

Final Questions and Answers

Second Upstate Quality Improvement and Caseload Reduction Grant

August 28, 2017

Question #1. Should the tentative contract date read July 2018, not July 2017?

Answer #1. The purpose of the Second Upstate Quality Improvement and Caseload Reduction Grant (“Second Upstate Caseload Grant”) is to “*continue* and improve effective programs funded under the Office’s first Upstate Quality Improvement and Caseload Reduction Grant and develop new, innovative programs or practices to improve the delivery of indigent defense services . . .” (see RFP p. 1, Intent of this Request for Proposals) (emphasis added). Because available funding for many counties under the first Upstate Caseload Quality Improvement and Caseload Reduction Grant (“First Upstate Caseload Grant”) is coming to an end, a July 1, 2017 start date for the Second Upstate Caseload Grant will minimize any possibility of a gap in coverage for programs that are continued under the Second Upstate Caseload Grant. As with any of our grants and distributions, the starting date is subject to final approval by the Office of the State Comptroller.

Question #2. Without knowing that there would be a Second Upstate Caseload Grant, we submitted our Distribution #7 proposal with some budget items included from our first Upstate Caseload Grant contract. Would it be difficult to modify or change the Distribution #7 proposal if we would submit a proposal for the Second Caseload Grant proposal with these items?

Answer #2. No, it would not be difficult. One of the stated purposes of the Second Upstate Caseload Reduction Grant is to *continue* effective programs funded under the first Caseload Reduction Grant. If an award is received under the Second Caseload Reduction Grant that would continue funding for items included in the first Upstate Caseload Reduction Grant, a revised proposal for Distribution #7 could always be submitted to reflect this award or, were the Distribution #7 proposal to be in finalized contract form at the time of the award, we would be flexible in revising or amending that contract to account for the award.

Question #3. How are caseloads to be applied to attorneys who handle both criminal and family court cases?

Answer #3. For attorneys engaged in both criminal and family court mandated representation, we typically look at data on the proportion of time dedicated by an attorney to criminal and family court mandated representation, using full-time-equivalency (FTE) as the measure. For example, if an attorney works for 20 hrs./wk. each on criminal and family court representation, and the standard full-time week is 40 hrs., then 0.5 of a full-time employee (0.5 FTE) would be attributed to both criminal and family court representation.

Question #4. This county is considering hiring a social worker through this grant. The social worker could bill state and/or county agencies for some of the services that (s)he will provide for our clients. If this billing situation occurs, would it violate or invalidate any provisions of this grant?

Answer #4. To the extent that partial funding for a social worker or any other position requested under the Second Upstate Caseload Grant would be available from sources other than the Second Caseload

Reduction Grant, the proposal submitted by the County should describe all such available funding sources, in order to accurately represent the level of grant funding needed. In addition, depending on the relationship of the social worker to the service agency partially funding this position, there may be attorney-client confidentiality concerns attached to such an arrangement.