



Indigent Legal Services

*Improving the quality of mandated representation
throughout the state of New York*

PERFORMANCE MEASURES ANNUAL REPORT

July 1, 2020

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Introduction

The Office of Indigent Legal Services (ILS) presents this report consistent with its obligation under Executive Law § 832(4) to implement the statewide expansion of public defense reform. This report is the first of a series of annual reports providing a detailed overview of state-funded implementation between April 1, 2018 and March 31, 2020 to improve indigent criminal defense representation throughout New York State.

Pursuant to Executive Law § 832(4), ILS works with each County and New York City¹ to achieve the three main objectives of the reforms first adopted in the *Hurrell-Harring* settlement agreement. The first objective ensures that all criminal defendants financially eligible for assigned counsel are represented by an attorney when they first appear before a judge or magistrate (i.e., Counsel at First Appearance or CAFA). Second, criminal defense providers must achieve full compliance with the caseload standards ILS developed to ensure that attorneys have the time and resources needed for quality representation. Finally, efforts must be made to improve the overall quality of indigent criminal defense representation offered throughout New York State. This report provides a summary and assessment of the information reported to ILS using data collected with the ILS Performance Measures Progress Report (Progress Report) form.

The Progress Report Data-Collection and Reporting Process

Over the past two years, ILS has worked with local officials and mandated criminal defense providers to bolster their capacity to collect and accurately report on data pertaining to implementation of the plans as outlined in Executive Law § 832(4). ILS supports and assists each provider and locality to facilitate effective, efficient, and sustainable data-collection and reporting practices necessary to ensure the overall improvement of mandated criminal defense representation statewide.

As of February 2018, ILS began conducting meetings with each provider and designated County and New York City official(s) to negotiate a five-year contract (statewide contract), outlining the priorities identified to achieve statewide expansion of the reforms adopted in the *Hurrell-Harring* settlement agreement. Attachment C of the statewide contract, the Workplan, includes a section entitled “Goals, Objectives, and Performance Measures.” (see Appendix A). During the negotiation process, ILS discusses the Performance Measures listed in the contract and the need to accurately report on them biannually.

Also, as part of the statewide contract negotiation process, ILS requires each locality to appoint a Data Officer whose primary function is to be guided by ILS in prioritizing and operationalizing

¹ Five New York counties – Onondaga; Ontario; Schuyler; Suffolk; and Washington remain currently engaged in implementation of reforms adopted in the *Hurrell-Harring* settlement agreement and are therefore excluded from statewide implementation procedures outlined in Executive Law §832(4) during the term of the settlement agreement.

data reporting requirements. Each Data Officer is expected to work closely with ILS, each provider, and the locality to collect and report reliable data to ILS in a timely and efficient manner. ILS also developed, disseminated, and posted on our website the minimum roles and responsibilities outlining the Data Officer position to facilitate their appointments. In Appendix B of this report we list the localities that have hired Data Officers thus far.

In addition, ILS developed a Performance Measures Progress Report (Progress Report) form in preparation for the initial October 1, 2019 reporting period deadline. The initial form was distributed statewide and accompanied by a training video and Frequently Asked Questions (FAQs) to instruct on successful completion of the form. Both were posted on the ILS website at <https://www.ils.ny.gov/content/annual-data-reporting>. ILS also assisted each provider and Data Officer to ensure reliable reporting of the Performance Measures for those counties that, as of October 1, 2019, had been issued an approved statewide contract.

ILS continues to meet regularly with providers and Data Officers to address the ILS data reporting requirements. In November 2019, ILS hosted its first statewide Data Officer in-person meeting to outline and train on the roles and responsibilities of the Data Officers in engaging with ILS, providers and local officials to support timely and accurate reporting on the Progress Report form and other ILS reports, including the annual ILS-195 caseload report. ILS continues to train Data Officers on further improving provider data-collection and reporting practices to ensure that data received by ILS are timely, accurate and reliable.

Recognizing that the Performance Measures are an essential component of measuring the successful implementation of the statewide contract, ILS contracted with QuestionPro, a business that sells research and survey platforms, to further streamline the Progress Report form. After developing a new Progress Report form, ILS conducted statewide training sessions in February and most recently in May 2020, with providers, local officials, and Data Officers to address any questions pertaining to the new form. Each provider was instructed to complete a Progress Report form forwarded via a unique link generated by Question Pro. Data Officers were especially encouraged to reach out to providers to ensure timely completion of the Progress Report form, for which the completion deadline was extended from April 30, 2020 to June 1, 2020 amid the coronavirus “Pause” period in New York State. In preparation of this report, ILS took steps to make the streamlined Progress Report form (see Appendix C) and Frequently Asked Questions (FAQs) accessible on the ILS website. ILS remained available to offer any assistance to ensure successful completion of the form by the required deadline.

This report includes information from the Progress Reports submitted by 118 of 125 total providers. The list of providers who submitted a Progress Report is attached as Appendix D.

Assessment of Performance Measures Information

This section of the report provides an overview of the data and qualitative information reported in the submitted Progress Reports. The analysis offered below is an aggregate view of the progress made on implementation of the Performance Measures between April 1, 2018 and March 31, 2020. More detailed data for each specific county is outlined in Appendix E of this report.

The Performance Measures include a total of 52 counties and New York City, covering 114 providers of mandated representation in the counties and 11 providers in New York City. One hundred and seven county providers and all 11 New York City providers submitted a progress report, which represents a 94.4% response rate. The following sections present the information reported by these providers.

I. Counsel at Arraignment

Pursuant to Executive Law § 832(4)(a), ILS developed a written plan to ensure that everyone charged with a criminal offense who is eligible for mandated representation is represented by counsel in person at their arraignment. “Arraignment” is defined as the “first appearance by a person charged with a crime before a judge or magistrate, with the exception of an appearance where no prosecutor appears and no action occurs other than the adjournment of the criminal process and the unconditional release of the person charged (in which event ‘arraignment’ shall mean the person’s next appearance before a judge or magistrate).”²

Question 1 of the Progress Report asked providers to list all the attorneys funded by the statewide contract and to identify if the attorney is a new hire, an upgrade on an existing hire, or on contract. Additionally, providers were asked to indicate if the attorney provides arraignment representation. Question 2 asked providers to estimate how many cases were assigned to the attorneys funded under the statewide contract. Providers were instructed to include those assigned for arraignment as well as those assigned post-arraignment. Question 3 asked providers for the cases reported in Question 2 to estimate the total number who received counsel at arraignment.

The data elicited from these questions reveals that considerable progress has been made to ensure counsel at arraignment as reported by the 52 counties. And while New York City providers have long had programs in place to represent clients at arraignment, the data shows that the attorneys New York City providers hired with statewide contract funding play an integral part in these arraignment programs:

The Numbers

- Between April 1, 2018 and March 31, 2020, **284 new attorneys** who provide counsel at arraignment have been hired.
- Of these, **226 were new hires, 52 were upgrades of existing positions** (i.e., extra hours were added to existing part-time contracts), **and 4 were placed on contract.**³
- In total, **an estimated 83,260 new arraignment and post-arraignment cases** were assigned to attorneys who were compensated with the State funding in the period of April 1, 2018 – March 31, 2020.
- **An estimated 67,497 of the cases to which State-funded attorneys were assigned received representation at arraignment.**

² Executive Law § 832(4)(a)(i).

