

Statewide Plan for Implementing Quality Improvement

December 1, 2017



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

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STATEWIDE PLAN FOR IMPLEMENTING QUALITY IMPROVEMENT

The New York State Office of Indigent Legal Services (ILS) submits this written plan to implement initiatives to improve the quality of indigent criminal defense in accordance with § 832 (4) of New York Executive Law.¹

Introduction

Effective April 9, 2017, Executive Law § 832 was amended to include a new subdivision (4), entitled “Additional Duties and Responsibilities,” giving ILS the responsibility to develop and implement plans for quality improvement of mandated representation, caseload relief, and counsel at arraignment.² Pursuant to New York County Law § 722-e, the State is required to reimburse each county and New York City (NYC) for any costs incurred as a result of implementing the three plans. To develop this Statewide Plan for Quality Improvement (Plan or Quality Improvement Plan), we consulted with providers throughout the state to ensure that the Plan reflects their unique needs. Once approved,³ the three statewide plans—which will impact 126 providers representing clients in more than 1,260 courts across the State—are expected to be fully implemented and adhered to in 52 counties and NYC by April 1, 2023.⁴ *A list of providers is attached as Appendix A.* Throughout the five-year implementation period, ILS will monitor the implementation process and periodically report on progress.

Background

Fifty-four years ago, *Gideon v. Wainwright*, 372 US 335, set forth fundamental rights that New York is on the brink of fulfilling. That landmark case held that the U.S. Constitution provides a right to counsel to criminal defendants facing serious charges and the loss of liberty in state court. Two years later, *People v. Witek*, 15 NY2d 392, found to be fundamental error the failure, at arraignment, of a local magistrate to advise defendants of their right to appointed counsel. However, County Law Article 18-B, enacted two months later, failed to provide for State funding and oversight of mandated representation. Instead, each county and NYC were required to establish and fund their

¹Executive Law § 832 (4) as amended pursuant to Chapter 59 of the Laws of 2017, Part VVV, §§ 11-13 (effective July 1, 2017); *see Appendix B.*

²Executive Law § 832 (4) (a) (Counsel at arraignment), § 832 (4) (b) (Caseload relief), § 832 (4) (c) (Initiatives to improve the quality of indigent defense).

³Executive Law § 832 (4) (a), (b), and (c) provide that each of the three plans shall be submitted by ILS to the director of the division of budget for review and approval, provided that the director’s approval shall be limited solely to each plan’s projected fiscal impact of the required appropriation for implementation of the plan, and such approval shall not be unreasonably withheld.

⁴Excluded from the Quality Improvement Plan are the five counties (Onondaga, Ontario, Schuyler, Suffolk, and Washington) currently engaged in the implementation of the settlement agreement reached in *Hurrell-Harring v. State of New York* (Albany County Index No. 8866-07). A copy of the *Hurrell-Harring* settlement agreement is available at <https://www.ils.ny.gov/files/Hurrell-Harring%20Final%20Settlement%20102114.pdf>.

own plans to provide mandated representation—whether a public defender office, a contract with a legal aid society, private lawyers pursuant to a bar association plan, or any combination thereof. Predictably, this county-based system led to inconsistency, inequity, and failure. Over ensuing decades, the need for reform was recognized.

A clarion call came in 2006, when the Final Report of Chief Judge Kaye’s Commission on the Future of Indigent Defense Services concluded that the constitutional obligation to protect the rights of criminal defendants was not being met. The Kaye Report decried the absence of clear financial eligibility standards, performance and caseload standards, training, resources for non-attorney professional services, client contact, defense parity with prosecution resources, and State oversight. Creation of a State Indigent Defense Commission was recommended. However, such call was not heeded. Instead, litigation was the catalyst for reform. *Hurrell-Harring v. State of New York* was filed in 2007 on behalf of defendants facing prosecution in five counties—Ontario, Onondaga, Schuyler, Suffolk, and Washington. The State was blamed for systemic deficiencies that effectively denied defendants their constitutional right to counsel. The five counties involved were added as defendants in the lawsuit. In 2010, following dismissal of the action as non-justiciable, the Court of Appeals ruled in *Hurrell-Harring v. State of New York*, 15 NY3d 8, that the lawsuit could proceed and address whether the State had failed to meet its obligation under *Gideon*. One month after that decision, the ILS legislation was enacted. Executive Laws §§ 832 and 833 authorized the establishment of ILS and its Board and charged them with the duty “to monitor, study and make efforts to improve the quality of services provided” pursuant to County Law Article 18-B. A Board was formed, a Director was hired, and resources for the indigent legal service providers gradually grew. ILS has already achieved significant progress in improving the quality of criminal defense by making distributions and grants and promulgating performance standards.

In 2015, a settlement agreement reached in the *Hurrell-Harring* case was approved by the court. In the five affected counties, the State was required to ensure counsel at arraignment, reasonable caseloads, adequate support services, quality control and oversight, and uniform eligibility standards.⁵ For the first time, the State acknowledged responsibility for complying with *Gideon*’s promise and vested in ILS the duty to implement reform. In the five *Hurrell-Harring* counties, implementation of reform has proceeded effectively and has provided a vision for what can be achieved on a statewide basis. In 2016, ILS issued financial eligibility standards for all counties outside NYC. In addition, for the five *Hurrell-Harring* counties, ILS issued caseload standards, requiring sharp reductions from prevailing advisory standards. State funding needed to implement the settlement reforms was approved.

The next step was to implement reforms statewide, not just in five counties. In June 2016, the State Senate and Assembly unanimously approved identical bills, proposed by Senator John DeFrancisco and Assembly member Patricia Fahy, which would require the State to pay all costs for mandated representation in criminal defense and Family Court cases. On December 31, 2016, Governor Cuomo vetoed the bill. However, he thereafter proposed the statewide expansion of the *Hurrell-Harring* reforms at State expense. In April 2017, the State’s final FY 2018 budget included groundbreaking

⁵Unique to the settlement agreement, the eligibility standards had statewide applicability.

statutory amendments. County Law § 722-e was amended to specify that any costs of implementing the ILS reform plans “shall be reimbursed by the state to the county or city providing such services.” Furthermore, the statute provides that the “state shall appropriate funds sufficient to provide for the reimbursement required by this section.”

This Quality Improvement Plan, and the other plans presented herewith, are developed in response to Executive Law § 832 (4), which gives ILS the authority and the duty to develop plans, by December 1, 2017, to: (a) ensure that each criminal defendant eligible for mandated representation is represented by counsel at arraignment; (b) establish numerical caseload/workload standards for each provider; and (c) improve the quality of representation. *Executive Law § 832 (4) is attached as Appendix B.* Interim implementation steps are to be formulated, and full compliance with the plans is to be achieved by April 1, 2023. To achieve such compliance, ILS is empowered to monitor, and report on, implementation of the plans.

I. The Process of Developing the Plan

In February 2017, ILS began to develop a strategy to assess the quality improvement needs of 126 indigent defense providers throughout the State within the time frame set out in the legislation providing for the statewide implementation of *Hurrell-Harring* reforms. An internal Quality Improvement Working Group (QI Working Group)⁶ was formed and determined that, in each county, the process must be collaborative, combining every provider’s self-assessment and prioritization of needs with information about objective resource deficiencies in their offices and with ILS’s experience in implementing the original *Hurrell-Harring* settlement. The QI Working Group developed a Needs Assessment Survey. The survey instrument was designed to measure consistent, individualized, quantifiable, and accurate information. *The Needs Assessment Survey instrument and a brief methodological overview is attached as Appendix C.*

On May 2, 2017, shortly after the enactment of Executive Law § 832 (4), ILS hosted a statewide meeting in Albany to discuss the new law and describe the process ILS envisioned for the development of statewide implementation plans. More than 120 participants attended the meeting in person, by telephone, and by videoconference. *A list of meeting participants is attached as Appendix D.* Following the meeting, ILS distributed the online Needs Assessment Survey.

Upon receiving completed surveys, ILS conducted individual videoconference meetings with providers and local officials from every county and NYC. *A list of provider meetings is attached as*

⁶ILS staff who participated in the QI Working Group included Joanne Macri, Statewide Chief Implementation Attorney; Matthew Alpern, Director of Quality Enhancement for Criminal Defense Trials; Angela Burton, Director of Quality Enhancement for Parent Representation; Alyssa Clark, Research Assistant; Andrew Davies, Research Director; Cynthia Feathers, Director of Quality Enhancement for Appellate and Post-Conviction Representation; Giza Lopes, Senior Research Associate; Amanda Oren, Statewide Quality Improvement Implementation Attorney; and Joe Wierschem, Counsel.

Appendix E. At these meetings, the participants explored in depth the priorities described in the surveys; critical elements of representation; and innovative, cost-effective ways of utilizing State funding to improve public defense. From June to October 2017, ILS completed 64 of these meetings. After each meeting, ILS prepared a memorandum memorializing the discussion and summarizing recommendations for the use of quality improvement funding. ILS staff then developed profiles for each provider in each county and in NYC.

II. Quality Improvement Initiatives

Executive Law § 832 (4) (c) (i) requires ILS to develop a written plan for each county and NYC to improve the quality of indigent defense by ensuring that attorneys providing mandated representation:

(A) receive effective supervision and training;

(B) have access to and appropriately utilize investigators, interpreters, and expert witnesses on behalf of clients;

(C) communicate effectively with their clients;

(D) have the necessary qualifications and experience; and

(E) in the case of assigned counsel attorneys, are assigned to cases in accordance with County Law Article 18-B and in a manner that accounts for their level of experience and caseload/workload. *See* Executive Law § 832 (4) (c) (i).

A. Training and Supervision

Executive Law § 832 (4) (c) (i) (A) requires that attorneys receive effective training and supervision. Training is needed to ensure that attorneys possess the skills and knowledge needed to provide quality representation. Intensive entry-level training programs should be provided, along with ongoing education about the law and other relevant areas, such as forensic science and technology. Providers may offer their own training programs or provide funding for attorneys to attend local, State, and national programs. Of the providers who responded to the Needs Assessment survey, 61% indicated a moderate to very great need to improve initial training programs for new attorneys, and 86% indicated a moderate to very great need to improve trainings that develop substantive knowledge in forensic sciences. *The results of survey responses addressing training needs are attached as Appendix F.*

Supervision is also critical to ensuring quality mandated representation. Through a formal program, experienced attorneys should supervise the work of less experienced attorneys to elevate the quality of their representation in individual cases, as well as to provide overall oversight of their case management and job performance. To free up time for effective supervision, such supervising attorneys should have reduced caseloads. Other effective elements of supervision and training include mentoring and Second-Chair programs.

In their responses to the Needs Assessment Survey, 34% of providers reported that attorneys in their programs did not have formal supervisors.⁷ Survey responses also suggested that the need for supervisors was greater among assigned counsel respondents.⁸ The subsequent individual meeting with providers allowed ILS to refine its understanding of the status of supervision in the counties and NYC. It emerged from these meetings that, indeed, the need for supervision in assigned counsel representation is overwhelming and that only two of the 54 assigned counsel providers formally employed supervising attorneys who consult with panelists and oversee their work.

B. Non-Attorney Professional Services – Experts, Investigators, Social Workers, Sentencing Advocates, Interpreters, and Other Necessary Services

Executive Law § 832 (4) (c) (i) (B) recognizes that attorneys must “have access to and appropriately utilize investigators, interpreters and expert witnesses on behalf of clients.” Investigators are needed to locate and interview witnesses and unearth exculpatory evidence. Expert consultants can help in evaluating evidence, making strategic decisions, preparing for cross-examinations, and presenting a defense. Sentencing advocates may help achieve a favorable sentence based on mitigating factors. Social workers can help clients enter treatment programs and make a successful re-entry into the community upon release from jail or prison. Interpreters can be vital for client communication.

