



DANIEL P. MCCOY
COUNTY EXECUTIVE

COUNTY OF ALBANY
PUBLIC DEFENDER
60 SOUTH PEARL STREET
ALBANY, NEW YORK 12207-2021
PHONE: (518) 447-7150 FAX: (518) 447-5533
www.albanycounty.com

STEPHEN W. HERRICK
PUBLIC DEFENDER

January 9, 2020

Hon. Andrew Joyce
Chair, Albany County Legislature
112 State Street, Room 710
Albany, NY 12207

RE: Request for Legislative Action Extension of 2019 Resolution No. 28

Dear Chairperson Joyce:

The Albany County Public Defender's Office requests the extension of Resolution No. 28, of 2019 adopted on 2/11/19 (copy attached), which resolved to allow the consideration and hiring of qualified applicants to fill vacant positions of Assistant Albany County Public Defenders who reside out of County, "on the condition that said employee(s) moves into Albany County within one year of their start date. Said resolution is set to expire on 2/01/20.

We are requesting that the Alternate Public Defender's Office be included in this request and that the Resolution for both offices be further extended for the term of the Statewide Implementation Contract, which runs through March 31, 2023. While it will continue to be our preference to hire qualified candidates who live in Albany County, we believe a longer waiver will be necessary to remain competitive. With each additional year of Statewide Implementation the number of attorney vacancies will increase in Albany County and throughout New York State. To keep our office competitive we need to be on a level playing field with Counties throughout the state.

Since the introduction of the Resolution a year ago, the Public Defender's Office has engaged in ongoing recruitment for attorneys in and beyond the geographic boundaries of Albany County. We have recruited by word of mouth, and more formally, through Albany Law School and the Albany County Bar Association. We have also participated in Career and Job Fairs in Buffalo, Syracuse and in Albany. Additionally, we have also recruited through a network of New York State law schools, online and through Albany County's Office of Affirmative Action. In that one year period, many applicants were interviewed and five new attorneys were hired, four of them from out of County. All four have long since relocated to and are now domiciled in Albany County.

As we indicated one year ago when the proposal was initially presented, the funding stream from the New York State Office of Indigent Legal Services, which is intended to expand and modernize all public agencies and offices across New York State providing indigent legal representation and services to people charged with criminal activity is now in "full gear". Albany County is set to receive well over 26 million dollars in funding through March 31, 2024 and more beyond. There is and will be, continuous competition for qualified attorneys willing to serve the public in this manner. Other counties across this State have adopted similar residency policies or dropped the requirement altogether.

We are scheduled to hire several new attorneys in 2020, filling newly created positions and any vacancies that might occur. More attorneys are expected to be recruited and hired in 2021 through 2024, to meet the goals and objectives established by the New York State Office of Indigent Legal Services. Albany County, the Capital of New York State, needs to remain as competitive as possible.

Respectfully Submitted,

A handwritten signature in black ink, appearing to be 'SWH', written in a cursive, stylized manner.

Stephen W. Herrick
Albany County Public Defender