³ For 2 newly hired attorneys who provide counsel at arraignment, information about their hire type was described as “NA”

Providers' Experiences with Counsel at Arraignment

The qualitative portion of the Progress Report offers providers the opportunity to summarize their successes and challenges in achieving caseload relief, quality improvement, and counsel at first appearance. Specific questions gave providers an opportunity to describe the efforts they made with the use of the State funding to ensure the appearance of defense counsel at arraignment. Statewide contract funding was not only used to hire more attorneys, but to also pay stipends and/or hourly fees to provide arraignment representation, which allows for assigned counsel program panel attorneys to be effectively utilized for that purpose as well as institutional provider attorneys. Together the hiring of new attorneys and funding for stipends and hourly fees led to several positive changes. Most importantly, statewide contract funding creates more flexibility, both during regular court business hours and outside, increasing the likelihood of full countywide arraignment coverage. In fact, many providers indicated that they have achieved 100% arraignment coverage, 24/7, 365 days a year. In some counties, new Centralized Arraignment Programs (CAP) were recently established, and State funding is being used to compensate attorneys who provide representation at the CAP sessions. In other counties, existing arraignment programs were expanded (for instance, to include not only felony but also misdemeanor cases). Providers also indicated that the funding has been helpful in creating or further developing a system through which they document case assignments and track cases post-arraignment. In addition, increased staffing made possible with the State funding directly relieves the burden upon current staff attorneys. Arraignment sessions are more evenly distributed among attorneys which keeps attorney caseloads reasonable, reduces attorney burn-out, and increases the quality of representation.

Some providers referred to the enactment of the bail reform laws throughout New York State, which became effective on January 1, 2020. These reforms have had several direct implications for the provision of defense counsel at arraignment, and the following were reported by providers. First, the bail reform legislation created an immediate need to have counsel at arraignment, as the legislation provides that courts cannot issue a securing order (which is necessary for all arraignments), unless the defendant is represented by counsel. One provider mentioned that arraignments now seem to “come at a faster pace.” Providers also commented, however, on the importance of having counsel at arraignment. Some commented that courts are less likely to impose bail, and therefore less likely to detain defendants. Another provider indicated that educating judges about the changes in the law is an essential arraignment function.

While the bail reform legislation created an urgency to having counsel at all arraignments, achieving this goal has not been without challenges. In implementing arraignment programs, providers reported they had to confront the following challenges:

- The difficulty of hiring and retaining attorneys, especially for providers in rural counties.

- Coordinating arraignment coverage and improving communication with local justices and law enforcement as well as transferring information from the arraiging attorney to the assigned attorney in a timely manner.
- The unique difficulty of ensuring that counsel is available for arraignments conducted outside regular court sessions (“off-hour” arraignments). Even off-hour arraignments conducted during regular business hours can be a challenge because of attorneys’ lack of availability due to their other work commitments.
- Geography can also pose a challenge, particularly in larger, less-populated counties where it can take a long time to travel to courts conducting off-hour arraignments. In some instances, judges assigned private attorneys or 18b-attorneys instead of waiting for the designated arraignment attorney to arrive.

The current Covid-19 pandemic posed a different set of challenges to providers of mandated legal representation as courts transitioned to video-arraignments for the duration of the crisis. This took time, as courts and providers had to ensure access to and training on the appropriate technology for all involved. While virtual arraignments may be a necessity during this current crisis and a temporary exception to the requirement of in-person representation mandated by Executive Law § 832 (4), providers noted several problems with them, including the lack of opportunity to have confidential conversations with clients and the lack of access to clients’ official criminal history record (i.e., the RAP sheet).

II. Caseload Relief

Executive Law § 832(4)(b) requires localities to make good faith efforts to implement caseload standards established by ILS. In the 2016 report, *A Determination of Caseload Standards pursuant to §IV of the Hurrell-Harring v. The State of New York Settlement*,⁴ ILS set forth caseload standards designed to ensure that providers of representation dedicate sufficient time to each case in which they provide advice or representation to a client. The most important part of successful implementation of caseload standards is the recruitment and retention of new attorneys and additional support staff to fulfill the identified need for caseload relief.

As stated above, Question 1 of the Progress Report required providers to list the attorneys funded by the statewide contract, and Question 2 asked providers to estimate how many cases were assigned to these attorneys. Question 4 asked providers to list all the non-attorney positions funded by the statewide contract, and as with Question 1, to identify if the position is a new hire, an upgrade of an existing position, or a contract position. Providers were also asked to indicate the type of position (i.e., investigator, social worker, non-attorney administrative staff, and “other” non-attorney positions).

As the numbers below show, a total of 599 positions are funded by the statewide contracts. By any measure, this is a significant contribution to the public criminal defense function.

⁴ The ILS caseload standards are available here: <https://www.ils.ny.gov/files/Hurrell-Harring/Caseload%20Reduction/Caseload%20Standards%20Report%20Final%20120816.pdf>

The Numbers

- Statewide, **351 new attorneys were hired** with the funding provided by the statewide expansion of the *Hurrell-Harring* settlement. Of these, **262 were new hires, 64 were upgrades of existing positions** (i.e., extra hours were added to existing part-time contracts), and **18 were placed on contract**.⁵
- In total, **an estimated 83,260 new cases** were opened by attorneys who were compensated with the State funding in the period of April 1, 2018 – March 31, 2020.
- Additionally, **248 non-attorneys were hired** with the State funding throughout the 52 counties and New York City. Of these, **189 were new hires, 29 were upgrades of existing contracts, and 13 were placed on contract**.⁶
- Of the 248 non-attorneys hired, upgraded, and placed on contract, most were **administrative support staff** (n=133, 53.0%), followed by **other non-attorney positions** (n=54, 22.7%), **investigators** (n=33, 13.1%), and **social workers** (n=28, 11.2%). See Figure 1 for an overview.
- **37 counties and New York City designated a Data Officer** and an additional 6 counties are making significant progress toward designating one.⁷

For a detailed overview of attorneys and non-attorney staff for each of the 52 counties and New York City, please see Appendix E.

Providers' Experiences with Caseload Relief

Providers' comments on caseload relief revealed some significant statewide trends. For institutional providers, the key indicator of success was the ability to hire additional attorneys for both supervisory and non-supervisory positions. Institutional providers reported that hiring additional attorneys allowed for reduced caseloads and improved the overall quality of representation that defendants received, as attorneys had more time to spend on individual cases. Of course, hiring of additional attorneys presents its own set of challenges. Institutional providers reported that while they were able to hire additional staff, their current office space is at or close to capacity, and many will be assessing space issues and using Year 3 funding for increased office space. Providers are also committed to hiring attorneys who can meet the needs of their office, including the need for racial and ethnic diversity as well as diversity in experience.

For institutional providers, hiring new people creates a need for training. The Legal Aid Society of Nassau County employed an intensive training of entry level attorneys and hired an in-court Supervisor to provide on-the-job training and support. Assigned counsel programs also used statewide contract funding for training. For example, the Erie County Bar Association implemented an aggressive CLE training in tandem with intensive personal one-on-one training

⁵ For 7 attorney positions, information on whether it concerned a new hire, an upgrade of an existing position, or someone placed on contract was missing.

⁶ For 17 non-attorney positions, information on whether it concerned a new hire, an upgrade of an existing position, or someone placed on contract was missing.

⁷ For 1 county, information on a designated Data Officer was missing.

