



**TIOGA COUNTY LAW
DEPARTMENT**

2020 ANNUAL REPORT

Tioga County Attorney

THE YEAR IN REVIEW

2020 was a different year for the Tioga County Law Department as it was for everyone due to the COVID 19 pandemic.

Most, if not all, Court cases were held virtually resulting in some challenges, but overall worked quite well. A fair amount of time during the spring of 2020 was spent dealing with issues resulting from the pandemic. Throughout the year the Law department assisted the Public Health Department with issues arising from quarantine protocols, testing clinics, and the issuance of health orders.

At the direction of the Legislature and their anticipation of cuts in State aid, the Law department worked diligently to reduce their already modest budget and completely complied with the 10% reduction request.

The Law department on behalf of the 13 attorneys employed by the County and other select personnel contracted with a new company (Thomson Reuters- Westlaw) for three years for their online legal research tool, with a six month period of free service provided by the company.

The year 2020 also brought the addition of the paralegal from the Treasurer's office and a change in office space to the Law department.

Business overall proceeded as usual in 2020.

THE LAW DEPARTMENT AND THE LEGISLATURE AN OVERVIEW

New York State's County Law Section 500 provides that the County Attorney and its assistants are the legal advisors to the Legislature and to every county officer whose compensation is paid from county funds in all matters involving an official act of a civil nature. The Law Department also provides all of the legal work for the Department of Social Services, including support cases, abuse and neglect cases, adult protective cases and Medicaid Recovery. The Department prosecutes all Juvenile Delinquency Petitions.

The Law Department operates out of two offices staffed by three full-time attorneys, a confidential secretary, two paralegals and one full-time secretary. Its mission is as follows:

The mission of the Tioga County Law Department is to provide professional, timely and quality legal work, advice and counsel to the legislature, department heads, employees and agencies within the Tioga County government, and to at all times act with the highest degree of professionalism and respect for the persons and public we serve.

LITIGATION and CLAIMS

The majority of civil litigation are third party claims against the County. These claims are primarily referred for handling to our liability insurance carrier, NYMIR, which retains outside counsel to handle the defense. However, the Law Department remains involved throughout to supervise and to be a local contact. Any settlement or payment to the claimant is first discussed and agreed to by the Law Department with input from any affected departments and the Chair. There are several matters not covered by NYMIR for which the Law Department either directly defends the matter or retains and supervises outside defense counsel.

In 2020, the Law Department assisted outside counsel in the defense of pending claims. The confidential secretary to the County Attorney, monitors claims presented to our carrier NYMIR. In 2020, we referred 12 incident claims to NYMIR and two Notices of Claim.

The County Attorney heads the Loss Control Committee, whose membership includes the Personnel Director, Benefits Officer, Safety Officer, Commissioner of Public Works and Captain from the Sheriff's Department. The purpose of the committee is to review claims and the handling thereof, as well as to look for patterns and for ways to minimize or control claims.

The Law Department also oversees the part-time Safety Officer position. This position was vacant from October 2020 through January 2021.

CONTRACT/BIDDING ADMINISTRATION

The Law Department reviews and approves as to form County and department contracts. In 2020, the Department reviewed 179 contracts, which is comparable to prior years and was unaffected by the COVID pandemic. The majority of the contracts are for independent contractors with the Health and Human Services Departments.

PERSONNEL

The Law Department works with our labor counsel Roemer, Wallens Gold & Mineaux and the Personnel Department in matters relating to the administration of the civil service, personnel related challenges, benefits administration issues and the administration of labor contracts and grievances.

DSS, PUBLIC HEALTH AND MENTAL HYGIENE

The Tioga County Law Department provides daily professional, experienced legal counsel and services to all of the health and human service agencies, i.e. the departments of Social Services (DSS), Public Health and Mental Hygiene. The Law Department has improved communications and accountability between it and these agencies compared to years passed. The County Attorney attends monthly Youth Assessment Team meetings and quarterly administrative meetings with the Department of Social Services. Our Assistant Attorneys continue to attend regular meetings with the Commissioner of Social Services, the Deputy Commissioner, managers and case workers to discuss individual cases, case management, general protocols, etc. to ensure good communication and avoid potential issues before problems arise.

The following is a brief synopsis of statistics for filing of new petitions, court appearances, contested proceedings etc. in 2020:

Juvenile Delinquency, PINS, Neglect, Abuse, Expungement, Article 81
Guardianships, Pistol Permit revocation and Fair Hearings:

New petitions filed: 43
Court Appearances: 411

Child Support Services:
Appearances: 372

ARTICLE 11 TAX FORECLOSURES

The majority of legal work for the Article 11 Tax foreclosures is performed by paralegal Kevin Humes. The Law Department reviews all documents prior to filing. Due to the pandemic and the Governor's executive order, tax foreclosure proceedings were stayed and are currently still pending.

FREEDOM OF INFORMATION

The Law Department continues to assist the Freedom of Information Officers with review and handling of these requests. There were 79 FOIL requests filed in 2020. This number does not include FOIL requests filed with the Sheriff's Department. There were two appeal hearings for denial of records in 2020.

CONTINUING EDUCATION/ASSOCIATIONS

The Law Department considers continuing education to be a priority in providing expert legal service to the County. The County Attorney belongs to the County Attorneys Association [CAASNY] and reviews regular updates from that association. In addition, the County Attorney frequently attends Continuing Legal Education Programs sponsored by the Broome County Bar Association and regularly attends the Western County Attorney meetings.

The Assistants regularly attend conferences related to their specific issues, including attendance at CAASNY and New York State Public Welfare Association conferences, seminars on pre-trial and trial skills, sex abuse, support collection, Medicaid eligibility, Medicaid recovery, family court matters and Article 81 Guardianships.

POOR PERSON APPLICATIONS

The County Attorney's Office also reviews and provides the Supreme Court with recommendations for the Applications for Poor Persons for a waiver of filing fees in civil proceedings. The office is required to calculate the income of the applicant in relation to the poverty levels. If the income exceeds 125% of the federal poverty level, we object to the granting of the application. In 2020, we processed 25 applications.

GOALS AND OBJECTIVES FOR 2021

The goals and objectives for the Department in 2021 are as follows:

1. To continue to provide professional, quality legal work and advice to the legislature, department heads, employees and agencies within the county government.
2. To achieve continued open communication between the Law Department and the other departments and agencies within the county government.
3. To remain current in our areas of law by attending continuing education seminars and by playing an active role with the NYS County Attorneys Association.

Respectfully submitted,
Peter J. DeWind
Tioga County Attorney