During meetings with providers, ILS learned that only 16 of 123 trial-level providers have a social worker on staff or regular access to the equivalent of a staff social worker. Moreover, only 41 of these providers have an investigator on staff or something equivalent to having a staff investigator. Only 25 providers have access to one or more full-time investigators, and 16 have access to a part-time investigator. Many providers reported that they lack sufficient funds for necessary professional services; and that applications, pursuant to County Law § 722-c—for court authorization to obtain such services, and a reasonable amount of expert compensation—are often denied. Moreover, appropriate use of experts has been hindered by low hourly guideline rates and a low statutory cap regarding expert compensation; although OCA has recently proposed rate changes to address such concerns.

C. Effective Communication with Clients

The attorney-client relationship requires meaningful communication about the case, the client’s wishes, and the attorney’s advice and information. Counsel has an ethical duty to keep his or her clients reasonably informed about their cases. Indeed, Executive Law § 832 (4) (c) (i) (C) requires that the Quality Improvement Plan ensure that public defense attorneys provide effective client communication. Communication should include not only phone calls or videoconferencing and correspondence, but also face-to-face meetings when necessary. Obstacles to communication may

⁷In the survey, “a ‘supervisor’ is any person whose formal job responsibilities include monitoring other attorney’s work.”

⁸Additionally, we note that assigned counsel programs were underrepresented among survey respondents (i.e., 26 programs responded from among the 54 programs in the jurisdictions surveyed). Further, programs which lacked an administrator were almost completely absent from the respondents, predictably, since the survey was distributed to mandated representation providers and county officials, and several of these programs lack individuals in a leadership role.

include the client's incarceration, a lack of confidential meeting space, the need for an interpreter and/or a client's competency.

In several county/provider meetings, providers suggested that additional support for travel costs and technology may help to improve client communication. For instance, 68% of providers indicated that they do not offer or subsidize technology for attorneys, such as cellphones or other devices, to aid in client communication. Many providers indicated that efforts are being made to ensure some form of client communication; but additional support is necessary to ensure that such communication remains privileged, effective, and readily available. *Survey responses addressing support for client communication are set forth in Appendix G.*

D. Qualifications and Experience

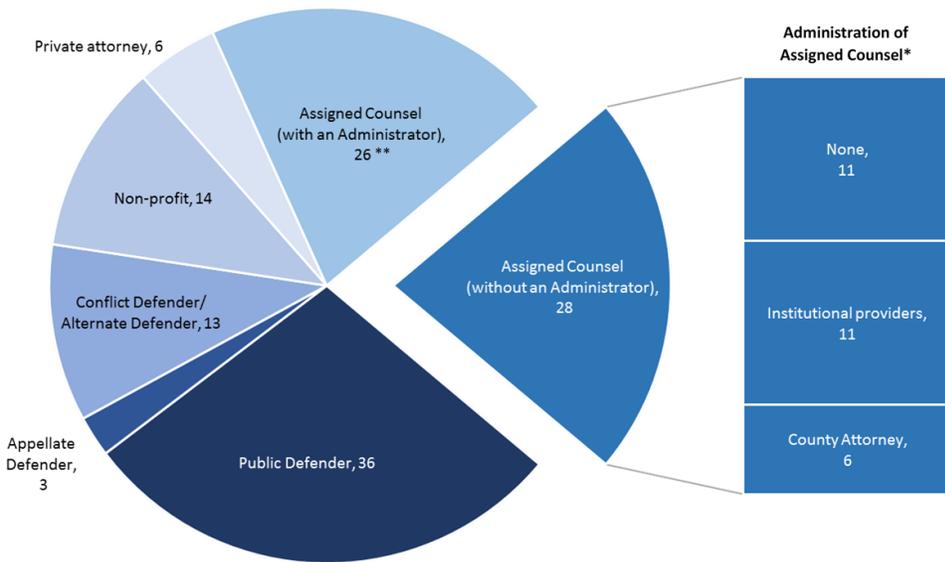
Executive Law § 832 (4) (c) (i) (D) provides that attorneys must have the necessary qualifications and experience in criminal defense to provide effective representation. Without the appropriate ability, experience, and training, attorneys cannot provide competent representation for their clients. In addition, cases should be assigned based on experience and qualifications commensurate with the complexity of the case. Discussions with providers revealed that this goal is often not met, due to several factors, including the inability to: recruit and retain experienced attorneys; support training, mentoring and Second-Chair programs; and perform periodic reviews to ensure that attorneys have manageable caseloads/workloads.

E. Caseload/Workload of ACP Panel Attorneys

Executive Law § 832 (4) (c) (i) (E) provides that each ACP panel attorney should be assigned cases in accordance with County Law Article 18-B, in a manner that accounts for the attorney's level of experience, as well as his or her caseload/workload. No matter how able and dedicated the attorney, when faced with an oppressive caseload, he or she cannot be expected to provide quality representation to his or her clients. Thus, caseloads need to be monitored to ensure that attorneys are not assigned to an excessive number of cases, and an attorney's overall workload should be considered at the time of assignment. Workload encompasses many factors, including: the number and type of cases handled, both as a public defense and as a private attorney; the attorney's experience and skill level; the administrative support available; and any other factors relevant to effective representation.

Requirements regarding experience level and caseload/workload for assigned counsel cannot be met until counties develop or greatly enhance their ACPs, as discussed more fully below. There are 26 ACP Administrators located within 24 counties and two in New York City. In the remaining 28 counties, the ACP is administered by the County Attorney's Office or a provider—or no individual is designated to administer the panel. *See Figure below.* A well-supported ACP is vital, to ensure that assigned counsel possess the necessary experience and qualifications and maintain appropriate caseloads and workloads so that they can provide quality mandated representation.

Providers of mandated representation



Total number of providers: 126

* Refers to Assigned Counsel panels administered by someone other than an independent administrator.

** Includes the two assigned counsel administrators in New York City.

To address the elements referenced in the legislation, ILS recognizes that certain resources are essential to quality representation, as discussed below.

F. Legal Research Resources

Another important aspect of quality representation is access to appropriate legal research resources. All attorneys providing mandated representation should have access to extensive legal research resources to ensure that they know and apply current law in their arguments and written work products. Such resources will typically include an online legal research subscription with sufficient licenses for all attorneys and access to all relevant databases, as well as treatises pertinent to the attorneys' practice areas. At provider offices, appellate counsel can serve as a vital resource to trial counsel in analyzing, presenting, and preserving legal arguments.

G. Case Management and Other Office Resources

Automated case management systems allow providers and programs to enter data helpful to assessing quality representation. Case management systems can help providers to: ensure efficient management and supervision of caseloads; gain an understanding of all pending cases for a given client; identify conflicts of interest; track pertinent data; prepare mandatory reports; and identify important trends. Often, case management systems may be used to monitor fiscal developments related to the assignment of counsel, such as systems that provide for electronic vouchering. Depending on their needs and resources, providers may purchase a case management system or develop their own custom program. Such programs are only effective when well-trained support staff are available to enter and assist in monitoring the quality of the data.

III. Quality Improvement in Upstate Counties

In counties outside NYC, the most common mandated representation model is a Public Defender's Office and individual 18-B attorneys for conflicts. Most Public Defenders' Offices, however, lack adequate resources, and many counties lack support for assigned counsel.

A. Assigned Counsel Plans

About two-thirds of the ACPs do not contain sufficient structural elements to provide adequate support for quality representation among the panel of 18-B assigned counsel.⁹ In some instances, the assigned counsel initiatives may have deficiencies in basic elements of quality improvement: attorney qualifications, training and supervision, non-attorney professional resources, client communications, and managing 18-B attorneys' caseloads. Many counties do not have a full-time ACP administrator and/or supervising attorney; a process for certification and review of performance; a training or mentoring program; resources for legal research and non-attorney professional services; protocols governing client communication; or adequate resources for appeals and post-conviction representation. Instead, attorneys on assigned counsel lists—even inexperienced ones—are often left to their own devices, with no support, no accountability, and no contact with the county. Moreover, programs frequently lack a case management system or any mechanism to ensure that attorneys do not receive an excessive number of assignments.

Another concern about assigned counsel systems in many counties is a lack of independence. Some programs are linked to Defender Offices, despite conflict concerns. In many counties, judges assign the attorneys. Assignments should be made by Administrators.¹⁰

Regional systems for delivering assigned counsel representation offer a very promising way to deliver high quality representation with greater efficiency. Many rural counties do not possess the resources needed to establish a professional ACP. However, by creating a regional ACP with a neighboring county or counties, these counties can elevate their programs, while efficiently sharing resources. A regional ACP approach has been used with great success pursuant to the *Hurrell-Harring* Settlement, with the creation of the Schuylcr-Tompkins Counties Regional ACP. We plan to explore similar opportunities with public defense providers and county officials in the future.

B. Public and Conflict Defender Offices and Legal Aid Societies

Throughout the State, Public Defenders' Offices are typically the primary providers of mandated representation. While these offices have structural advantages relative to many assigned counsel programs, they often lack the resources needed to provide quality representation. There is a severe

⁹ILS is drafting Standards for Creating and Implementing Assigned Counsel Plans which will expand on structural elements that are currently being successfully implemented in developing ACPs within the *Hurrell-Harring* counties.

¹⁰See County Law §722-b (1).

imbalance in not only resources available from county to county, but also in contrasting defense and prosecution resources. Defender Offices often report being at a significant disadvantage vis-à-vis their prosecutor counterparts. The lopsided resources subvert a basic premise of our adversarial system of justice—that a match between equally strong and capable advocates should yield a proper outcome. Without adequate resources, Defenders cannot fully protect their clients’ rights, check prosecutorial abuses, and minimize wrongful convictions.

Proper qualifications for the complexity of a case is a prerequisite for effective representation. However, some Offices have difficulty in recruiting attorneys of sufficient quality and experience, due to low pay, high caseloads, and remote rural locations. Other deficits that must be addressed include inadequate office space and administrative staff. Some Public Defenders employ only part-time attorneys who must juggle public defense and private clients. Excessive caseloads impede meaningful supervision and require triage of many cases. Indeed, structured supervision is the exception to the rule. In many Public Defender Offices, training budgets are inadequate or non-existent.

C. Appellate Representation

Only attorneys with the proper training and expertise should handle appeals. The attorneys must be supervised, communicate with clients, effectively complete direct appeals, and, where appropriate, provide post-conviction representation. NYC providers and appellate units in the largest upstate cities provide such representation; but there is an enormous gap between the high quality of appellate representation delivered by such programs versus the approach taken in many counties. The norm in much of the State is for appellate representation to be provided by assigned counsel who receive scant training and supervision, or none at all. There are a few exceptions, such as small appellate units at provider offices, a nonprofit serving five rural counties, and a few individual appellate attorneys who have contracts with counties. However, these promising initiatives require adequate resources to fulfill their promise of providing quality mandated appellate representation.

Improving the quality of appellate and post-conviction representation in upstate New York will require funding and careful planning. Two of the most important ingredients to elevating such representation will be training and regionalization. To be effective, training must be intensive, comprehensive, and continuing. Regional approaches—which are already underway with ILS support in the Third and Fourth Appellate Departments—offer significant opportunities for elevating the quality of appellate representation upstate.

IV. Quality Improvement in New York City

A. Trial-Level Representation

In NYC, there is a far heavier reliance on institutional providers for trials and appeals than in the rest of the State. At the trial level, the largest provider of criminal defense in all five boroughs is the Legal

Aid Society (LAS), an office with more than 500 attorneys. The other institutional offices are Bronx Defenders (BXD), Brooklyn Defender Services (BDS), Neighborhood Defender Services (NDS), New York County Defender Services (NYCDS), and Queens Law Associates (QLA), each with from around 50 to 100 attorneys.

These offices have often excelled in at least three key components of quality improvement: attorney qualifications, training and supervision, and non-attorney professional resources. Their ability to improve overall quality representation is partially due to the implementation of caseload relief standards that were initiated in 2010 and achieved full compliance in 2014.¹¹ The providers have attracted qualified attorneys, assigned them to cases and units suitable for their experience and training, and provided intensive initial training of up to eight weeks, followed by ongoing trainings. Close, structured supervision of attorneys typifies such offices, with ratios of one supervisor per 10 staff attorneys. Some providers have in-house social workers, investigators, and experts, as well as resources to retain additional professional services. Clients have benefited from all the above factors, as well as from the providers' emphasis on offering holistic, client-centered representation.