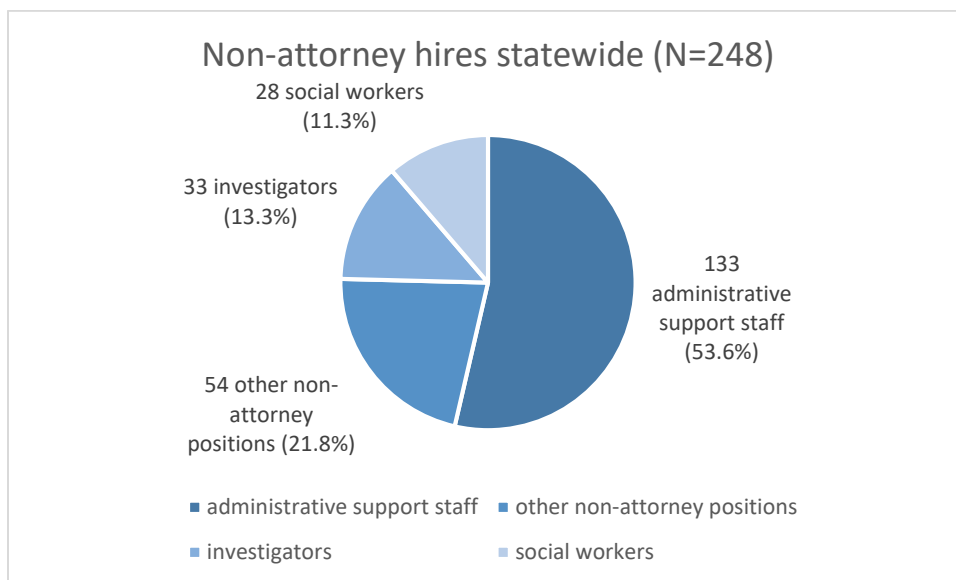
and case conferences to increase the number of panel attorneys qualified to handle homicide and serious felony cases.

Some counties, including Hamilton County, Clinton County, and Delaware County, established brand new Public Defender Offices, yielding positive results in providing reliable and quality mandated criminal defense representation. Delaware Public Defender's Office notes that no attorney is assigned over 300 cases per year and therefore, attorneys have a manageable workload, while the Hamilton Public Defender's Office has absorbed cases from an assigned counsel panel challenged by a declining number of panel attorneys.

Non-attorney staff hires were also essential to reducing attorney workloads. Non-attorneys provide much needed administrative support, investigative support, and support in identifying client needs and connecting clients to essential services. This allows attorneys to devote more time to client communication and legal advocacy. Both institutional providers and assigned counsel programs have used enhanced access to non-attorney professionals to recruit attorneys. For assigned counsel programs, this is an opportunity to expand the number of attorneys on the panel thereby allowing for a distribution of case assignments consistent with the ILS caseload standards.

Figure 1 below depicts the total number of non-attorney professionals hired by type:

Figure 1



While the above numbers are impressive, they do not fully capture the enhanced access to critical non-attorney supports. The statewide contracts not only provide funding for hiring these positions, but also funding to retain non-attorneys on a contractual/consultant basis. This is discussed further in the next section.

III. Overall Quality Improvement

When the *Hurrell-Harring* statewide expansion began, pursuant to Executive Law § 832(4)(c), ILS developed written plans for all 52 counties and New York City to improve the quality of indigent defense by ensuring that attorneys providing mandated representation receive effective supervision and training, have access to and appropriately utilize investigators, interpreters, experts, and other non-attorney professionals, communicate effectively with their clients, and have the necessary qualifications and experience to handle the types of cases assigned to them.

The Performance Measures require providers to report, via the Progress Report, information about supervision, training, and access to and use of non-attorney professionals. To obtain information about supervision, Question 1 asked providers to indicate if the funded position was a supervisory position. To obtain information about training, Question 6(a) asked providers to estimate the total number of training events funded by the statewide contract, and Question 6(b) asked providers to estimate the total number of attorneys whose attendance at a training event was supported by the statewide contract. For the use of experts and investigators, Question 7(a) asked providers to estimate the expenditures for expert services paid for by the statewide contract, while Question 7(b) asked providers to do the same for investigators. Of note, providers were instructed to not include expenditures for funded staff positions. For both 7(a) and 7(b), providers were also asked to identify the total number of cases in which the expert or investigator services were used.

Below is the aggregate information reported:

The Numbers

- Of the 351 attorney hires statewide, **43 are attorneys who supervise the work of others or provide training/mentoring.**⁸
- An estimated **523 training events were hosted, sponsored, or cosponsored** by the *Hurrell-Harring* statewide expansion funding between April 1, 2018 and March 31, 2020. Training events include, but are not limited to, professional conferences and Continuing Legal Education (CLE) courses.
- For an estimated total of **3,105 attorneys**, their **attendance at training events** (such as registration fees, travel reimbursements, and accommodations) was supported by the State funding.
- Statewide, an estimated total of **\$602,472 was spent on contracted expert services**. These expert services were utilized in a total of **1,355 cases**.
- Statewide, an estimated total of **\$245,563 was spent on contracted investigative services**. These investigative services were utilized in a total of **1,548 cases**.

⁸ In addition, 29 were Chief attorneys / Administrators or Attorneys in charge, and 279 were attorneys who did not supervise the work of others

Providers' Experiences with Overall Quality Improvement

Providers shared their efforts and successes in these six general areas:

1) Training and Legal Expertise

Many providers indicated that funding was used for attorney training, most often in the form of certified Continuing Legal Education courses. Providers noted that this training was particularly important given the 2019 enactment of legislation significantly changing New York's criminal discovery and bail laws. One provider mentioned not only conducting trainings for their legal and non-legal staff, but also sponsoring public seminars on criminal justice related topics, such as Miranda Rights and stops by the police, the County Drug Court Treatment Program, addressing mental health issues within the Court system, and Veterans Programs. These public seminars aim to provide the community with key information about the criminal justice system and inform people of their legal rights if arrested. In addition, attorneys' access to legal resources and legal networks was improved by acquiring or expanding access to electronic research platforms (i.e., Westlaw or Lexis), the purchase of legal books and journal subscription, and paying for attorney memberships to professional organizations.

2) Supervision

Providers also discussed the value of increased supervision. For institutional providers, this took the form of elevating more experienced attorneys to supervisory roles or creating adequately compensated supervision positions and hiring qualified attorneys to fill them. For the ACPs, increased supervision typically came in the form of mentoring programs and second chair attorney programs (i.e., having cases staffed with both a more experienced attorney and a lesser experienced attorney).

3) Access to Non-Attorney Professionals

Providers often mentioned how the State funding contributed to their attorneys having access to and appropriately utilizing investigators, interpreters, experts, and other non-attorney professionals. Access to these resources is necessary to build an effective defense for clients, which has led to more favorable case outcomes. The funding also made it possible for numerous providers to hire social workers. Providers reported that the availability of social workers to clients struggling with mental health issues, substance abuse issues, or past experiences of trauma has been proven invaluable to providing quality representation.

4) Client Communication

State funding has also been helpful in having attorneys communicate effectively with their clients. The hiring of additional legal staff has led to attorneys being able to spend more time on each case, including more attorney-client contact. One provider specifically mentioned that this time not only aided in easing the stress their clients feel when charged with a crime, but also allowed them to develop stronger and more persuasive defenses and to prepare the client to testify if necessary. Another provider indicated that the State funding has permitted an increased focus on and greater communication with their non-citizen clients and the unique challenges that

they face if convicted. In some cases, where a client has no alternative, funds have been used to provide clients with transportation so they can attend scheduled court sessions and meetings with their attorney. Due to the Covid-19 pandemic, providers have offered alternative, virtual means of contact between clients and their attorneys and created additional phone lines or provided work cell phones to their attorneys.

