

Rebecca Buck

From: Stephanie Barrett
Sent: Wednesday, April 08, 2015 1:22 PM
To: Rebecca Buck
Subject: FW: For inclusion in the budget from Sen. Sears
Attachments: GENERAL-#307859-v1-H_490;Sears;DefenderGeneralLiability.DOCX

From: Michele Childs
Sent: Wednesday, April 08, 2015 12:07 PM
To: Stephanie Barrett
Cc: Richard Sears; 'matthew.valerio@state.vt.us'; Ellen Czajkowski
Subject: For inclusion in the budget from Sen. Sears

Please let me know if you have any questions.

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1 H.490

2 Senator Sears moves that the bill be amended by adding a new section to be
3 Sec. X to read as follows:

4 Sec. X. 13 V.S.A. § 5241 is amended to read:

5 § 5241. INEFFECTIVE ASSISTANCE CLAIM

6 (a) No action shall be brought for professional negligence against a
7 criminal defense attorney under contract with or providing ad hoc legal
8 services for the Office of the Defender General unless the plaintiff has first
9 successfully prevailed in a claim for postconviction relief based upon
10 ineffective assistance of counsel in the same or a substantially related matter.
11 Failure to prevail in a claim for postconviction relief based upon ineffective
12 assistance of counsel under contract with or providing ad hoc legal services for
13 the Office of the Defender General shall bar any claim against the attorney
14 based upon the attorney's representation in the same or a substantially related
15 matter.

16 (b) In the performance of duties pursuant to a contract with or providing
17 ad hoc legal services to the Office of the Defender General, an attorney shall
18 have the benefit of sovereign immunity to the same extent as an attorney
19 employed by the Defender General.