One problem area for the NYC trial-level providers has been client communication, which is hampered by the logistics of visiting clients at Rikers Island. Funding is also required to provide adequate administrative support, adequate salaries to retain attorneys in a competitive environment, and adequate office space in a city where rents are sky high. Funding is also needed for expanded non-attorney professional services.

The ACPs of the Appellate Division – First and Second Departments are severely underfunded and understaffed, preventing implementation of quality improvement measures. Both programs lack adequate staffing, supervision of panel attorneys, office space, training, legal research, non-attorney professional services, case management systems, and independence. Providing appropriate support and resources for these programs is an essential component of our effort to ensure a high and uniform quality of representation for every client, regardless of whether he or she is represented by an institutional defender or by assigned counsel.

¹¹Legislation passed in 2009 required the Chief Administrator of the Courts to promulgate rules regarding compliance with public defense caseload standards which were in effect until March 31, 2014. See Laws of 2009, Ch 56, Part ZZ. An addition to the Chief Administrator's Rules, issued in March 2010, provides that workload standards would serve as non-binding guidelines between April 1, 2010 and March 13, 2014 and requires annual review of the NYC public defense caseloads. The statute further requires that the Chief Administrator's plan for compliance with caseload standards shall allow for adjustment each year. As of April 1, 2014, and since that time, compliance with any rules set by the Chief Administrator pursuant to the statute has become mandatory.

B. Appellate-Level Representation

Institutional providers also provide most of the appellate representation in NYC. Three offices are devoted exclusively to appeals: the Center for Appellate Litigation and the Office of the Appellate Defender in the First Department and Appellate Advocates in the Second Department. The largest provider of appellate representation in NYC is LAS, which has a unit that handles appeals in all five boroughs. The strengths of such offices in many ways mirror those at the trial level: qualified attorneys are hired and receive intensive training and structured supervision with similar supervisor-to-attorney ratios. While historically appellate defenders have used non-attorney professional services less than their trial counterparts, the use of such services at the appellate level is growing. The NYC programs have increasingly provided such representation, creating re-investigation units to explore innocence claims, bringing applications for post-conviction relief, representing clients at parole hearings, and providing re-entry services.

Increased State funding can help appellate providers meet challenges they face regarding client communication and resources for non-attorney professional services. The providers use correspondence and phone calls to effectively communicate with clients about their appeals. The philosophies and practices differ as to client visits, with some offices emphasizing the desirability of attorneys meeting with every client, but others finding such visits necessary only in certain circumstances and/or using paralegals to see clients soon after orders of assignment. Expanded funding would make more feasible consistent attorney visits to incarcerated clients. The NYC provider offices also need expanded training funding to keep pace with evolving criminal defense, including in forensics and immigration law; and to enhance attorneys' trial practice skills, given the increasing number of hearings being handled in NYC by appellate counsel. More experts are needed for post-conviction motions and SORA hearings. Increased social worker resources are needed to help clients with prison conditions and re-entry challenges. Moreover, expanding investigator resources will bolster innocence projects.

V. Five-Year Plan

Mandated criminal defense representation in New York is provided by a patchwork of 126 providers across 52 counties and in NYC. Executive Law § 832 (4) recognizes that ensuring the right to counsel is predicated on improving the quality of public defense provided by this system. Toward that end, the legislation requires that ILS develop a written plan to improve the quality of mandated representation in criminal cases by ensuring that all of the aforementioned statutory elements are met, that is, that public defense attorneys: receive effective training and supervision; have access to non-attorney professional services (such as experts, investigators, and interpreters); communicate effectively with their clients; have the necessary experience and qualifications; and, in the case of 18-B assigned counsel, provide representation in a manner that accounts for the attorney's level of experience and caseload/workload.

ILS will implement quality improvement measures continuously and will provide periodic reports to reflect the information obtained from providers and to expand on the specific steps to be taken in each county to achieve full implementation of this Plan by April 1, 2023. The first phase of this Plan has focused on working with providers to gather initial data and to identify the most pronounced and immediate quality improvement needs. Specific recommendations for quality improvement have been identified in the profiles that follow this section.

The second phase of this Plan will involve the ongoing identification and prioritization of quality improvement needs for each county. ILS will continue to work with each county to strategize about implementation of the initiatives identified in the governing legislation. The ILS Statewide Implementation Unit will continue to review a variety of resources, gather additional data, and meet with each provider to discuss the appropriations available to address their quality improvement needs. We will conduct a series of in-person meetings with counties and providers starting early in January 2018. We will also continue to identify how financial resources will be allocated to meet the objectives of the legislation.

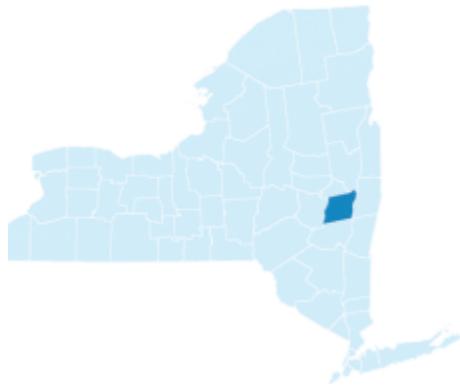
ILS will monitor implementation of the quality improvement initiatives. This will involve assessing each provider's ability to gather and report data to the agency. It will also include developing a tool that will ensure that information reflecting quality improvement is being gathered and reported to ILS in a consistent and reliable fashion to assess each providers' progress. During this phase, we will continue to gather more information from a wide variety of sources. Data will address factors such as caseloads; client communication; training initiatives; increased staffing to address supervision needs; and the use of experts, investigators, and other non-attorney professional services. In addition, the Statewide Implementation Unit will work closely with counties interested in developing ACPs, whether as stand-alone programs or regional enterprises.

The third and final phase of the Plan will involve a review of the compilation of data collected during the five-year period of implementing the Plan. With this data, we will assess the sustainability of quality representation beyond April 1, 2023.

As this Plan demonstrates, there is a proven need for increased funding to improve the quality of mandated representation. There is profound reason for hope and optimism about the prospect for true statewide reform, as we begin to implement this Plan. As our experience in the *Hurrell-Harring* counties has taught us, when providers and programs receive sufficient funding and guidance, they rise to the occasion, reform follows, and clients receive the representation promised by *Gideon*.

COUNTY PROFILES

ALBANY COUNTY



County Overview

Albany County, located in the Capital Region, covers 533 square miles and has a population of 305,455. The County consists of 39 legislative districts governed by a Board of 39 legislators currently chaired by Eric W. Ward. About 13.5% of residents live below federal poverty levels, and the median household income is \$59,887. The largest city and the State capital is Albany, where Supreme, County, Family, and Surrogate's Courts, the Court of Claims, a City Court, and the Appellate Division – Third Department are located. The County has three other City Courts and 13 Town and Village Courts.

Mandated Representation Overview

Mandated representation is provided by a Public Defender's Office, led by Stephen Herrick, Esq.; a Conflict Defender's Office, headed by Sherri Brooks, Esq.; and an Assigned Counsel Program, administered by Larry Rosen, Esq.

Status of Quality

Staffing (Recruitment and Retention of Attorneys and Non-Attorneys)

The Public Defender's Office consists of approximately 27 attorneys, with most concentrating in criminal matters. Four attorneys focus on non-criminal matters. One attorney handles parole cases but has an excessive caseload. The Office has one appellate attorney. The number of appeals is growing, and the Office will need a second appellate attorney, as well as a paralegal. Five administrative/clerical staff are employed at the Public Defender's Office. Low salaries present an obstacle to the recruitment of attorneys. Moreover, due to excessive caseloads and other adverse working conditions, many attorneys are suffering from burnout.

The Conflict Defender's Office has three criminal defense attorneys handling felonies and two attorneys representing clients in connection with misdemeanors. The office also has three Family Court attorneys, one administrative attorney, and two administrative staff. Attorneys do much of their own data entry. Criminal attorneys handle their clients' parole matters and have received a few assignments to file 440 motions. Salaries are about \$20,000 less than for comparable District Attorney positions. However, the Office has been able to retain attorneys by allowing them to maintain a private practice, as long as they work 35 hours a week for the County.

The assigned counsel program lacks an office or staff. The Administrator receives a salary, has a small space within the County Attorney's office, and borrows staff from that office for administrative

support. There are no qualifications required for placement on the list; attorneys simply write a letter to a judge or judges, who control the entire assignment process. An estimated 10 to 14 attorneys receive the bulk of felony assignments.

Supervision and Mentoring

The Public Defender states that attorneys receive very little supervision. The Office has two senior attorneys designated to serve as supervisors, but as of August 2017, both were on leave. The Public Defender and another senior attorney provide informal supervision, but also carry partial caseloads. The Office has instituted a mandatory co-counsel system for trial cases. The Conflict Defender's Office does not provide regular, formal supervision of criminal defense attorneys. The Conflict Defender does not consider this a serious problem, given the relatively small size of the office and the daily communications among attorneys. One of the Family Court attorneys has supervisory duties. Assigned counsel are not supervised, and no process exists to review their performance or to address client complaints.

Training

The Public Defender's Office recently hired a full-time training director. According to the Public Defender, the office training budget was recently raised to approximately \$25,000 but will need to be increased to accommodate additional staff. The Office sent several people to an intensive national criminal defense training and is developing in-house training programs. Although training has recently improved, the Public Defender's Office would like to increase the opportunities for attorneys. The Conflict Defender estimates its training budget to be approximately \$3,000. This budget covered attendance for multiple attorneys at a local multi-day conference, as well as one attorney's attendance at a multi-day national training. The Office sees a serious need for training in forensic science and trial advocacy. Assigned counsel attorneys receive no training from the County.

Legal Research

According to the Public Defender, legal research resources fall far short of what is needed and not all attorneys have access to online legal research. The Conflict Defender's Office shares a legal research account with the County Attorney's office. The County does not provide legal research resources to panel attorneys.

Client Communication

The Public Defender's Office maintains an informal policy of encouraging attorneys to generally contact clients on a weekly basis. Although incarcerated clients can call the Office from jail, they have difficulty reaching their attorneys. The lack of confidential attorney-client meeting space at the Office also negatively impacts client communication. At the Conflict Defender's Office, detained clients can reach attorneys toll-free from jail; cellphones are subsidized. There is no policy regarding client communication governing representation by assigned counsel.

Non-Attorney Professional Services (Experts, investigators, social workers, sentencing advocates, interpreters, and other necessary services)

According to the Public Defender, the County recently provided the Public Defender's Office with increased funding of approximately \$25,000 for expert services to be used in part for mental health

clients and for interpreters. The Public Defender noted that increased access to interpreters is needed. The Office has two investigators and a third unfilled position. It can also contract for investigators from its “fee for services” budget line. The Public Defender stated that there is a lack of adequate investigation of cases and that there is a need for more investigators including a particular need for a female investigator and for more office space to accommodate any additional investigators. The Public Defender also noted that more social workers are needed, among other things, to assist the many homeless clients facing a myriad of issues. There is no funding for sentencing advocacy at the Public Defender’s Office.

The Conflict Defender stated that the Office has no funding for a social worker and only \$15,000 for experts, investigators, and interpreters. The ACP Administrator reports that he sees few or no vouchers pertaining to experts, investigations, and sentencing advocacy. The Program has no budget for investigation and panel attorneys must apply to the court for permission to hire an investigator.

Technology/ Other Resources

The Public Defender’s Office space cannot accommodate its current staff, with only eight offices for 27 attorneys and a lack of conference rooms and confidential meeting spaces. The Office also shares attorney-client meeting rooms with the Probation Department, which has unfettered access to that area of the office, thus resulting in obvious confidentiality issues. The Public Defender reports that the Office has an inadequate number of laptops, phone system, and cell phones and that the Office uses a CMS that is incompatible with its computer system. According to the Conflict Defender, the outdated laptops used by Conflict Defender’s Office attorneys are inadequate to show clients videos and photographs. The computerized data entry system used is also inadequate.

Quality Improvement Needs

Upon consultation with providers and a review of information provided, ILS makes the following recommendations to improve the quality of mandated representation in Albany County:

Public Defender’s Office

- Provide support to recruit and retain staff.
- Increase attorney staff, including appellate attorneys for litigation support.
- Increase funding for training opportunities.
- Provide support for increased staff supervision.
- Increase administrative support.
- Expand legal research resources including electronic legal research resources.
- Provide additional funding for non-attorney professional services (such as investigation, expert, social work/sentencing advocacy, and interpretation services, etc.).
- Provide support to expand office space.
- Provide support for technology upgrades including computers and the CMS.

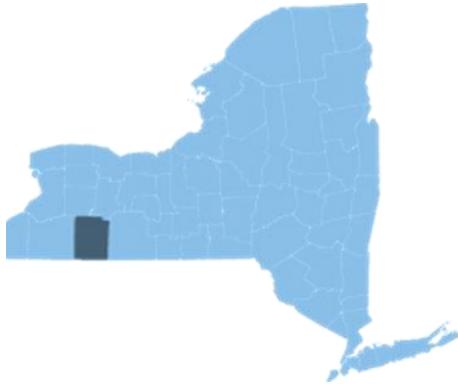
Conflict Defender’s Office

- Provide support to recruit and retain staff.
- Increase administrative support.
- Fund training opportunities.
- Provide support to upgrade technology including case management and computers.
- Enhance funding for non-attorney professional services (such as investigation, expert, social work/sentencing advocacy, and interpretation services, etc.).

Assigned Counsel

- Provide support to upgrade the assigned counsel program.
- Support enhanced role of an administrator and hire supervising attorney and sufficient administrative support.
- Fund training and mentoring programs.
- Enhance funding for non-attorney professional services (such as investigation, expert, social work/sentencing advocacy, and interpretation services, etc.).
- Provide reimbursement for time and travel expenses to promote effective representation and client communication.
- Provide support to upgrade technology, such as a CMS and electronic voucher system.

ALLEGANY COUNTY



County Overview

Allegany County, located in the Southern Tier in the Chautauqua–Allegany Region, has a population of 48,357, with 16.9% of residents living below federal poverty guideline levels and a median household income of \$42,776. The largest town, Alfred, has a population of only about 5,000. While the County’s population is sparse, the county is relatively large, at 1,034 square miles. The County consists of five legislative districts governed by a Board of 15 legislators currently chaired by Curtis W. Crandall. The Supreme, County, Family, and Surrogate’s Courts are in the Village of Belmont. In addition, the County has 34 Town and Village Courts.

Mandated Representation Overview

Mandated representation is provided via a tiered assignment process. In the first instance, assignments go to the Public Defender’s Office, headed by Public Defender Barbara Kelley, Esq. Allegany-Cattaraugus Legal Services, Inc., a nonprofit organization, led by Annette Harding, Esq., serves as a conflict defender pursuant to a contract with the County, calling for it to handle a specified minimum number of cases per month. The County also has a contract with Edward Pekarek, Esq., to administer its Assigned Counsel Program.

Status of Quality

Staffing (Recruitment and Retention of Attorneys and Non-Attorneys)

The Public Defender’s Office has four mixed-practice attorneys, including the Public Defender, as well as two full-time administrative staff. The Public Defender stated that all of the attorneys carry a very heavy caseload.

Allegany-Cattaraugus Legal Services, Inc., has no office or staff. Instead, Administrator Annette Harding subcontracts with four attorneys to provide representation, with three concentrating in criminal defense and the fourth handling mostly Family Court matters. Harding stated that the office needs funding to hire additional attorneys and to increase attorney compensation.

Part-time attorney Ed Pekarek administers the ACP with the assistance of the secretary of his private law firm. Attorneys on the assigned counsel list reside in Allegany County, as well as in adjacent Cattaraugus County. About 15 attorneys handle criminal defense cases, and five attorneys represent clients in Family Court matters. No qualification process exists for placement on the assigned counsel list; and there is no formal mechanism to monitor the quality of representation.

Supervision and Mentoring

In the Public Defender's Office, informal supervision occurs by attorneys talking to each other about cases and a lack of supervision is not seen as a pressing issue. The Allegany-Cattaraugus Legal Services Administrator does not supervise the contract attorneys, who maintain their own files in their private law offices; she is not notified when cases are completed. There is no physical office for the ACP, and panel attorneys do not receive supervision.

Training

The Public Defender stated that the office has a budget of less than \$10,000 per year for attorneys to attend in-state training programs. The office would like to enhance training for attorneys, including in trial advocacy and forensic science. Neither Allegany-Cattaraugus Legal Services nor the ACP has funding to provide training opportunities for the attorneys associated with their programs.

Legal Research

All attorneys at the Public Defender's Office have access to online legal research. Neither Allegany-Cattaraugus Legal Services nor the ACP has funding to provide legal research resources.

Client Communication

The Public Defender's Office reports that there are many obstacles to client communication, including high caseloads, lack of client transportation, the large size of the county, and a lack of court space allowing for confidential meetings. The Administrator of Allegany-Cattaraugus Legal Services states that incarcerated clients can generally reach attorneys by placing toll-free calls. The Assigned Counsel Program does not have a formal policy regarding client communication by panel attorneys.

Non-Attorney Professional Services (Experts, investigators, social workers, sentencing advocates, interpreters, and other necessary services)

The Public Defender stated that the approximately \$5,000 allocated to the office for expert witnesses, investigations, and interpreters is inadequate and that the Office needs a full-time social worker and investigator, as well as increased access to sentencing advocates. Current office space does not accommodate the staff, but the Office hopes to move to new expanded space in spring 2018. Allegany-Cattaraugus Legal Services recognizes the need for a social worker but has no budget for such service. While the conflict defender does have a budget line for experts and investigators, there are generally no requests for such services. The ACP Administrator stated that assigned counsel generally do not use expert or investigative services.

Technology/Other Resources

All three providers of mandated representation use spreadsheets to track case data and lack case management software to track and monitor cases. Upon the completion of a case, assigned counsel vouchers are reviewed for mathematical errors, but information regarding the resolution of cases is not captured.

Quality Improvement Needs

Upon consultation with providers and a review of information provided, ILS makes the following recommendations to improve the quality of mandated representation in Allegany County:

Public Defender's Office

- Provide support to recruit and retain staff.
- Increase attorney staff, including appellate attorneys for litigation support.
- Increase administrative staff.
- Provide support to expand office space.
- Provide funding to promote effective representation and improve attorney-client communications, including but not limited to, travel costs and technology.
- Fund additional non-attorney professional services (such as investigation, expert, social work/sentencing advocacy, and interpretation services, etc.).
- Upgrade technology, including a CMS.

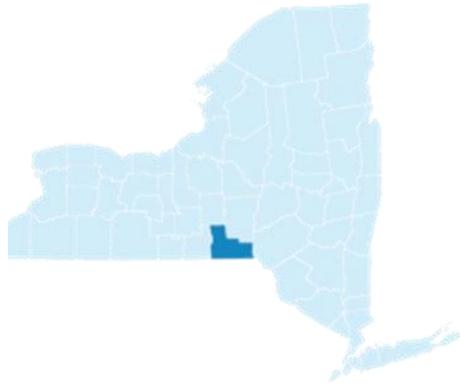
Allegany-Cattaraugus Legal Services, Inc.

- Provide support to expand office space.
- Fund additional administrative support.
- Support additional resources to allow for increased supervision of attorneys.
- Provide funding to promote effective representation and improve attorney-client communications, including but not limited to, travel costs and technology.
- Support additional non-attorney professional services (such as investigation, expert, social work/sentencing advocacy, and interpretation services, etc.).
- Upgrade technology, including a CMS.

Assigned Counsel

- Formalize an assigned counsel program.
- Hire a full-time administrator and supervising attorney.
- Provide for administrative support.
- Fund training and mentoring programs.
- Fund non-attorney professional services (such as investigation, expert, social work/sentencing advocacy and interpretation services, etc.).
- Provide reimbursement for time and travel expenses to promote effective representation and client communication.
- Upgrade technology including providing support for a CMS and electronic voucher system.

BROOME COUNTY



County Overview

Broome County, located in Central New York in the Southern Tier, has an area of 715 square miles and a population of 200,600. The County consists of 15 legislative districts governed by a Board of 15 legislators currently chaired by Daniel Reynolds. About 17.9% of the population lives below federal poverty guideline levels, and the median household income is \$42,261. The Supreme, County, Family, Surrogate's, and City Courts are in Binghamton, the County's largest city. In addition, the County has one City Court and 19 Town and Village Courts.

Mandated Representation Overview

Mandated representation is provided by the Public Defender's Office, led by Jay Wilber, Esq. There is no formal Assigned Counsel Program or Conflict Defender's Office.

Status of Quality

Staffing (Recruitment and Retention of Attorneys and Non-Attorneys)

The Public Defender's Office employs 12 full-time criminal defense attorneys and two full-time criminal law associates who are law students that have passed the New York State Bar Examination and are awaiting admission to the Bar. There is a vacancy for a 13th attorney position. The Office also employs 10 administrative assistants and uses interns to supplement these positions. The Public Defender stated that additional administrative assistants are needed.

The Office represents clients in both felony and misdemeanor cases and the Public Defender stated that attorneys labor under heavy caseloads, and cases are becoming increasingly complex, due to the use of videotaped interviews, cellphone forensic examination, electronic surveillance, and other new technologies. The Office also represents clients in connection with parole cases and on appeal, including appeals from local court to County Court and from judgments of conviction following a plea, and SORA determinations. The Office also does some post-conviction work. According to the Public Defender, the Office does not generally handle trial appeals because they can involve claims of ineffective assistance that can produce conflicts of interest.

The Public Defender's Office is finding it increasingly difficult to recruit new attorneys and has seen a sharp drop in resumes, which may be due to younger attorneys not wanting to reside in Broome County. Salaries start at \$53,000. According to the Public Defender, there is parity with prosecutor

salaries, except at top levels of management. Generally, the Office does not have a problem in retaining attorneys.

Since there is no formal Assigned Counsel Program, there is no Assigned Counsel office, Administrator, or administrative staff. The County Comptroller expressed concern about both the cost and quality of assigned counsel representation. No application process exists to evaluate attorney qualifications. Attorneys write to individual judges asking to be placed on the panels for their courts. If there is a conflict of interest, an individual judge makes the case assignment. There are approximately 106 attorneys on the assigned counsel list, and most handle both criminal defense and Family Court matters. They may also receive appellate assignments, subject to qualification and appointment by the Appellate Division – Third Department. There are enough attorneys available to take cases. According to the County Comptroller, there is a lack of control over attorney compensation. The County Comptroller and Public Defender expressed an interest in establishing a Conflict Defender's Office.

Supervision and Mentoring

The Public Defender and the First Assistant Public Defender supervise staff, but both also carry caseloads. One of the administrative staff supervises the rest of the support staff. Attorneys on the assigned counsel list are unsupervised.

Training

The Public Defender stated that his Office has used ILS funding to pay for attorneys to attend local, in-state, and national programs. No funding exists for training of panel attorneys.

Legal Research

The Public Defender's Office does not have sufficient access to online legal research resources. Panel attorneys do not receive funding for legal research resources.

Client Communication

At least two Public Defender Office staff members visit the jail daily to conduct client intake interviews. Attorneys regularly visit their clients, often going to the jail at night. However, high caseloads impact attorneys' ability to meet with clients as often as they would like. The Office reimburses attorneys for their mileage for client visitation. The Public Defender's Office takes collect calls from jails and prisons.

Non-Attorney Professional Services (Experts, investigators, social workers, sentencing advocates, interpreters, and other necessary services)

The Public Defender stated that the Office has a budget line of approximately \$10,000, for expert services and that this budget is exceeded when representation occurs in homicide cases. In such cases, the Office can obtain additional funds via court order. The Office has a staff investigator, who is skilled at connecting clients with social services and whose role could be shifted exclusively to sentencing mitigation. A chief investigator position remains vacant following a retirement, and another full-time investigator is needed. The Public Defender stated that the Office needs a budget for social worker services. In complex cases, the Public Defender's Office has retained the Center

for Community Alternatives to assist with sentencing advocacy. According to the Public Defender, the Office has already exceeded its budget line for interpreters this year. As to the assigned counsel list, the County Comptroller indicated that he is not seeing vouchers for experts, investigation, or sentencing advocacy.

Technology/Other Resources

The Public Defender's Office has a CMS that will need upgrades. Assistant Public Defenders do not have laptops or cellphones.

Quality Improvement Needs

Upon consultation with providers and a review of information provided, ILS makes the following recommendations to improve the quality of mandated representation in Broome County:

Public Defender's Office

- Increase attorney staffing to include appellate attorneys for litigation support.
- Provide support to expand office space.
- Provide support to recruit and retain staff.
- Fund administrative support including paralegal support.
- Support training opportunities.
- Support legal research resources including electronic legal research resources.
- Support budget for non-attorney professional services (such as investigation, expert, social work/sentencing advocacy, and interpretation services, etc.).
- Provide for technology upgrades, including the CMS.

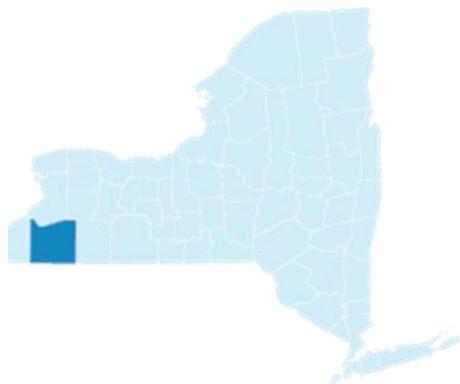
Conflict Defender's Office

- Consider establishing a Conflict Defender's Office with appropriate support.

Assigned Counsel

- Formalize and upgrade an assigned counsel program.
- Support the hiring of an administrator, supervising attorney and administrative staff.
- Fund attorney training and mentoring programs.
- Fund non-attorney professional services (such as investigation, expert, social work/sentencing advocacy, and interpretation services, etc.).
- Fund reimbursement of attorneys for time and travel expenses to promote client communication.
- Support technology upgrades, including a CMS and electronic voucher system.

CATTARAUGUS COUNTY



County Overview

Cattaraugus County, located in the Chautauqua – Allegany Region in the Southern Tier, has an area of 1,310 square miles and a population of 80,317. The County consists of eight legislative districts governed by a Board of 17 legislators currently chaired by Paula J. Stockman. About 18.3% of the population lives below federal poverty guideline levels, and the median household income is \$42,601. The Supreme, County, and Surrogate’s Courts are in Little Valley, while Family Court and a City Court are in Olean, the County’s largest city. In addition, the County has 36 Town and Village Courts and a second City Court in Salamanca.

Mandated Representation Overview

Mandated representation is provided by the Public Defender’s Office, headed by Mark Williams, Esq., and an Assigned Counsel Program, administered by the County Attorney’s Office.

Status of Quality

Staffing (Recruitment and Retention of Attorneys and Non-Attorneys)

The Public Defender’s Office has two full-time criminal attorneys and five full-time attorneys with a mixed caseload of Criminal and Family Court cases. The Public Defender reports that attorneys carry an extremely heavy caseload. The Public Defender’s Office employs two full-time legal secretaries, one half-time accountant, and 1.5 data entry persons. The Office will need to expand its office space and, given the large size of the County, the Public Defender suggests that establishing a satellite office might be appropriate. Pursuant to a contract, most appeals are handled by the Legal Aid Society of Buffalo, which also provides training and consultation services on open cases. According to the Public Defender, a low starting salary of \$53,000—compared to \$75,000 in neighboring Allegany County—presents an obstacle to recruiting attorneys. The remote and highly rural nature of the County also impacts the ability to recruit attorneys. The Public Defender also reports a significant disparity between Public Defender and District Attorney salaries.

The ACP is administered through the County Attorney’s Office. Attorneys seeking to join the panel send a resume to the Assistant County Attorney, who decides what kind of cases the attorney can handle. Attorneys from four neighboring counties also participate. A few judges in the County refuse to use the attorneys on the assigned counsel list and make their own assignments. The assigned counsel list is losing attorneys willing to participate; the number of panel attorneys has declined from 20 to 12, and new attorneys are not coming to the County. The County has, therefore, discussed the possibility of creating a Conflict Defender’s Office.

Supervision and Mentoring

The Public Defender, who carries a reduced caseload, spends about 30 hours per week supervising attorneys handling criminal cases. He also supervises the staff investigator and social worker. The First Assistant Public Defender supervises attorneys handling Family Court cases. The secretary supervises the clerical staff. No supervision is provided to attorneys on the assigned counsel list.

Training

The Public Defender stated that the Office's budget for training is adequate for the current staff and is used to send staff to statewide training programs. He noted that his Office would benefit from a regionalized training program. The Office does not presently have the ability to send attorneys to national programs, and the Public Defender paid out-of-pocket to attend one such program that offered specialized forensic science training. No training is provided to attorneys on the assigned counsel list. While the County has funds available to reimburse attorneys for attending relevant training programs, attorneys infrequently utilize such funds. The County does have a contract with the Erie County ACP to provide training and assistance to attorneys on the assigned counsel list, but Erie County has not yet offered such services.

Legal Research

The Public Defender's Office requires additional access to online legal research. The County does not pay for legal research for attorneys on the assigned counsel list and attorneys do not bill for the use of online research, except perhaps in the general category of case preparation.

Client Communication

The Public Defender's Office has sufficient resources for confidential attorney-client communications at its offices. The jail and most local courts do not have confidential meeting space. Attorneys on the assigned counsel list do sometimes visit clients, and they are reimbursed for travel time and mileage.

Non-Attorney Professional Services (Experts, investigators, social workers, sentencing advocates, interpreters, and other necessary services)

The Public Defender stated that his Office has a budget line of approximately \$50,000 for expert witnesses, but that attorneys refrain from using experts to avoid running out of money. He estimated that approximately \$80,000 per year would ensure appropriate use of experts, not only for trials, but also for consulting purposes and retaining of higher quality experts. The Office employs two full-time investigators, one for criminal cases, and the other for Family Court matters. It has no resources to contract with outside investigators. According to the Public Defender, current investigative resources are inadequate to support the caseload, resulting in triaging, based on the seriousness of the charges. Use of experts and investigators by panel attorneys is very rare. Attorneys on the assigned counsel list do not bill for sentencing advocacy.

Other Office Resources

The Public Defender's Office utilizes a CMS. The County Attorney's Office does not have a CMS for the assigned counsel list. Vouchers are submitted in paper form.

Quality Improvement Needs

Upon consultation with providers and a review of information provided, ILS makes the following recommendations to improve the quality of mandated representation in Cattaraugus County:

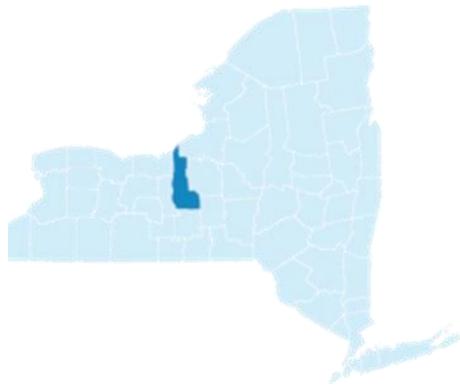
Public Defender's Office

- Provide support for an increase in attorney staffing and continue to support appellate resources for litigation support.
- Provide support for increased staff supervision.
- Support increase in administrative staff.
- Support establishing a satellite office to accommodate client representation.
- Provide support to enhance recruitment and retention of staff attorneys.
- Increase budget for non-attorney professional services (such as investigation, expert, social work/sentencing advocacy, and interpretation services, etc.).
- Expand the budget for training.
- Support technology upgrades including the CMS.

Assigned Counsel

- Enhance the existing assigned counsel program.
- Provide support for the hiring of a, supervising attorney, and additional administrative staff.
- Provide additional funding for training and mentoring programs.
- Provide additional funding for non-attorney professional services (such as investigation, expert, social work/sentencing advocacy, and interpretation services, etc.).
- Support technology upgrades including a case management and electronic voucher system.

CAYUGA COUNTY



County Overview

Located in the Finger Lakes – Wine Country Region, Cayuga County is home to 80,000 residents, with 27,000 residing in the City of Auburn. The County consists of 15 legislative districts governed by a Board of 15 legislators currently chaired by Keith Batman. Twelve percent of County residents have income below the Federal Poverty Guidelines. Auburn is the location of the Supreme, County, Family, Surrogate’s, and City Courts. In addition, the County has 27 Town/Village Courts.

Mandated Representation Overview

Mandated representation is provided solely through an Assigned Counsel Program, administered by Lloyd Hoskins. The Program was developed by the County Bar Association and is administered by the County. It provides representation in criminal, parole, Family Court, and appellate matters. Further, the ACP participates in three Auburn City Court programs: Counsel at First Appearance, the Behavioral Health Court, and the Misdemeanor and Felony Drug Treatment Court.

Currently, there are 36 participating panel attorneys. Most take assignments in both criminal defense and Family Court matters, while some handle cases exclusively in one realm. To join the panel, an attorney must have a residence or office in the County and undergo an interview process. In 2016, ACP attorneys were appointed in about 1,700 criminal, parole, and Family Court cases, with criminal cases accounting for 70% of assignments. Panel attorneys are reimbursed through a voucher system. Under the statutory compensation rate, assigned attorneys receive \$60/hour for misdemeanor cases and \$75/hour for all other cases. Representation in specialty courts is compensated at a flat fee of \$250/day.

Status of Quality

Staffing (Recruitment and Retention of Attorneys and Non-Attorneys)

The ACP is administered part-time by Lloyd Hoskins with the support of one part-time administrative assistant. Each year, the ACP typically adds to the panel two or three newly admitted attorneys.

Supervision and Mentoring

The County has no formal supervision or mentoring program for ACP attorneys. As to supervision, the Administrator regularly attends court proceedings to observe the quality of representation provided. Panel attorneys regularly seek his advice. The informal mentoring of new attorneys is largely dependent upon the availability and interest of experienced panel attorneys.

Training

According to the Administrator, the ACP has a modest budget to support the registration costs of relevant in-state training programs for panel attorneys. Newly admitted attorneys may receive initial training by shadowing experienced panel attorneys for two weeks. In addition, voluntary monthly ACP training sessions address a variety of topics, including representation at arraignment and the immigration consequences of a criminal conviction. As part of a Second Chair Program, new attorneys may participate in trial litigation alongside experienced panel attorneys.

Legal Research

While the ACP does not provide panel attorneys with access to online legal research resources, a law library at the County Courthouse offers access to free legal research, including online resources. The ACP does not monitor the quality of legal research or writing, but the Administrator stated that attorneys regularly bill for research services.

Non-Attorney Professional Services (Experts, investigators, social workers, sentencing advocates, interpreters, and other necessary services)

Panel attorneys generally apply to the court to retain an expert or investigator. The Program maintains only a modest budget for such services as needed in complex cases, as well as for sentencing advocacy services.

Client Communication

The Administrator stated that the ACP budget is limited as to client communication, including the time panel attorneys spend on such activities and the cost for collect calls from local jails. Full reimbursement of such services would likely increase the quantity and quality of client communication in assigned cases.

Technology/Other Resources

The ACP process of using paper vouchers and spreadsheets does not allow for structured monitoring of resources used by panel attorneys.

Quality Improvement Needs

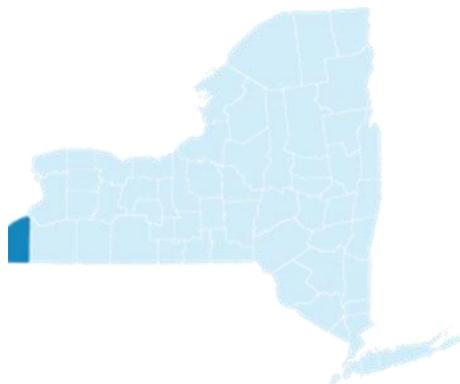
Upon consultation with providers and a review of information provided, ILS makes the following recommendations to improve the quality of mandated representation in Cayuga County:

Assigned Counsel

- Fund and support mentoring programs for both trial and appellate litigation.
- Fund training opportunities and programs.
- Provide support for increased use of non-attorney professional services (such as investigation, expert, social work/sentencing advocacy and interpretation services, etc.).
- Support technology upgrades including implementation of a CMS.
- Fund reimbursement of the cost of transcripts of court proceedings and other litigation support resources.

- Provide support to increase the frequency and comprehensiveness of effective client communication.

CHAUTAUQUA COUNTY



County Overview

Chautauqua County, located in the Chautauqua-Allegany Region in the Southern Tier, has an area of 1,500 square miles and a population of 134,905. The County consists of 19 legislative districts governed by a Board of 19 legislators currently chaired by David Himelein. About 18.9% of the population lives below federal poverty guideline levels, and the median household income is \$42,993. The Supreme, County, and Surrogate's Courts are in Mayville. In addition, the County has two City Courts and 31 Town and Village Courts.

Mandated Representation Overview

Mandated representation is provided by the Public Defender's Office, headed by Nathaniel Barone, Esq., which handles about 95% of the cases. There is no formal Assigned Counsel Program but attorneys from an assigned counsel list cover the rest of the cases.

Status of Quality

Staffing (Recruitment and Retention of Attorneys and Non-Attorneys)

The Public Defender's Office has five full-time and five part-time attorneys. The attorneys struggle with an excessive caseload that includes a number of complex felony cases. In addition to handling criminal defense and Family Court matters, the Office handles appeals from local courts to County Court. The Office has run out of space and has two or three attorneys working together in one office.

Although the Public Defender's Office does not anticipate difficulty in recruiting attorneys to fill positions, the Public Defender observed that the salaries are far too low, stating that he is paid less than half of the District Attorney's salary and that his First Assistant Public Defender receives over \$30,000 less than his comparable counterpart in the District Attorney's Office.

The County does not have a formal ACP. Instead, it has an assigned counsel list of two to four dozen mostly local attorneys who handle primarily criminal appeals. There is no Administrator, and assignments are completely in the hands of the various judges. Each court maintains its own list of attorneys who are willing to receive assignments from the court, and the courts make their own assignments. While the list includes many experienced attorneys, the most glaring deficiency is that many attorneys are reluctant to take cases to trial, and many are vastly under-qualified attorneys for the serious felony cases to which they are assigned.

Supervision and Mentoring

The Public Defender supervises all the felony attorneys, meeting with them weekly to discuss the trial calendar. In addition to his supervisory responsibilities, the Public Defender carries a caseload that includes the Office's most complex cases. The First and Second Assistant Public Defenders supervise the misdemeanor courts. Assigned counsel do not receive any supervision. Some panel attorneys contact the Public Defender for assistance. There are no standards governing assigned counsel representation and no monitoring of their performance.

Training

The Office tries to regularly meet on a quarterly basis to discuss legal updates. The Public Defender stated that additional resources will be needed to send younger attorneys to training programs. Panel attorneys do not receive any training.

Legal Research

The Office has sufficient online legal research resources. Assigned counsel do not receive any legal research support from the County.

Client Communication

The jail is located near the Public Defender's Office. Attorneys also have access to Skype and are encouraged to respond to client's calls. The Public Defender did not view attorney-client communications as a problem area in the Office. The County does not monitor the extent of attorney-client communications by panel attorneys.

Non-Attorney Professional Services (Experts, investigators, social workers, sentencing advocates, interpreters, and other necessary services)

The Public Defender's Office regularly consults with experts, especially in complex felony cases. The Public Defender described a definite need for increased funding for expert services given the increase in the volume of cases. He also noted a need for additional funding for interpreter services. The Office has two part-time investigators, one of whom is dedicated to Family Court clients. It also has one vacant position. According to the Public Defender, the County's hiring process which requires selection of civil service candidates presents a real risk for the hiring of unqualified investigators. The Office would prefer to contract with qualified investigators in the County and sees a need for expanded investigative services, due to a huge increase in gang-related criminal activity and homicides. The Public Defender has a vacancy for a social worker position and has not been able to access experts for sentencing advocacy. The Office would like to become more holistic in the representation of clients.

Panel attorneys do not receive expert witness or investigative support from the County, and their use of such services is not monitored. The panel attorneys do not do sentencing advocacy.

Technology/Other Resources

The Public Defender's Office has a CMS. The Public Defender did not express a need for additional technology beyond any necessary upgrades to the system.

Quality Improvement Needs

Upon consultation with providers and a review of information provided, ILS makes the following recommendations to improve the quality of mandated representation in Chautauqua County:

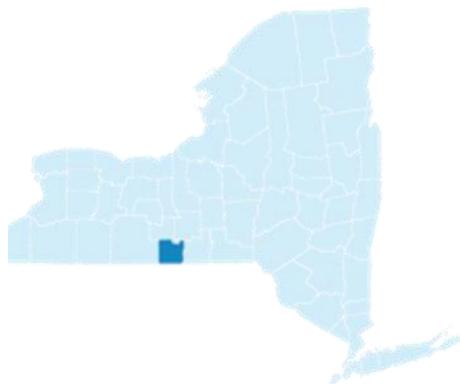
Public Defender's Office

- Increase attorney staff to include appellate resources for litigation support.
- Increase administrative staffing.
- Provide support to recruit and retain staff.
- Support expansion of office space to accommodate staff and client communication.
- Fund training opportunities.
- Provide funding for non-attorney professional services, particularly expert and interpretation services, as well as investigative, social work, and sentencing advocacy support.
- Support technology upgrades including the CMS.

Assigned Counsel

- Formalize an assigned counsel program.
- Support hiring an administrator or supervising attorney and administrative staff.
- Fund training and mentoring programs.
- Fund non-attorney professional services (such as investigation, expert, social work/sentencing advocacy, and interpretation services, etc.).
- Provide technology support to implement a CMS and electronic voucher system.

CHEMUNG COUNTY



County Overview

Chemung County, located in the Finger Lakes – Wine Country Region in the Southern Tier, has an area of only 411 square miles and a population of 88,830. The County consists of 15 legislative districts governed by a Board of 15 legislators currently chaired by Donna L. Draxler. About 15.8% of the population lives below federal poverty guideline levels, and the median household income is \$50,320. The Supreme, County, Family, Surrogate’s, and City Courts are in the City of Elmira. In addition, the County has 14 Town and Village Courts.

Mandated Representation Overview

Mandated representation is provided by the Public Defender’s Office, led by Scott Fierro, Esq., as well as a Public Advocate’s (Conflict Defender) Office, headed by John Brennan, Esq. The County does not have a formal Assigned Counsel Program. There are only about half a dozen attorneys who regularly take assigned cases, including parole work that was previously covered by a contract attorney.

Status of Quality

Staffing (Recruitment and Retention of Attorneys and Non-Attorneys)

The Public Defender’s Office has five full-time attorneys, two part-time attorneys, one full-time secretary for felonies, two full-time secretaries for other administrative duties and two part-time investigators. One of the full-time attorneys represents Family Court clients, and another full-time attorney handles only felony cases. The part-time attorneys do not receive benefits or have office space in the Office. The Public Defender noted that the administrative staff are overworked and underpaid. On rare occasions, the Public Defender’s Office makes 440 motions. It does not handle appeals.

According to the Public Defender, despite the existence of some adverse economic conditions in Chemung County, the Public Defender’s Office has not experienced problems in recruiting attorneys. Salaries start at \$57,000, and sometimes more based on experience, and increase 3% per year. Retaining attorneys has been a problem, however, as attorneys gain experience and then leave to take other county positions that provide better compensation.

The Public Advocate’s Office employs three full-time attorneys, one of whom handles only felonies, another who handles primarily Family Court, and a third largely devoted to City Court and Justice Court. The Office has less than two full-time administrative staff. The Public Advocate expressed a

need for additional staff, including a paralegal, as well as for higher salaries or merit increases to retain experienced attorneys.

Supervision and Mentoring

The Public Defender provides consultation where needed, but finds a minimal need for supervising attorneys, given their high level of experience and the high level of open communication among colleagues. The Public Advocate finds it difficult to handle both supervision of attorneys and his own caseload. He also noted that the office is severely understaffed for the caseload it handles.

Training

The Public Defender stated that the Office's budget for training is insufficient, in that it covers only attendance by some attorneys at statewide trainings. The Public Advocate noted that his Office does have a training budget and sends attorneys to some statewide trainings, but that attorneys would attend additional programs if more funding were available.

Legal Research

Both the Public Defender's and Public Advocate's Offices have sufficient online legal research resources. The library for the Public Advocate's Office is sufficient, because they are getting books and materials through ILS funding.

Client Communication

Restrictive jail policies make it very difficult for attorneys at the Public Defender's Office to meet incarcerated clients. While attorneys can use Skype to speak with clients, there are confidentiality issues with that format. All attorneys at the Public Advocate's Office have offices to meet with clients. The Office does not accept collect calls from the jail, because the Public Advocate is concerned about the Sheriff's Department recording calls.

Non-Attorney Professional Services (Experts, investigators, social workers, sentencing advocates, interpreters, and other necessary services)

The Public Defender's Office does not have a budget for expert services. Attorneys must apply to the court for funding of experts pursuant to County Law § 722-c. The Public Defender stated that if more funding were available, his attorneys would use experts more. Even though many of its clients have received a mental health diagnosis, the Office does not have the resources to utilize social workers or sentencing advocates for assistance in the context of either a plea negotiations or trial. The Office's two half-time investigators work on both criminal defense and Family Court matters and focus on locating and interviewing witnesses and locating clients. The Public Defender stated that the investigative staff is sufficient, but the salaries paid to them are too low. Interpreters are needed and are usually provided by OCA.

The Public Advocate stated that his Office has a budget line of only approximately \$5,000 for expert witnesses, OCA interpreters, and other non-attorney services, but needs more. A staff investigator works 20 hours a week. The Office does not use a social worker.

Technology/Other Resources

Both the Public Defender's and Public Advocate's Offices use the same CMS. The Public Defender reports a need for more laptops for attorneys.

Quality Improvement Needs

Upon consultation with providers and a review of information provided, ILS makes the following recommendations to improve the quality of mandated representation in Chemung County:

Public Defender's Office

- Increase attorney staff, including appellate attorneys for litigation support.
- Increase administrative staff, including a full-time receptionist and a full-time paralegal.
- Enhance salaries for staff to achieve parity with other staff in the District Attorney's office.
- Expand office space.
- Fund training opportunities.
- Fund resources for non-attorney professional services (such as investigation, expert, social work/sentencing advocacy, and interpretation services, etc.).
- Provide support for technology upgrades, including any needed for its CMS.

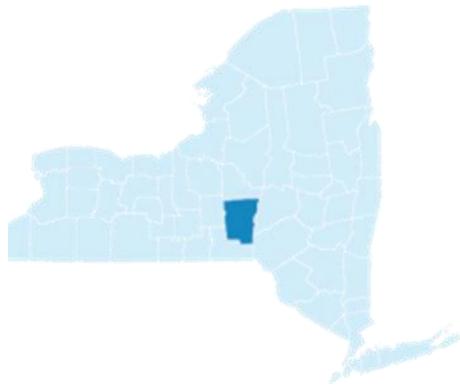
Public Advocate's Office

- Increase attorney staff, including appellate attorneys for litigation support.
- Increase administrative staff.
- Enhance attorney salaries to retain experienced attorneys and to achieve parity with the District Attorney's office.
- Provide funding for non-attorney professional services (such as investigation, expert, social work/sentencing advocacy, and interpretation services, etc.).
- Support technology upgrades, including any needed for its CMS and computers.

Assigned Counsel

- Formalize and support an assigned counsel program.
- Hire an administrator, supervising attorney, and sufficient administrative staff.
- Fund training and mentoring programs.
- Fund non-attorney professional services (such as investigation, expert, social work/sentencing advocacy, and interpretation services, etc.).
- Fund reimbursement for travel time and expenses to enhance client communication.
- Support technology upgrades, including adding a CMS and electronic voucher system.