5) *Hiring and Retaining Qualified Attorneys*

Historically, mandated providers struggled to attract and retain qualified attorneys. Many providers have used State funding to enhance salaries and/or create new positions with more competitive salaries. This has helped providers to retain more experienced and qualified attorneys. One provider, for instance, noted that the State funding enabled them to hire highly regarded criminal defense attorneys with extensive criminal trial, discovery, and motion practice experience. Overall, the ability of providers to pay their attorneys more competitive salaries has helped them attract and retain talented and successful attorneys.

6) *Technology*

Many providers used State funding to improve the technology in their offices. The Covid-19 crisis has increased the need to ensure that all providers have up to date and reliable technology. Some offices still struggle with outdated equipment and software, and insufficient internet connection capacity to work from home or to connect while in court, making it difficult to keep up with the temporary use of virtual court appearances and expansion to electronic filing. Providers want to improve their case management systems and expand on their IT capacity, including for forensic software and related capabilities, as the state moves into an expanded world of electronic discovery and as virtual court appearances continue during this crisis. Looking forward, it is likely that many providers will effectively use Year 3 funding to bolster their technological capacity.

IV. Two Data Issues

In reviewing the data submitted, ILS identified the two issues below, both of which likely resulted in under reporting of the full progress being made in *Hurrell-Harring* settlement implementation.

1. *Counsel at Arraignment*

As discussed above, Question 2 asked providers to report the total number of cases assigned to attorneys funded by the statewide contract, while Question 3 asked providers to estimate, of the cases listed in Question 2, the total number that received representation at arraignment. Logically, the numeric response to Question 3 should not be more than that provided in Question 2. However, the problem with this construction of the questions to discern improvements in arraignment representation, was highlighted by the Wayne County Public Defender Office, which provided a number in Question 3 (160) that was higher than that provided on Question 2 (103). To explain, the Wayne County Public Defender noted that the attorney funded by the statewide contract provided representation at 29 arraignments, but that other funding in the contract allowed for representation at an additional 131 arraignments. And this is true – the

Wayne County statewide contract provides funding for attorneys to receive stipends to work the extra hours needed to provide representation at the county’s Centralized Arraignment Program. Indeed, most statewide contracts provide some funding for stipends or hourly payments for attorneys to provide representation at arraignment.

While the Wayne County Public Defender accounted for this non-staffing funding in response to Question 3, it is likely other providers responded strictly to the question asked and therefore did not provide answers that account for the arraignments at which representation was provided as a result of stipends or hourly fees. This means that the data provided in this report likely underestimates the true impact of the statewide funding in ensuring the presence of defense counsel at arraignment.

2. *Expert and Investigator Services*

Questions 7(a) and 7(b) asked providers to identify expenditures made on expert and investigator services, but to not include the salaries of staff experts or investigators. In other words, this question was designed to elicit information about contracted (retained) experts and investigators, not salaried ones (since information about salaried experts and investigators is elicited in Question 4). Questions 7(a) and 7(b) also asked providers to identify the total number of cases in which “these” expert and investigator services were used, seemingly asking for information about cases in which retained expert or investigator services were used.

In answering Question 7(b) regarding investigators, the Erie County ACP listed \$0 spent on investigator services, but then stated that 586 cases received such services. To explain this apparent anomaly, the ACP noted that with statewide contract funding, it has hired two salaried investigators to provide investigative services, and panel attorneys used these services in 586 cases. The Erie ACP’s responses to these questions and its explanation makes it clear that Questions 7(a) and 7(b) focus on *retained* experts and investigators fails to elicit information about the number of cases that benefitted from *salaried* experts and investigators. This means that the numbers of cases identified in this report as having benefitted from investigative or expert services is likely a significant under-estimate of the actual number of such cases. Thus, this report does not fully capture the impact of the non-attorney resources made available by the statewide contacts.

Having identified these two data issues, ILS will adopt strategies to ensure that these issues are rectified in future reports. The goal is to ensure that complete data is collected so a full picture of the impact of statewide implementation can be conveyed.

Conclusion

Substantial progress has been made by providers of mandated representation in New York State over the past two years in providing counsel at arraignment, reducing attorney caseloads, and improving the quality of indigent criminal defense representation. The fact that close to 95% of all providers in New York State submitted data on which this report is based lends credibility to these conclusions.

Statewide, many providers have achieved 100% arraignment coverage both during regular court sessions and off-hour arraignments. The hiring of more than 350 additional attorneys statewide has reduced caseloads and improved the overall quality of representation that defendants receive, as attorneys have more time to spend on individual cases. Non-attorney staff hires (close to 250 statewide) have also been essential to reducing attorney workloads and delivering quality representation. State funding has also allowed for more intensive attorney training and supervision, again contributing to the enhanced quality of mandated criminal defense representation throughout New York.

With the 2017 enactment of Executive Law § 832 (4) extending the *Hurrell-Harring* settlement initiatives to the entire state, New York became a national leader in its commitment to effective representation for *all* people charged with a crime, including people who cannot afford to retain counsel. The progress made in extending the *Hurrell-Harring* initiatives statewide, as detailed in this report, shows that New York is well on its way to making this commitment a reality.

APPENDICES

- APPENDIX A:** Attachment C of the County Contract: “Work Plan: Goals, Objectives, and Performance Measures.”
- APPENDIX B:** Localities with designated ILS Data Officers
- APPENDIX C:** Performance Measures Progress Report Form, April 2020
- APPENDIX D:** List of Providers in NYS who submitted a Progress Report
- APPENDIX E:** Key Performance Measures Information as Reported by the 52 Counties and New York City

Appendix A: Attachment C of the County Contract

ATTACHMENT C

WORK PLAN

OFFICE OF INDIGENT LEGAL SERVICES

STATEWIDE EXPANSION OF HURRELL-HARRING

APRIL 1, 2018 – MARCH 31, 2023

Goals, Objectives, and Performance Measures

On a semi-annual basis, each grantee/contractor shall provide the Office of Indigent Legal Services with a written progress report summarizing the work performed during each such semi-annual period. The reports shall detail the grantee/contractor's progress toward attaining the specific goals, objectives and key performance measures as outlined below along with any additional information that may be required by the Office. These program progress reports must be submitted October 31st for the period starting April 1st and ending September 30th and April 30th for the period starting October 1st and ending March 31st.

Program progress reports will continue until such time as the funds subject to this contract are no longer available, have been accounted for, and/or throughout the contract period. The first progress report may be waived if the final approval of the grantee/contractor's contract by the Office of the State Comptroller is within two months of the date such progress report would be due. **(See Attachment D ["Payment and Reporting Schedule"] for written progress report reporting requirements in their entirety.)**

Goal

Implement the provisions of Chapter 59 of the Laws of 2017, Part VVV, sections 11-13, providing that the Office of Indigent Legal Services shall implement a plan to extend statewide the benefits of the Hurrell-Harring settlement reforms.

First Objective

Ensure all eligible criminal defendants are represented by counsel at arraignment, provided that timely arraignment with counsel is not delayed pending a determination of a defendant's eligibility.

Key Performance Measures

1. The number of attorneys hired with this funding who provide representation at arraignment;
2. The number of arraignments handled by each attorney compensated with this funding; and
3. A brief description of all activities funded by this grant under this objective and how those activities have improved the provision of counsel at first appearance.

Second Objective

Full compliance with the caseload standards issued by the Office of Indigent Legal Services.

Key Performance Measures

1. The number of attorneys hired with this funding and the dates of such hires;
2. The number of new cases opened by attorneys compensated with this funding;
3. The number of non-attorneys hired with this funding and the dates of such hires;
4. The name, and date of appointment, of the Data Officer or a description of progress toward appointment of a Data Officer; and
5. A brief description of all activities funded by this grant under this objective and how those activities have reduced caseloads.

Third Objective

Implement initiatives to improve the quality of indigent defense such that attorneys receive effective supervision and training, have access to and appropriately utilize investigators, interpreters and expert witnesses on behalf of clients, communicate effectively with their clients, have the necessary qualifications and experience, and, in the case of assigned counsel attorneys, are assigned to cases in accordance with article 18-b of the county law and in a manner that accounts for the attorney's level of experience and caseload/workload.

Key Performance Measures

1. The number of training events supported by this funding;
2. The number of attorneys whose attendance at training events was supported by this funding;
3. The number of cases in which expert services supported by this funding was used, and the dollar amount, both total and hourly rate, spent on such services;
4. The number of cases where investigative services supported by this funding was used, and the dollar amount, both total and hourly rate, spent on such services; and
5. A brief description of all activities funded by this grant under this objective and how those activities have improved the quality of representation provided to clients.

Appendix B: Localities with designated ILS Data Officers

ILS Data Officers have been designated in the following 38 localities:

Albany, Allegany, Cattaraugus, Chautauqua, Chemung, Chenango, Clinton, Cortland, Delaware, Dutchess, Essex, Franklin, Greene, Hamilton, Herkimer, Lewis, Livingston, Madison, Monroe, Montgomery, Nassau, New York City, Niagara, Oneida, Orange, Otsego, Putnam, Rockland, Saratoga, Schenectady, St. Lawrence, Sullivan, Tioga, Tompkins, Ulster, Warren, Wyoming, Yates.



Indigent Legal Services

Performance Measures Progress Report April 2020

Thank you for completing the April 2020 Performance Measures Progress Report (Progress Report). Each County's criminal defense providers, (i.e., other than the five counties currently engaged in the *Hurrell-Harring* settlement agreement) and each of the eleven criminal defense providers in New York City are expected to file a completed Progress Report with ILS twice a year (i.e., by October 31st and April 30th of each year). The Progress Report form outlined in this survey is intended to gather information on the use of funding for implementation of the counsel at first appearance, caseload relief, and quality improvement reforms introduced in the *Hurrell-Harring* settlement agreement and subsequently extended to the rest of the state via Executive Law § 832 (4).

When possible, the information provided in the Progress Report should ONLY reflect the use of funding as allocated in the five-year contract supporting statewide implementation of the *Hurrell-Harring* settlement agreement reforms. The Progress Report is **due for submission by April 30, 2020** and should include data for the period of **April 1, 2018 to March 31, 2020**. Subsequent Progress Reports will be due for submission to ILS on a semi-annual basis thereafter.

INSTRUCTIONS

Please review the following instructions before completing the Progress Report.

Review the County's Budget Items Approved in the Five-Year Contract: The budget items, as outlined in Attachment B-1 of your county's five-year contract (Contract) supporting statewide implementation of the *Hurrell-Harring* settlement agreement should be used as a reference to complete the Progress Report form. Please email ILS at performance@ils.ny.gov if Attachment B-1 is unavailable to you when completing the Progress Report form. See below for a sample of Attachment B-1.

Print and/or Save the Progress Report form before submission for future reference: It may be useful to print and/or save the Progress Report form as a PDF document to assist in completing the form prior to submission. The form is attached as a PDF document to the email ILS sent on April 1, 2020. Alternatively, the Progress Report form may be downloaded from the ILS website at <https://www.ils.ny.gov/content/annual-data-reporting>

IMPORTANT: Information requested should reflect data collected for the period of **April 1, 2018 to March 31, 2020**.

Any questions and/or concerns on the Progress Report form should be emailed

to performance@ils.ny.gov prior to April 30, 2020.

Sample of Attachment B-1

Budget Expenditure Item	Year 1 4/1/18 – 3/31/19
PUBLIC DEFENDER'S OFFICE	
CASELOAD RELIEF	
Personnel:	
Supervisor	\$80,000.00
Assistant Public Defender	\$70,000.00
Paralegal	\$44,737.00
Secretary	\$35,000.00
Fringe Benefits:	
For positions	\$43,000.00
Data Officer (stipend)	\$20,000.00
Caseload Relief - Subtotal	\$292,737.00
QUALITY IMPROVEMENT	
Contracted/Consultant:	
Expert Services	\$80,000.00
Investigator	\$15,000.00
Subtotal Contracted/Consultant	\$95,000.00
OTPS:	
Computer Equipment	\$20,000.00
Legal Reference	
Material/Books/Transcripts	\$10,000.00
Subtotal OTPS	\$30,000.00
Quality Improvement - Subtotal	\$125,000.00
COUNSEL AT FIRST APPEARANCE	
Personnel/Contracted/Consultant/OTPS:	
	\$0.00
Counsel at First Appearance - Subtotal	\$0.00
PUBLIC DEFENDER'S OFFICE - TOTAL	\$417,737.00

This is a sample of the budget for a hypothetical Public Defender Office.

Note the lines for personnel and Contracted/Consultant entries

As the preparer of this form, please provide your contact information:

First Name

Last Name

Phone

Email Address

Position / Job Title

Provider Organization / Institution (if applicable)

County

Are you the designated ILS Data Officer for your county?

- Yes
- No

Does your institution / organization use an electronic case management system?

- Yes
- No

What case management system does your institution / organization use?

- defenderData
- IntelliLinx
- LaserFiche
- Law Manager
- LegalServer

- Logis
- PDCMS
- PIKA
- Tecana
- Other

* 1. Please report **the number of attorney positions** that were funded between April 1, 2018 and March 31, 2020 by budget expenditure items listed in the “Caseload Relief,” “Quality Improvement,” and “Counsel at First Appearance” categories of the contract (see Attachment B-1). For each attorney position, please provide the **type, starting date**, indicate if it was a **new hire, an upgrade of an existing hire** (i.e., an increase in hours), or an attorney position placed **on contract**, and select if the attorney **provides representation at arraignment**. Please go to "Instructions and Definitions" for a more detailed description of the terms new hire, upgrade of existing hire, and on contract.

Answers to this question should not include attorneys who received stipends or were paid as assigned counsel pursuant to NY County Law § 722-b (1). Attorneys receiving funding for mentoring programs, second-chair programs, or litigation support also should not be included where they were not filling a position created by this funding.

[Instructions and Definitions](#)

‘New Hire’ refers to any new attorney position, part- or full-time, that was filled on the last business day of the reporting period, including, but not limited to, ACP attorney-administrators and other ACP attorney staff.

‘Upgrade of existing hire’ refers to any attorney position that existed prior to the reporting period, and for which the number of hours worked was increased as of the last business day of the reporting period. For example, an existing attorney whose position changed from part-to full-time would be included in this category. Salary increases that are not accompanied by an increase in the number of hours worked should not be included.

‘On contract’ refers to any individual attorney who occupies a position through a contract to provide services under this funding, and who was working under that contract on the last business day of the reporting period. It excludes contractors who did not occupy a position, such as those who received stipends, were paid as assigned counsel pursuant to NY County Law § 722-b-1, or who received funding for mentoring programs, second-chair programs, or litigation support.

If a position was filled by an individual, the individual left, and another individual was hired (i.e., a re-hire within the same position), please count this as one hire and only report the starting date for the first individual.

	Type of Position	Starting Date (mm/yyyy)	New Hire, Upgrade of Existing Hire, or On Contract	Provides representation at arraignment
Attorney Position 1	-- Select --		-- Select --	-- Select --
* Attorney Position 2	-- Select --		-- Select --	-- Select --
* Attorney Position 3	-- Select --		-- Select --	-- Select --
* Attorney Position 4	-- Select --		-- Select --	-- Select --
* Attorney Position 5	-- Select --		-- Select --	-- Select --
* Attorney Position 6	-- Select --		-- Select --	-- Select --
* Attorney Position 7	-- Select --		-- Select --	-- Select --
* Attorney Position 8	-- Select --		-- Select --	-- Select --
* Attorney Position 9	-- Select --		-- Select --	-- Select --
* Attorney Position 10	-- Select --		-- Select --	-- Select --
* Attorney Position 11	-- Select --		-- Select --	-- Select --

Attorney Position 12	-- Select --		-- Select --	-- Select --
* Attorney Position 13	-- Select --		-- Select --	-- Select --
* Attorney Position 14	-- Select --		-- Select --	-- Select --
* Attorney Position 15	-- Select --		-- Select --	-- Select --
* Attorney Position 16	-- Select --		-- Select --	-- Select --
* Attorney Position 17	-- Select --		-- Select --	-- Select --
* Attorney Position 18	-- Select --		-- Select --	-- Select --
* Attorney Position 19	-- Select --		-- Select --	-- Select --
* Attorney Position 20	-- Select --		-- Select --	-- Select --
* Attorney Position 21	-- Select --		-- Select --	-- Select --
* Attorney Position 22	-- Select --		-- Select --	-- Select --
* Attorney Position 23	-- Select --		-- Select --	-- Select --

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Attorney Position 24

-- Select --		-- Select --	-- Select --
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Attorney Position 25

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Attorney Position 26

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Attorney Position 27

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Attorney Position 28

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Attorney Position 29

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Attorney Position 30

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Attorney Position 31

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Attorney Position 32

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Attorney Position 33

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Attorney Position 34

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Attorney Position 35

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Attorney Position 36

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Attorney Position 37

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Attorney Position 38

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Attorney Position 39

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Attorney Position 40

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Attorney Position 41

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Attorney Position 42

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Attorney Position 43

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Attorney Position 44

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Attorney Position 45

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* Attorney Position 46

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* Attorney Position 47

-- Select --		-- Select --	-- Select --
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* Attorney Position 48

-- Select --		-- Select --	-- Select --
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* Attorney Position 49

-- Select --		-- Select --	-- Select --
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* Attorney Position 50

-- Select --		-- Select --	-- Select --
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2. Please estimate **the total number of cases assigned** to the attorneys who were compensated with the funding under this Contract (i.e., the attorneys reported in Question 1). Cases assigned include those assigned for arraignment only as well as cases assigned post-arraignment. Please go to "Instructions and Definitions" for more details.

[Instructions and Definitions](#)

Note that this should include cases assigned between April 1, 2018 and March 31, 2020 to attorneys receiving stipends, to attorneys acting as assigned counsel, and to any other attorneys compensated with this funding. For attorneys whose positions were upgraded (i.e., hours were added to their contract), please estimate the number of additional cases they were assigned as a result of the upgraded position.

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3. For the cases reported in Question 2 above, please estimate the total number of cases that **received defense counsel at arraignment**. Do not include arraignments on the felony indictment, unless it was the defendant's first court appearance.

- * 4. Please report **the number of non-attorney positions** that were funded between April 1, 2018 and March 31, 2020 by budget expenditure items listed in the "Caseload Relief," "Quality Improvement," and "Counsel at First Appearance" categories of the contract (see Attachment B-1). For each non-attorney position, please provide the **type, starting date**, and indicate if it was a **new hire, an upgrade of an existing hire** (i.e., an increase in hours), or a non-attorney position placed **on contract**. Please go to "Instructions and Definitions" for a more detailed description of the terms new hire, upgrade of existing hire, and on contract.

Answers to this question should include non-attorneys receiving funding for improvement of specialized services (e.g., investigators, social workers, and others such as experts, stenographers, interpreters, etc.) and non-attorney administrative support staff (e.g., secretaries, paralegals, case managers, grants managers, data officers, etc.). It should not include currently employed non-attorneys who receive stipends (e.g., a stipend issued to a currently staffed grants administrator).

[Instructions and Definitions](#)

'New Hire' refers to any new non-attorney position, part- or full-time, that was filled on the last business day of the reporting period (i.e., March 31, 2020). It includes, when applicable, ACP administrators.

'Upgrade of existing hire' refers to any non-attorney position that was filled prior to the reporting period, and that was filled as of the last business day of the reporting period (i.e., March 31, 2020), and for which the number of hours worked was increased. For example, an existing social worker whose position changed from part- to full-time would be included in this category. Salary increases that are not accompanied by an increase in the number of hours worked should not be included.

'On contract' refers to any individual non-attorney who occupies a position through a contract to provide services under this funding, and who was working under that contract on the last business day of the reporting period (i.e., March 31, 2020). It excludes contractors that did not occupy a position, such as those who received stipends, were paid as assigned counsel, or who received occasional funding for mentoring programs, second-chair programs, or litigation support.

If a position was filled by an individual, the individual left, and another individual was hired (i.e., a re-hire within the same position), please count this as one hire and only report the starting date for the first individual.

	Type of Position	Starting Date (mm/yyyy)	New Hire, Upgrade of Existing Hire, or On Contract
Non-attorney Position 1	-- Select --		-- Select --

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Non-attorney Position 2	-- Select --		-- Select --
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Non-attorney Position 3	-- Select --		-- Select --
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Non-attorney Position 4	-- Select --		-- Select --
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Non-attorney Position 5	-- Select --		-- Select --
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Non-attorney Position 6	-- Select --		-- Select --
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Non-attorney Position 7	-- Select --		-- Select --
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Non-attorney Position 8	-- Select --		-- Select --
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Non-attorney Position 9	-- Select --		-- Select --
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Non-attorney Position 10	-- Select --		-- Select --
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Non-attorney Position 11	-- Select --		-- Select --
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Non-attorney Position 12	<input type="text" value="-- Select --"/>	<input type="text"/>	<input type="text" value="-- Select --"/>
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Non-attorney Position 13	<input type="text" value="-- Select --"/>	<input type="text"/>	<input type="text" value="-- Select --"/>
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Non-attorney Position 14	<input type="text" value="-- Select --"/>	<input type="text"/>	<input type="text" value="-- Select --"/>
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Non-attorney Position 15	<input type="text" value="-- Select --"/>	<input type="text"/>	<input type="text" value="-- Select --"/>
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Non-attorney Position 16	<input type="text" value="-- Select --"/>	<input type="text"/>	<input type="text" value="-- Select --"/>
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Non-attorney Position 17	<input type="text" value="-- Select --"/>	<input type="text"/>	<input type="text" value="-- Select --"/>
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Non-attorney Position 18	<input type="text" value="-- Select --"/>	<input type="text"/>	<input type="text" value="-- Select --"/>
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Non-attorney Position 19	<input type="text" value="-- Select --"/>	<input type="text"/>	<input type="text" value="-- Select --"/>
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Non-attorney Position 20	<input type="text" value="-- Select --"/>	<input type="text"/>	<input type="text" value="-- Select --"/>
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<p>5. Has the county designated an ILS Data Officer?</p> <p><input type="radio"/> Yes</p> <p><input type="radio"/> No</p>

Please provide the name of the ILS Data Officer:

Please provide the starting date (mm/dd/yyyy) of his/her position. If the exact starting day is unknown, please report the first of the month as the starting date.

Please provide a description of the progress toward the designation of an ILS Data Officer. If unknown, please type "Unknown" in the text box below.

