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COUNTY OF ERIE

CHRIS COLLINS

COUNTY EXECUTIVE

June 3, 2011

The Honorable
Erie County Legislature
92 Franklin Street – Fourth Floor
Buffalo, New York 14202

RE: County Attorney's Office Staff Adjustment

Dear Honorable Members:

The attached memorandum and resolution pertain to a staffing adjustment requested by the County Attorney's Office. In recent months, the Family Court Division has seen an increase in caseload and changes in court procedures that require action on our part to keep the office operating efficiently and to ensure the proper adjudication of juvenile delinquency proceedings.

The attached resolution for your consideration and approval addresses the need to accommodate the courts. Should your honorable body require further information, I encourage you to contact the Department of Law. Thank you for your consideration on this matter.

Sincerely,

CHRIS COLLINS
Erie County Executive

MEMORANDUM

To: Honorable Members of the Erie County Legislature
From: Department of Law
Re: County Attorney's Office Staff Adjustment
Date: June 3, 2011

SUMMARY

In recent months the Erie County Department of Law has experienced increased caseloads and changes to court procedures in Family Court juvenile delinquency (JD) proceedings that necessitate action by the administration and will require approval from your Honorable Body. In the attached resolution, you will find a request for a position change within the County Attorney's Office. The change being requested to appropriately staff the Family Court is to convert one Part Time Assistant County Attorney to Full Time Assistant County Attorney.

FISCAL IMPLICATIONS

Funds are available within the 2011 Budget for the County Attorney's Office in Personal Services lines.

REASONS FOR RECOMMENDATION

In recent months, the Family Court Division has seen an increase in caseload and changes in court procedures that require action on our part to keep the office operating efficiently and to ensure the proper prosecution of JD proceedings.

BACKGROUND INFORMATION

In-court demands have doubled since January 1, 2010 requiring 2 FT attorneys and 1 PT attorney to cover 4 Parts on different floors of Family Court daily. In 2010, Assistant County Attorneys covered 2 Parts, which doubled to 4 Parts in 2011. Juvenile delinquency caseloads have increased 43% from Q1 2010 to Q1 2011 and the "busy" season is underway now that weather is breaking and schools are ending for the summer. In addition, the Courts have recently decreased hours of service which further strains the attorneys' ability to cover 4 parts daily. Trials must be postponed or adjourned for continuation which backlogs matters and inconveniences witnesses. Judges may dismiss cases if an assigned attorney is attending to cases in another part.

CONSEQUENCES OF NEGATIVE ACTION

Failure to approve this item will result in judges dismissing juvenile delinquent prosecutions for failure to timely prosecute in accordance with statutory time restrictions.

STEPS FOLLOWING APPROVAL

Upon approval the County Attorney and Commissioner of Personnel will enact the requested changes.

A RESOLUTION SUBMITTED BY:
THE ERIE COUNTY DEPARTMENT OF LAW

RE: County Attorney's Office
Staff Adjustment

WHEREAS, increased caseloads and recent staffing changes in Family Court have significantly impacted the staff of the Erie County Attorney's Office, and

WHEREAS, said impacts require immediate action, in the form of a position change, to manage the unanticipated events, and

WHEREAS, said position status change is necessary to properly staff legally mandated responsibilities, and

WHEREAS, said changes and impacts do not impose a negative impact on the County Attorney's 2011 budget.

NOW, THEREFORE, BE IT

RESOLVED, that the position of Assistant County Attorney (PT), JG 14, Position #51009209, be adjusted to Assistant County Attorney, (FT), JG 14, B-100#6325, and be it further

RESOLVED, that existing funding within the Personal Services lines of the County Attorney's 2011 Budget will be utilized to fund this position change; and be it further

RESOLVED, that certified copies of this resolution be delivered to the Office of the County Executive, the Office of County Attorney, the Commissioner of Personnel and the Director of Budget and Management.