CHENANGO COUNTY



County Overview

Chenango County, located in central New York, has an area of 899 square miles and a population of 50,477. The County consists of 23 legislative districts governed by a Board of 23 supervisors currently chaired by Lawrence N. Wilcox. About 15.9% of the population lives below federal poverty levels, and the median household income is \$45,668. The Supreme, County, Family, Surrogate's, and City Courts are in the City of Norwich. In addition, the County has 26 Town and Village Courts.

Mandated Representation Overview

Mandated representation is provided by the Public Defender's Office, led by John Cameron, Esq. The County also has an Assigned Counsel Program, administered by Public Defender Office paralegal Karri Beckwith from within the Public Defender's Office.

Status of Quality

Staffing (Recruitment and Retention of Attorneys and Non-Attorneys)

The Public Defender's Office has one part-time and three full-time attorneys and one part-time and two full-time administrative support staff. The Public Defender handles all the felony cases. The other full-time attorneys handle both criminal and Family Court cases. The paralegal has extensive responsibilities and reports that current administrative staffing is inadequate for current needs. The Office does not have space to accommodate additional personnel. According to the Public Defender, it is difficult to recruit attorneys to work in the Office due to low salaries and the isolated rural nature of the County.

The County Bar Association has only about 35 attorneys, most of whom are not willing to accept assignments. Moreover, the list is losing attorneys through retirement. About 60% of cases go to out-of-county attorneys. Attorneys send letters to judges requesting assignments. Deference is given to determinations by judges as to whether the attorneys are qualified to be named on the list and as to which attorneys should be assigned to particular cases.

Supervision and Mentoring

The Public Defender's Office does not have a formal supervision system. Given the small size of the office, attorneys do regularly discuss cases, particularly those that are complex. The office will also assign two attorneys to homicide cases. The ACP does not provide supervision of attorneys on the assigned counsel list and does not have funding to implement Second-Chair or mentoring programs.

Training

The Public Defender stated that the Office requires additional funding for training, particularly for out-of-state programs or multi-day programs involving trial techniques. There is no funding for training of attorneys on the assigned counsel list.

Legal Research

The Public Defender's Office has sufficient legal research resources. The Office does not represent client on appeals or in post-conviction matters. The ACP does not provide funding for legal research resources to attorneys on the assigned counsel list. The Public Defender's Office will endeavor to assist attorneys with legal research and sample motions when requested.

Client Communication

The Public Defender and Paralegal regularly visit clients at the local jail. The jail facility properly provides access for client visitation. The Public Defender's Office also accepts toll-free calls from the jail three afternoons per week. Assigned counsel receive reimbursement for mileage and may bill for travel time. Attorneys on the assigned counsel list can accept collect calls from the jail to the attorney.

Non-Attorney Professional Services (Experts, investigators, social workers, sentencing advocates, interpreters, and other necessary services)

The Public Defender's Office does not have a staff investigator. The Public Defender stated that the Office budget line for expert and investigative services is inadequate and that investigative services are urgently needed for complex felony cases. The Office also has a pressing need for social workers on staff. Social work functions are currently handled by the Public Defender and paralegal, both of whom have social work backgrounds. The Office has not had the availability of funding for sentencing advocates. The Public Defender noted that such services would benefit clients in the plea negotiation process.

Panel attorneys rarely request the services of expert witnesses and investigators; and they must request such services from the assigned judge. The Administrator stated that vouchers show that panel attorneys do not bill for sentencing advocacy.

Technology/Other Resources

The Public Defender's Office uses a CMS for both its cases and those assigned to attorneys on the assigned counsel list. There is no electronic voucher system for assigned attorneys; an Excel spreadsheet is used.

Quality Improvement Needs

Upon consultation with providers and a review of information provided, ILS makes the following recommendations to improve the quality of mandated representation in Chenango County:

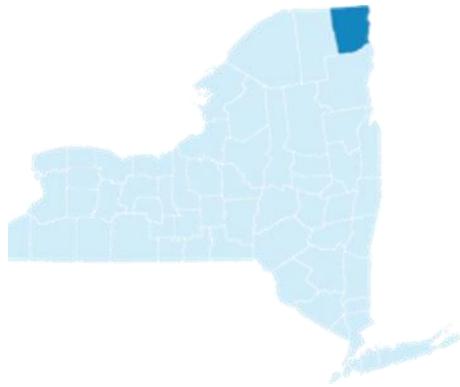
Public Defender's Office

- Increase attorney staff including appellate attorneys for litigation support.
- Increase administrative staff.
- Enhance salaries to recruit and retain staff.
- Support expansion of office space to accommodate increased staff.
- Provide additional funding for training opportunities.
- Increase funding for non-attorney professional services (such as investigation, expert, social work/sentencing advocacy, and interpretation services, etc.).
- Provide technology upgrades, including any needed for its CMS.

Assigned Counsel

- Formalize and support an independent assigned counsel program.
- Hire a supervising attorney, and sufficient administrative staff.
- Provide funding to establish training and mentoring programs.
- Fund non-attorney professional services (such as investigation, expert, social work/sentencing advocacy, and interpretation services, etc.).
- Support technology upgrades, including any needed for its CMS and the addition of an electronic voucher system.

CLINTON COUNTY



County Overview

Clinton County, located in the Adirondack Mountains, has an area of 1,118 square miles and a population of 81,654. The County consists of 10 legislative districts governed by a Board of 10 legislators currently chaired by Harry J. McManus. About 16.5% of the population lives below federal poverty guideline levels, and the median household income is \$49,930. The Supreme, County, Family, Surrogate's, and City Courts are in the City of Plattsburgh. In addition, the County has 15 Town and Village Courts.

Mandated Representation Overview

Mandated representation is provided solely by an Assigned Counsel Program, administered by Justin Meyer, Esq.

Status of Quality

Staffing (Recruitment and Retention of Attorneys and Non-Attorneys)

The ACP Administrator is an attorney in a private law firm who has a contract with the County to oversee the Program. He estimates that he spends an average of 25 to 35 hours per week working on issues related to the Program. The contract provides a small salary for the Administrator and a stipend to compensate his private law firm administrative staff. There is no application process for inclusion on the assigned counsel list. All practicing attorneys in the County are eligible; they simply write a letter to a judge seeking assignments in that judge's court. The judges make assignments without input from the Program.

The County also has a contract with several attorneys to handle Family Court cases. There are less than 20 other attorneys on the assigned counsel list. Most represent clients in both criminal defense and family law cases. The Administrator states that there is a lack of experienced attorneys capable of handling the most serious cases. Only one attorney is deemed qualified to handle a murder case. The County has considered entering contracts with senior attorneys on the list to retain them. The Administrator noted a very great need to attract and recruit new attorneys to the Program, which has lost more than half its members in recent years. The Appellate Division – Third Department makes assignments for appeals.

Supervision and Mentoring

There is no Supervisory Attorney, and assigned counsel are not supervised or mentored. Two experienced attorneys receive a stipend for maintaining a limited number of open office hours.

Training

No initial training is offered to new attorneys, and the County would welcome ILS development of regional training programs. While there is a budget for assigned counsel to apply for scholarships to attend training programs, no attorneys have taken advantage of this resource. The Administrator surmised that attorneys prefer online CLE programs.

Legal Research

Up to 24 attorneys on the assigned counsel list are provided with access to online research.

Client Communication

The ACP does not maintain a formal policy regarding client communication.

Non-Attorney Professional Services (Experts, investigators, social workers, sentencing advocates, interpreters, and other necessary services)

The County provides no funding for retention of expert witnesses. The Administrator noted that, unlike attorneys representing clients in Family Court matters, no assigned counsel has sought funding for expert services in criminal defense cases. Previously, the ACP set aside ILS funding for investigation. The Administrator stated that when no assigned counsel sought to access the funds, they were redirected for other purposes. With one exception, the County has not received vouchers for sentencing advocacy services. There has been one request for an interpreter.

Technology/Other Resources

The County uses spreadsheets to record information on case type and disposition. There is no electronic vouchering system, and the County is interested in using such a system.

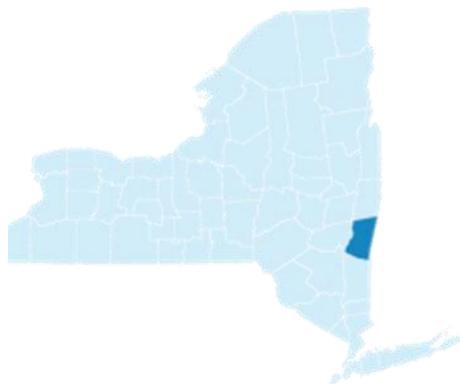
Quality Improvement Needs

Upon consultation with providers and a review of information provided, ILS makes the following recommendations to improve the quality of mandated representation in Clinton County:

Assigned Counsel

- Formalize and upgrade an assigned counsel program.
- Hire a supervising attorney and sufficient administrative staff.
- Fund training, increased mentoring, and second-chair opportunities.
- Provide support for independent office space.
- Fund non-attorney professional services (such as investigation, expert, social work/sentencing advocacy, and interpretation services, etc.).
- Provide reimbursement for travel time and expense to support client communication
- Upgrade technology, including a CMS and electronic voucher system.

COLUMBIA COUNTY



County Overview

Columbia County, located southeast of Albany in the Hudson Valley, has an area of 648 square miles and a population of 62,499. The County consists of 18 legislative districts governed by a Board of 18 Supervisors currently chaired by Matt Murell. About 11.7% of the population lives below federal poverty guideline levels, and the median household income is \$59,105. The Supreme, County, Family, Surrogate's, and City Courts are in the City of Hudson. In addition, the County has 21 Town and Village Courts.

Mandated Representation Overview

Mandated representation is provided by the Public Defender's Office, led by Robert Linville, Esq. The County has contracts with four attorneys to serve as part-time Conflict Defenders. The attorneys are not affiliated with each other. Instead, each attorney has their own private law office in addition to their contract with the County. None of the attorneys completed a survey or responded to requests to participate in a Quality Improvement meeting. There is no formal Assigned Counsel Program in the County, and it is not clear whether any other attorneys in the County participate in the provision of mandated representation as assigned counsel.

Status of Quality

Staffing (Recruitment and Retention of Attorneys and Non-Attorneys)

The Public Defender's Office employs four full-time attorneys. Two of the attorneys concentrate on criminal defense cases, and one represents clients in both criminal and family law cases. The fourth full-time attorney assists with appeals, motions, research for the other attorneys, and parole matters. In addition, the Office has four part-time attorneys. The Public Defender expressed deep concerns about the caseloads in both criminal defense and Family Court matters. He explained that providing full coverage for five Family Court judges when multiple calendars are in session is very difficult, and the Office is far behind in completing appeals. The Office also employs two full-time administrative staff and is about to hire a third. The Public Defender stated that the Office requires additional administrative staff and that his office does not have parity with the Office of the District Attorney in this area. He added that the physical size of the Office is not adequate for current staff, let alone additional staff.

While the Office has not had difficulty recruiting or retaining attorneys, the Public Defender cited enhancing the ability to attract and retain attorneys in the program long-term as a very great need. Salaries for full-time attorney start at \$76,875 and progress to \$96,600 within five to seven years.

Supervision and Mentoring

The Public Defender has full supervisory responsibilities but noted that he is under a lot of time constraints because he also carries a full caseload and shoulders time consuming administrative duties. He added that he is attempting to train two attorneys to assist with supervisory responsibilities.

Training

The Public Defender stated that his Office has used approximately \$10,000 a year in ILS funding to provide training opportunities for his staff. He added that he would like to send his attorneys to national multi-day training programs.

Legal Research

All attorneys have adequate access to online legal research resources.

Client Communication

The jail is located near the Public Defender's Office. The Public Defender stated that his attorneys regularly visit their clients, that he personally pays careful attention to juvenile and mental health clients, and that the Office investigator also visits newly arrested clients.

