

Exhibit E

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ALBANY

KIMBERLY HURRELL-HARRING; JAMES ADAMS; JOSEPH BRIGGS; RICKY LEE GLOVER; RICHARD LOVE; JACQUELINE WINBRONE; LANE LOYZELLE; TOSHA STEELE; BRUCE WASHINGTON; SHAWN CHASE; JEMAR JOHNSON; ROBERT TOMBERELLI; CHRISTOPHER YAW; LUTHER WOODROW OF BOOKER, JR.; JOY METZLER; VICTOR TURNER; EDWARD KAMINSKI; CANDACE BROOKINS; RANDY HABSII; and RONALD McINTYRE, on behalf of themselves and all others similarly situated,

Index No. 8866-07

Plaintiffs,

-against-

THE STATE OF NEW YORK, GOVERNOR ANDREW M. CUOMO, in his official capacity, THE COUNTY OF ONONDAGA, NEW YORK, THE COUNTY OF ONTARIO, NEW YORK, THE COUNTY OF SCHUYLER, NEW YORK, THE COUNTY OF SUFFOLK, NEW YORK and THE COUNTY OF WASHINGTON, NEW YORK,

Defendants.

FOURTH AMENDMENT TO STIPULATION AND ORDER OF SETTLEMENT

WHEREAS, the Stipulation and Order of Settlement (the "Settlement") in the above-captioned action was approved by the Court on March 11, 2015; and

WHEREAS, the parties previously agreed to extend certain of the deadlines contained in the Settlement, memorialized in stipulations dated September 16, 2015, February 9, 2016, and June 3, 2016; and

WHEREAS, as agreed to in the stipulation dated February 9, 2016 (the "Second Amendment"), ILS retained a third-party expert to assist it in developing the caseload/workload standards

required by Paragraph IV(B) of the Settlement, received the recommendations of the third-party expert on November 18, 2016, and sent the third-party expert's recommendations to Plaintiffs and the State Defendants as required by paragraph IV(B)(4) of the Settlement; and

WHEREAS, the State Defendants seek a short extension of the date by which ILS must determine appropriate numerical caseload/workload numbers, the means by which those standards will be implemented, monitored, and enforced going forward, and the number of additional attorneys, investigators, and other staff or in-kind resources necessary for each provider in the Five Counties, as required by paragraph IV(B) of the Settlement;

The parties agree to amend the Settlement as follows:

IV. CASELOAD RELIEF

(B) (1) No later than December 8, 2016 ~~December 1, 2016~~, ILS, in consultation with the Executive, OCA, the Five Counties, and any other persons or entities ILS deems appropriate, shall determine:

(i) the appropriate numerical caseload/workload standards for each provider of mandated representation, whether public defender, legal aid society, assigned counsel program, or conflict defender, in each County, for representation in both trial- and appellate-level cases; (ii) the means by which those standards will be implemented, monitored, and enforced on an ongoing basis; and (iii) to the extent necessary to comply with the caseload/workload standards, the number of additional attorneys (including supervisory attorneys), investigators, or other non-attorney staff, or the amount of other in-kind resources necessary for each provider of Mandated Representation in the Five Counties.

(4) ILS shall retain a third-party expert to assist in determining the numerical caseload/workload standards as set forth in paragraph IV(B)(1). ILS shall, no later than November 15, 2016, provide to the parties the recommendations of the third-party expert. On ~~No later than~~ November 22, 2016, the parties shall meet with ILS to provide ~~any~~ comments on said recommendations. ILS shall continue to confer with counsel for the Plaintiffs and the State Defendants concerning the standards and the other requirements of paragraph IV(B) between November 22, 2016, and the date on which ILS makes its determinations as required by paragraph IV(B)(1).

The remainder of the Stipulation and Order of Settlement approved by the Court on March 11, 2015, as previously amended, remains in full force and effect.

Pursuant to Paragraph XIII(B) of the Stipulation and Order of Settlement, a copy of this Amendment is being provided to the Five Counties, whose consent to the foregoing will be deemed to exist absent the receipt by the State Defendants and counsel for the Plaintiffs of any written objections within ten days.

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Signature Page Follows*

Attorneys for Plaintiffs

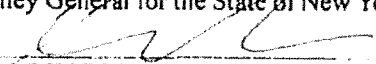
SCHULTE ROTH & ZABEL LLP

By: 
KRISTIE M. BLASE

Dated:

Attorneys for Defendant New York State and Governor Andrew M. Cuomo

ERIC T. SCHNEIDERMAN,
Attorney General for the State of New York

By: 
ADRIENNE J. KERWIN, *Assistant Attorney General*

Dated: 11/28/16

For Defendant Governor Andrew M. Cuomo

ANDREW M. CUOMO,
Governor of the State of New York

By: 
SANDI TOLL, *First Assistant Counsel to the Governor*

Dated: 12/5/16

New York State Office of Indigent Legal Services

By: 
WILLIAM LEAHY, *Director*

Dated: