs to contract for services without further legislative approval, *so long as the agreements themselves were properly procured*. Thus, the Regional Collaboration could work together on a Contract that costs \$35,000, but would only have to secure approval from CAB, as opposed to the Legislature. A “bare bones” proposed MOU accompanies this letter.

With Respect,

Thomas C. DeBose III

Thomas C. DeBose III
Administrator
Albany County Assigned Counsel Program