6. a. Please estimate the **total number of training events** hosted, sponsored, or co-sponsored by the Contract funding between April 1, 2018 and March 31, 2020. Training events include, but are not limited to, professional conferences and Continuing Legal Education (CLE) and non-CLE programs.

6. b. Please estimate **the total number of attorneys** whose attendance at training events was supported by the funding provided in the Contract between April 1, 2018 and March 31, 2020.

7. a. For the expenditures on **expert services** listed in the Contract (see Attachment B-1), please estimate for the period between April 1, 2018 and March 31, 2020 (1) the total amount spent in US dollars and (2) the total number of cases in which these expert services were used.

Please go to "Instructions and Definitions" for a more detailed description of the terms expenditures and expert services.

Instructions and Definitions

Requested expenditures should not include salaries of experts or investigators.

Experts services should include non-attorney professional services, such as consulting and testifying experts, as well as interpreters, social workers, case managers, mitigation specialists, and other expert services. It does not include process servers and transcript services.

US dollars / number of cases

1. The total amount of expenditures on expert services (in US dollars):

2. The total number of cases in which these expert services were used:

7. b. For the expenditures on **investigative services** listed in the Contract (see Attachment B-1), please estimate for the period between April 1, 2018 and March 31, 2020 (1) the total amount spent in US dollars and (2) the total number of cases in which these investigative services were used.

Please go to "Instructions and Definitions" for a more detailed description of the term expenditures.

Instructions and Definitions

Requested expenditures should not include salaries of experts or investigators.

US dollars / number of cases

1. The total amount of expenditures on investigative services (in US dollars):

2. The total number of cases in which these investigative services were used:

8. a. Please provide a brief and cumulative description (i.e., including any applicable examples) of how the funding assigned to the Contract has been applied to reduce the number of cases assigned to attorneys.

8. b. Please provide a brief and cumulative description (i.e., including any applicable examples) of any challenges currently being addressed in supporting caseload relief.

9. a. Please provide a brief and cumulative description (i.e., including any applicable examples) of efforts made with the use of funds assigned to the Contract to ensure the appearance of defense counsel at arraignment.

9. b. Please provide a brief and cumulative description (i.e., including any applicable examples) of any challenges currently being addressed in ensuring countywide arraignment coverage.

10. a. Please provide a brief and cumulative description (i.e., including any applicable examples) of how the funding assigned to the Contract has been applied to improve the overall quality in mandated criminal defense representation. Only include information that has not already been provided in your answers to questions 8 and 9.

10. b. Please provide a brief and cumulative description (i.e., including any applicable examples) of any challenges currently being addressed in ensuring the overall quality improvement in mandated criminal defense representation. Only include information that has not already been provided in your answers to questions 8 and 9.

11. What assistance, if any, can be provided by the Office of Indigent Legal Services to support your county's efforts in resolving any of the challenges reported in Questions 8.b., 9.b., and 10.b. regarding caseload relief, counsel at first arraignment, and overall quality improvement in mandated criminal defense representation?

12. Please use this section to provide any additional information to further clarify or explain, or to provide additional comments to any of the questions in the Progress Report form.



Appendix D: List of Providers in New York State who submitted a Progress Report

County	Provider	Progress Report Submission Date
Albany	Assigned Counsel Program	5/26/2020
Albany	Public Defender's Office	5/29/2020
Albany	Alternate Public Defender's Office	5/27/2020
Allegany	Assigned Counsel Program	5/28/2020
Allegany	Public Defender's Office	5/28/20
Broome	Public Defender's Office	6/1/2020
Broome	Comptroller	6/16/2020
Cattaraugus	Assigned Counsel Program	6/10/2020
Cattaraugus	Public Defender's Office	5/5/2020
Cayuga	Assigned Counsel Program	5/29/2020
Chautauqua	Assigned Counsel Program	6/10/2020
Chautauqua	Public Defender's Office	6/1/2020
Chemung	Assigned Counsel Program	5/19/2020
Chemung	Public Defender's Office	5/29/2020
Chemung	Public Advocate's Office	5/29/2020
Chenango	Public Defender's Office	5/12/2020
Chenango	Assigned Counsel Program	5/12/2020
Clinton	Assigned Counsel Program	5/14/2020
Clinton	Public Defender's Office	5/12/2020
Columbia	Public Defender's Office	6/11/2020
Columbia	Conflict Defender's Office	6/11/2020
Columbia	First Alternative Conflict Defender's Office	6/13/2020
Columbia	Second Alternative Conflict Defender's Office	
Columbia	Assigned Counsel Program	6/12/2020
Cortland	Public Defender's Office	5/28/2020
Cortland	Assigned Counsel Program	5/28/2020
Delaware	Assigned Counsel Program	6/12/2020
Delaware	Public Defender's Office	4/15/2020

County	Provider	Progress Report Submission Date
Dutchess	Assigned Counsel Program	5/22/2020
Dutchess	Public Defender's Office	5/22/2020
Erie	Erie County Bar Association Aid to Indigent Prisoners Society, Inc.	5/29/2020
Erie	Legal Aid Bureau of Buffalo Inc.	5/28/2020
Essex	Assigned Counsel Program	6/15/2020
Essex	Public Defender's Office	6/2/2020
Franklin	Assigned Counsel Program	6/2/2020
Franklin	Conflict Defender's Office	6/2/2020
Franklin	Public Defender's Office	6/2/2020
Fulton	Assigned Counsel Program	5/4/2020
Fulton	Public Defender's Office	5/4/2020
Genesee	Assigned Counsel Program	6/10/2020
Genesee	Public Defender's Office	5/7/2020
Greene	Assigned Counsel Program	6/17/2020
Greene	Public Defender's Office	6/10/2020
Hamilton	Public Defender's Office	5/27/2020
Hamilton	Assigned Counsel Program	5/27/2020
Herkimer	Assigned Counsel Program	6/5/2020
Jefferson	Assigned Counsel Program	6/17/2020
Jefferson	Public Defender's Office	6/10/2020
Lewis	Public Defender's Office	6/1/2020
Lewis	Assigned Counsel Program	6/5/2020
Lewis	Conflict Defender's Office	6/5/2020
Livingston	Conflict Defender's Office	6/1/2020
Livingston	Public Defender's Office	5/19/2020
Madison	Public Defender's Office	6/5/2020
Madison	Assigned Counsel Program	6/12/2020
Monroe	Public Defender's Office	5/28/2020
Monroe	Conflict Defender's Office	5/29/2020
Monroe	Assigned Counsel Program	5/29/2020
Montgomery	Public Defender's Office	5/27/2020

County	Provider	Progress Report Submission Date
Nassau	Assigned Counsel Program	6/17/2020
Nassau	Legal Aid Society of Nassau County	6/11/2020
New York City	Assigned Counsel Plan, Appellate Division, First Judicial Department	5/28/2020
New York City	Assigned Counsel Plan, Appellate Division, Second Judicial Department	5/14/2020
New York City	Appellate Advocates	5/19/2020
New York City	Bronx Defenders	6/1/2020
New York City	Brooklyn Defender Services	6/1/2020
New York City	Center for Appellate Litigation	4/20/2020
New York City	The Legal Aid Society	6/1/2020
New York City	Neighborhood Defender Services	6/1/2020
New York City	New York County Defender Services	5/5/2020
New York City	Office of the Appellate Defender	4/14/2020
New York City	Queens Defenders (formerly Queens Law Associates)	5/29/2020
Niagara	Conflict Defender's Office	5/28/2020
Niagara	Assigned Counsel Program	5/28/2020
Niagara	Public Defender's Office	6/1/2020
Oneida	Assigned Counsel Program	6/4/2020
Oneida	Public Defender's Office	6/3/2020
Orange	Assigned Counsel Program	6/1/2020
Orange	Legal Aid Society of Orange County	6/1/2020
Orleans	Assigned Counsel Program	6/7/2020
Orleans	Public Defender's Office	5/29/2020
Oswego	Assigned Counsel Program	6/1/2020
Otsego	Public Defender's Office	6/10/2020
Otsego	Assigned Counsel Program	6/12/2020
Putnam	Legal Aid Society of Putnam County	6/17/2020
Putnam	Assigned Counsel Program	

