



Memorandum  
Independent Office of Assigned Counsel

109511

TO: Honorable Board of Acquisition and Contract

FROM: George Latimer  
County Executive

Sheralyn Pulver  
Administrator, Independent Office of Assigned Counsel

DATE: May 24, 2024

RE: Authority to enter into an agreement with the Westchester County Bar Association for the provision of the certification of attorneys for the New York County Law Article 18-B panel of attorneys for assignment to represent certain indigent persons commencing retroactively on January 1, 2023 through December 31, 2026 in an aggregate amount not to exceed \$160,000, payable in an amount not to exceed \$80,000 within thirty days after full execution of the agreement and an amount not to exceed \$40,000 on or before July 1, 2025 and an amount not to exceed \$ 40,000 on or before July 1, 2026.

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Article 18-B of the New York County Law ("Article 18-B") requires each county in the State of New York to establish a plan for providing counsel to certain indigent persons. The County of Westchester (the "County") operates the Independent Office of Assigned Counsel ("IOAC") for the purpose of which is to maintain an Assigned Counsel Program pursuant to Chapter 186 of the Laws of Westchester County, by establishing protocols and policies for assigning attorneys to indigent public defense clients to ensure the provision of professional, skilled, ethical and client centered legal representation of such indigent public defense clients. As part of its services, the IOAC must maintain a panel of attorneys eligible to receive assignments for indigent representation based upon sufficient knowledge and experience. The Westchester County Bar Association annually reviews and certifies attorneys that are deemed to be eligible for this panel based on certain criteria required for effective representation of such indigent public defense clients.

Authority is requested for the County, acting by and through the IOAC, to enter into an agreement with the Westchester County Bar Association (the "Agreement") for services in the preparation and certification of the 18-B panel of attorneys for assignment to represent indigent persons commencing retroactively on January 1, 2023 through December 31, 2026, in an amount not to exceed \$40,000 per year for an aggregate amount not to exceed \$160,000, payable in an amount not to exceed \$80,000 within thirty days after full execution of this Agreement and an amount not to exceed \$40,000 on or before July 1, 2025 and an amount not to exceed \$40,000 on or before July 1, 2026.

This Agreement will serve a public purpose in that it will enable the County to fulfill its lawful obligation of providing counsel to certain indigent persons pursuant to Article 18-B of the New York County Law and Chapter 186 of the Laws of Westchester County. The goals and objectives of the Agreement are to ensure that effective counsel is provided to indigent persons and to comply with the requirements of Article 18-B of the New York County Law and Chapter 186 of the Laws of Westchester County.

The Agreement will be tracked and monitored by the IOAC.

This Agreement is exempt from the Westchester County Procurement Policy and Procedures pursuant to Section 3(a)xiv thereto.

Accordingly, approval of the attached resolution is respectfully requested.

GL/SP/LAC  
Attachment

APPROVED BOARD OF ACQUISITION & CONTRACT - 07/03/2024 - RAYMOND SCULKY, SECRETARY

## RESOLUTION

Upon a communication from the County Executive and the Administrator of the Independent Office of Assigned Counsel, be it

**RESOLVED**, that the County of Westchester (the "County"), acting by and through the Independent Office of Assigned Counsel, is hereby authorized to enter into an agreement (the "Agreement") with the Westchester County Bar Association for the preparation and certification of the New York County Law Article 18-B panel of attorneys for assignment to represent certain indigent persons in accordance with Chapter 186 of the Laws of Westchester County, commencing retroactively on January 1, 2023 through December 31, 2026, in an amount not to exceed \$40,000, per year for an aggregate amount not to exceed \$160,000, payable in an amount not to exceed \$80,000 within thirty days after full execution of the Agreement and an amount not to exceed \$40,000 on or before July 1, 2025 and an amount not to exceed \$40,000 on or before July 1, 2026; and be it further

**RESOLVED**, that the Agreement is subject to County appropriations; and be it further

**RESOLVED**, that the Agreement is also subject to further financial analysis of the impact of any New York State Budget (the "State Budget") proposed and adopted during the term of this Agreement. The County shall retain the right, upon the occurrence of any release by the Governor of a proposed State Budget and/or the adoption of a State Budget or any amendments thereto, and for a reasonable period of time after such release(s) or adoption(s), to conduct an analysis of the impacts of any such State Budget on County finances. After such analysis, the County shall retain the right to either terminate the Agreement or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to the Contractor, then the Contractor shall have the right to terminate the Agreement upon reasonable prior written notice, and be it further

**RESOLVED**, that the County Executive, or his duly authorized designee, is empowered to execute all documents necessary to effectuate the purposes hereof.

Account to be Charged/credited	Year	Fund	Dept	Major Program, Program & Phase Or Unit	Object/ Sub Object	Trust Account	Dollars
	2023	101	43	1000	4360		40,000
	2024	101	43	1000	4100		40,000
	2025	101	43	1000	4100		40,000
	2026	101	43	1000	4100		40,000

Commented [CL1]: Please complete budget box.

Budget Funding Year(s) \_\_\_\_\_ Start Date \_\_\_\_\_ End Date \_\_\_\_\_  
(must match resolution)

Funding Source Tax Dollars \$ \_\_\_\_\_

State Aid \$ \_\_\_\_\_

Federal Aid \$ \_\_\_\_\_

(must match resolution) Other \_\_\_\_\_

\_\_\_\_\_

APPROVED BOARD OF ACQUISITION & CONTRACT - 07/03/2024 - RAYMOND SCULKY, SECRETARY

