

## Lawyer Blames Lawmakers for Client's Plight

The attorney for a woman imprisoned for criminal contempt says the Greene County Legislature's handing of the public defender's budget - and the fact that lawmakers discussed the budget in secret - cost his client a fair trial.

Specifically, Mathew Tully contends actions by the Legislature are among the reasons his client, Kathryn Ebert, received only 17 minutes of legal counsel during the eight months spent in jail prior to being sentenced to 1-1/3 years in state prison for criminal contempt.

Tully says the Legislature discussed the public defender's budget and employment in secret when such matters should be addressed during meetings that are open to the public.

"That is becoming frustrating for myself and many other citizens in Greene County who want to hear what's going on in county government, but everything seems to be shrouded in these very vague exceptions to state Open Meetings Law," Tully said.

Legislators on Oct. 6 entered into a closed-door "executive session" with county Public Defender Greg Lubow, purportedly to "discuss the employment practices of a particular person."

During the meeting, which was witnessed by three reporters and three members of the public through a window in the conference room door, Lubow appear to speak continuously. He left the room after about an hour and declined to comment to reporters.

Tully said the closed-door session was "a meeting with regard whether or not (the Public Safety) committee's to going to recommend Mr. Lubow's reappointment, and if that's the case, that should not be done in secret. That should be done in public. You are talking about the appointment of a public official."

Following the executive session, County Attorney Carol Stevens said only that the discussion involved "specific issues within the (public defender's) department" and that "some of it had to do with him (Lubow) as a department head."

Robert Freeman, head of the state Committee on Open Government, said lawmakers' "employment practices" should not be discussed in private.

"If we're talking about an office, there would have been no basis for conducting an executive session," he said.

Court papers state Ebert tried to kill herself in November 2001 and was issued a court order of protection to avoid contact with one of the rescue squad members that responded to the call. The papers state she was arrested on Feb. 16, 2002, and charged with criminal contempt and resisting arrest, then sent to Greene County Jail.

Ebert was released on July 18, 2002, court papers state, then arrested for trespassing on Aug. 20 after "she allegedly knocked on the door of another person's residence in a loud manner, scaring the individual."

Tully said the types of problems Ebert has had with Greene County were forecast by Lubow during budget presentations.

"It's well-documented, year after year, that Greg Lubow has complained about his budget and how the county Legislature is not properly funding him," Tully said.

"It appears clear to me that the county Legislature is looking for a scapegoat to avoid liability," he said. "If I'm successful in the (dismissal) motion (in Ebert's case), my client has directed me to file a federal civil rights lawsuit against Greene County."