County	Provider	Progress Report Submission Date
Rensselaer	Assigned Counsel Program	6/10/2020
Rensselaer	Conflict Defender's Office	6/2/2020
Rensselaer	Public Defender's Office	5/29/2020
Rockland	Assigned Counsel Program	4/21/2020
Rockland	Public Defender's Office	5/21/2020
Saratoga	Conflict Defender's Office	5/22/2020
Saratoga	Assigned Counsel Program	5/22/2020
Saratoga	Public Defender's Office	5/28/2020
Schenectady	Public Defender's Office	
Schenectady	Conflict Defender's Office	6/17/2020
Schenectady	Assigned Counsel Program	
Schoharie	Assigned Counsel Program	6/5/2020
Seneca	Public Defender's Office	
Seneca	Assigned Counsel Program	
St. Lawrence	Assigned Counsel Program	6/12/2020
St. Lawrence	Conflict Defender's Office	5/29/2020
St. Lawrence	Public Defender's Office	5/29/2020
Steuben	Assigned Counsel Program	4/13/2020
Steuben	Conflict Defender's Office	6/15/2020
Steuben	Public Defender's Office	6/1/2020
Sullivan	Conflict Legal Aid Panel	4/21/2020
Sullivan	Legal Aid Panel	5/3/2020
Sullivan	Assigned Counsel Program	5/19/2020
Tioga	Assigned Counsel Program	4/21/2020
Tioga	Public Defender's Office	5/20/2020
Tompkins	Assigned Counsel Program	5/28/2020
Ulster	Assigned Counsel Program	6/10/2020
Ulster	Public Defender's Office	5/18/2020
Warren	Assigned Counsel Program	6/10/2020
Warren	Public Defender's Office	6/11/2020
Wayne	Assigned Counsel Program	
Wayne	Public Defender's Office	5/31/2020

County	Provider	Progress Report Submission Date
Westchester	Legal Aid Society of Westchester County	6/1/2020
Westchester	Assigned Counsel Program	5/28/2020
Wyoming	Public Defender's Office	5/28/2020
Wyoming	Assigned Counsel Program	5/28/2020
Yates	Assigned Counsel Program	5/28/2020
Yates	Conflict Defender's Office	5/28/2020
Yates	Public Defender's Office	5/28/2020
53 (includes NYC)		118 of 125 Progress Reports Submitted

Appendix E: Key Performance Measures information as reported by the 52 counties and New York City

County	Total # of attorneys funded (Q1)	Total # of funded attorneys providing CAFA (Q1)	Total # of cases represented by funded attorneys (Q2)	Total # of cases receiving counsel at arraignment (Q3)	Total # of non-attorney positions funded (Q4)	Total # of training events funded (Q6.a)	Total # of attorneys attending training events funded (Q6.b)	USD spent on expert services (Q7.a.1)	Total # of cases with expert services (Q7.a.2)	USD spent on investigative services (Q7.b.1)	Total # of cases with investigative services (Q7.b.2)
Albany	13	11	1551	1551	7	47	30	20,272.37	32	35,714.70	66
Allegany	1	0	0	0	5	0	5	5,500	3	11,000	9
Broome	0	0	0	0	0	0	0	2,846	5	0	0
Cattaraugus	2	2	211	211	1	0	0	8,550	1	0	0
Cayuga	0	0	0	0	2	1	35	9,491.08	14	7,155.33	15
Chautauqua	11	11	9,376	7,844	7	5	2	56,277.30	17	0	0
Chemung	0	0	582	425	14	1	8	27,607	6	0	0
Chenango	1	1	320	57	2	0	0	10,787.45	10	0	0
Clinton	5	5	1,927	1,795	4	1	5	0	0	7,500	450

County	Total # of attorney s funded (Q1)	Total # of funded attorneys providing CAFA (Q1)	Total # of cases represented by funded attorneys (Q2)	Total # of cases receiving counsel at arraignment (Q3)	Total # of non-attorney positions funded (Q4)	Total # of training events funded (Q6.a)	Total # of attorneys attending training events funded (Q6.b)	USD spent on expert services (Q7.a.1)	Total # of cases with expert services (Q7.a.2)	USD spent on investigative services (Q7.b.1)	Total # of cases with investigati ve services (Q7.b.2)
Columbia	2	2	230	97	2	1	2	7,200	2	0	0
Cortland	2	2	459	40	2	4	0	58,500	8	3,672	4
Delaware	6	3	163	78	3	2	1	0	0	0	0
Dutchess	3	2	109	109	3	6	180	33,813.08	14	2,300	1
Erie	12	10	6,062	4,877	18	40	643	31,507	1,070	0	586
Essex	2	2	457	457	2	12	4	0	0	0	0
Franklin	0	0	0	0	3	0	0	0	0	0	0
Fulton	3	2	227	87	3	0	0	0	0	0	0
Genesee	2	2	405	73	0	2	7	10,826.25	5	0	0

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Greene	8	8	2849	607	4	4	52	0	0	0	0
Hamilton	3	3	47	47	2	0	2	0	0	0	0
Herkimer	0	0	0	0	0	0	0	0	0	0	0
Jefferson	0	0	0	0	2	0	0	20,000	40	0	0
Lewis	8	6	1051	944	4	0	8	0	0	0	0
Livingston	7	4	2080	1983	1	0	5	887.98	3	19,264.48	20
Madison	6	6	1806	1799	5	0	0	23,003.96	3	6,613	5
Monroe	3	2	514	514	7	0	0	26,585.72	17	11,603.27	21
Montgomery	1	1	400	300	1	0	0	0	0	0	0

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Rensselaer	3	2	678	151	0	0	2	3,795	1	6,000	12
Rockland	8	8	254	199	0	4	58	12,600	6	0	0
Saratoga	5	3	575	555	0	0	0	0	0	0	1
Schenectady	3	3	850	800	1	0	0	3,000	3	3,000	8
Schoharie	1	0	0	0	1	1	24	1,000	1	2,000	1
Seneca											
St. Lawrence	5	5	350	269	1	0	12	3,395	4	1,238	5
Steuben	5	4	2550	2100	3	4	2	0	0	1,110	3
Sullivan	6	5	623	255	0	2	1	0	0	0	0

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Tioga	4	4	1051	750	4	2	3	520	1	2,055.75	1
Tompkins	0	0	0	0	1	0	0	3,400	3	100	1
Ulster	4	3	244	134	2	0	0	8,511	14	0	0
Warren	1	0	0	0	5	0	0	4,395	2	0	0
Wayne	1	1	103	160*	0	1	9	27,361.14	9	0	0
Westchester	1	1	35	38	1	0	0	0	0	52,763.93	71
Wyoming	0	0	0	0	2	0	1	0	0	0	0
Yates	5	1	1642	1642	2	0	0	0	0	0	0
TOTAL	351	284	83,260	67,497	248	523	3,105	\$602,472.25	1,355	\$245,563.27	1,548

* in addition to the 29 arraignments by the funded attorney, the Contract funding allowed for an additional 131 arraignments