Non-Attorney Professional Services (Experts, investigators, social workers, sentencing advocates, interpreters, and other necessary services)

The Public Defender reports that the County provides a budget of approximately \$5,000 per year for expert services and that the Office has supplemented this amount with ILS funding directed toward mental health examinations for an increasing number of psychologically disturbed clients. According to the Public Defender, the Office has utilized additional ILS funding to support one full-time contract investigator who works almost exclusively on criminal defense matters. The Public Defender noted that the Office could use three full-time investigators and more advanced technology for photographing crime scenes. Attorneys draft their own sentencing memoranda, and ILS funding has been used to hire recent law school graduates to serve as a part-time case manager to help clients get into programs. The Public Defender's Office has not utilized sentencing advocates and does not have a budget for interpreter services.

Technology/Other Resources

The Office uses a cases management system that will need upgrades.

Quality Improvement Needs

Upon consultation with providers and a review of information provided, ILS makes the following recommendations to improve the quality of mandated representation in Columbia County:

Public Defender's Office

- Increase attorney staff including appellate attorneys for litigation support.
- Increase administrative staff including paralegal services.

- Expand office space.
- Increase funding for non-attorney professional services, particularly investigation, experts, and social workers/sentencing advocates.
- Support technology upgrades for a CMS.

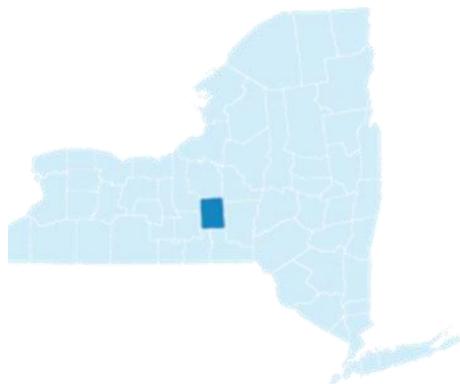
Conflict Defender's Office

- Formalize and upgrade the Conflict Defender programs.
- Consider establishing one office with sufficient staff and resources.

Assigned Counsel

- Formalize and upgrade an assigned counsel program.
- Consider establishing one office with an administrator, supervising attorney, and sufficient staff and resources.
- Provide technology upgrades including a case management and electronic voucher system.

CORTLAND COUNTY



County Overview

Cortland County, located in the Finger Lakes – Wine Country Region, has an area of 502 square miles and a population of 49,474. The County consists of 17 legislative districts governed by a Board of 17 Legislators currently chaired by Donnell Boyden. About 14.7% of the population lives below federal poverty guideline levels, and the median household income is \$49,514. The Supreme, County, Family, Surrogate’s, and City Courts are in the City of Cortland. In addition, the County has 15 Town Courts.

Mandated Representation Overview

Mandated representation is provided by the Public Defender’s Office, led by Keith Dayton, Esq. The Assigned Counsel Program is administered by Lenore LeFevre, Esq.¹²

Status of Quality

Staffing (Recruitment and Retention of Attorneys and Non-Attorneys)

The Public Defender’s Office has three full-time attorneys and one part-time attorney devoted to criminal defense and two full-time attorneys handling Family Court representation. The Office also has two paralegals and one secretary. The Office does not represent clients on appeal but does also handles parole violations.

The Public Defender stated that high caseloads create undue pressure to resolve cases through plea negotiations and that his Office requires additional attorney staff. He added that the Office space is not adequate for current staff. The starting salary for attorneys is \$62,000. The Public Defender stated that the Office has a problem retaining staff and has lost five attorneys in the past year, due to low salaries, as well as uncertainty regarding the fate of the Office which has resulted in low morale. The Public Defender also expressed concern that salary considerations will prevent him from recruiting an experienced full-time investigator. He noted that, as of September 2017, the County had asked the Office to cut its budget by 10% and was considering eliminating the Office, despite the high quality of representation provided in the face of inadequate resources.

A full-time secretary supports the half-time Administrator in administering the ACP. According to the Public Defender only five of the attorneys on the list possess the experience needed to effectively represent clients charged with serious felonies. Attorneys apply to be named to the list

¹²Most of the information regarding the ACP was provided by the Public Defender, along with information obtained from surveys and memoranda from previous meetings.

by a written application. The Administrator indicated that the qualifications of all attorneys in the community are known. It appears that the County did not implement a process contemplated in 2014, when applicants for the panel were to be screened by a committee, including attorneys, judges, legislators, and former clients. The Administrator decides which attorney is assigned to each case.

Supervision and Mentoring

The Public Defender is the sole supervisor at the Public Defender's Office. He maintains full administrative responsibilities and also carries a full caseload that includes complex trial cases. The Public Defender stated that additional supervision is not needed since all of the attorneys in the Office are very experienced. The ACP does not provide supervision to attorneys on the list but the County is considering providing mentoring.

Training

The Public Defender stated that his Office has used ILS funding to obtain a training budget of approximately \$4,000 a year, which enabled the Office to send three people to a statewide multi-day intensive trial training program. The Public Defender noted that the Office's paralegals and investigator also need training. He added that attorneys on the assigned counsel list need basic training, and there is an ongoing effort to accomplish this.

Legal Research

Attorneys at the Public Defender's Office have adequate access to online legal research resources. These resources are insufficient to accommodate additional staff.

Client Communication

In the Quality Needs Assessment survey, improved attorney-client communication was listed as an area of "fairly great need." The Public Defender believes that assigned counsel can currently bill for travel time, but not mileage, for client visits. The survey revealed that, about 75% of the time, detained clients can reach panel attorneys by placing toll-free calls.

Non-Attorney Professional Services (Experts, investigators, social workers, sentencing advocates, interpreters, and other necessary services)

The Public Defender stated that the Office has a budget of less than \$10,000 for expert services, but that the Office requires experts for a variety of cases, including homicides, arson, methamphetamine, and DWI cases. The Office also had a single murder trial that exhausted the entire budget for expert witnesses. The Public Defender stated that the office is under heavy pressure to limit expert service expenses. The Office has a part-time contract investigator but needs a full-time person. The Public Defender's Office uses a client liaison to connect clients to community resources. The Office does not employ a social worker and is forced to rely on paralegals to handle this role. Several times a year the Public Defender uses sentencing advocates for complex cases. The Public Defender believes that assigned counsel attorneys fail to use experts appropriately and do not utilize investigators. Sentencing advocacy was not discussed.

Technology/Other Resources

The Public Defender's Office and Assigned Counsel Programs both utilize a CMS.

Quality Improvement Needs

Upon consultation with providers and a review of information provided, ILS makes the following recommendations to improve the quality of mandated representation in Cortland County:

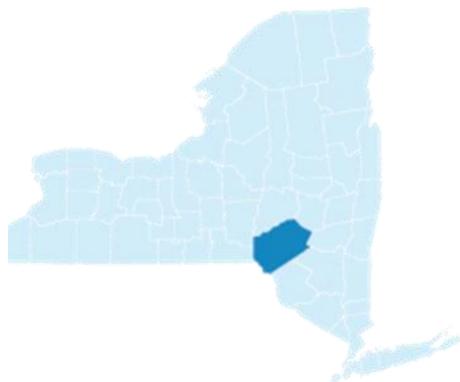
Public Defender's Office

- Increase attorney staff including appellate attorneys for litigation support.
- Hire a full-time investigator and social worker.
- Enhance salaries for all staff.
- Expand office space to accommodate increases in staff.
- Provide funding for enhancement of training and expert services (such as investigation, expert, social work/sentencing advocacy, and interpretation services, etc.).
- Provide technology upgrades including case management.

Assigned Counsel

- Upgrade the assigned counsel program.
- Hire a supervising attorney and sufficient administrative staff.
- Fund training and mentoring programs.
- Fund non-attorney professional services (such as investigation, expert, social work/sentencing advocacy, and interpretation services, etc.).
- Provide reimbursement for time and travel expenses to promote effective representation and client communication.
- Provide technology upgrades, for a CMS and electronic voucher system.

DELAWARE COUNTY



County Overview

Delaware County, located in eastern New York, has approximately 48,000 residents. The County consists of 19 towns and 10 villages covering approximately 1,446 square miles. The County has 19 legislative districts governed by a Board of 19 Supervisors currently chaired by Tina Mole. The Board is responsible for the general management, such as establishing a plan for mandated representation and for controlling the County's financial affairs. Approximately

15.3% of the population lives below federal poverty guideline levels, and the median household income is \$43,720. The Supreme, County, and Family Courts are in the City of Delhi. In addition, the County has 19 Town Courts and 3 Village Courts.

Mandated Representation Overview

There is no formal Assigned Counsel Program in Delaware County. The assigned counsel panel was previously overseen by the Delaware County Bar Association (DCBA) and a volunteer assigned counsel Administrator who resigned in December of 2014. Currently, the County Attorney and the judiciary, in consultation with the DCBA, maintain the assigned counsel list and are working together to update the 1965 assigned counsel plan previously adopted by the Board.

Status of Quality

Staffing (Recruitment and Retention of Attorneys and Non-Attorneys)

The previous assigned counsel Administrator was a volunteer attorney appointed by the DCBA. Approximately 25 attorneys are on the list of assigned counsel. They receive assignments to criminal cases, parole violations, Family Court matters, and appeals. The list of available attorneys on the panel will vary between courts, with each judge maintaining his or her own list of panel attorneys for mandated representation. Approximately half of the panel consists of attorneys from neighboring counties, and most of the panel attorneys are reportedly qualified to represent clients charged with felonies. There is no application to join the panel. Attorneys will often contact individual judges to join the panel, and the judges will notify the County Attorney's Office of the attorney's interest to participate on the panel. The only requirement for acceptance is to be an attorney of good standing in New York.

Supervision and Mentoring

The County does not provide panel attorneys with supervision or access to mentoring or Second-Chair programs. Vouchers are not reviewed to assess the quality of representation.

Training

The County does not provide funding for training to panel attorneys. The County relies on local trainings conducted by the DCBA.

Legal Research

The County does not provide assigned counsel with any resources for legal research.

Client Communication

Attorneys can bill for travel time and mileage to visit clients and appear in court. Because there is no oversight of the panel, concerns regarding client communication will be addressed only if the issue is brought to the attention of the presiding judge.

Non-Attorney Professional Services (Experts, investigators, social workers, sentencing advocates, interpreters, and other necessary services)

There appears to be little use of or request for investigative services, experts and/or use of social workers or sentencing advocates. There is also a need for training and resources to properly utilize expert, investigative, social worker and sentencing advocate services.

Technology/Other Resources

No office space is provided to administer the program. The previous volunteer Administrator managed the program from her private law office, using her own computer and staff. Currently, the program is being operated out of the County Attorney's Office using support staff and services available within the County offices.

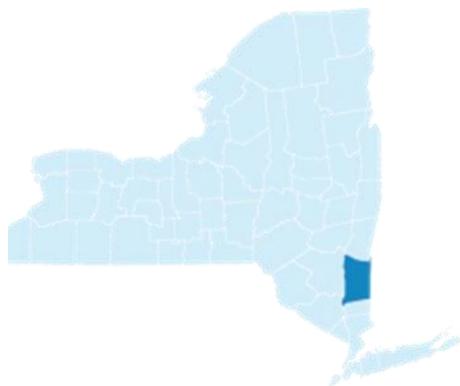
Quality Improvement Needs

Upon consultation with providers and a review of information provided, ILS makes the following recommendations to improve the quality of mandated representation in Delaware County:

Assigned Counsel

- Formalize and upgrade an assigned counsel program.
- Support the hire of an administrator, supervising attorney, and administrative staff.
- Fund training, mentoring, and second-chair programs.
- Fund non-attorney professional services (such as investigation, expert, social work/sentencing advocacy, and interpretation services, etc.).
- Provide reimbursement for time and travel expenses to promote effective representation and client communication.
- Upgrade technology, including installing a CMS and electronic voucher system.
- Support the option for the County to pursue regionalization of the assigned counsel program services.

DUTCHESS COUNTY



County Overview

Dutchess County, located in southeastern New York in the Hudson Valley, has an area of 825 square miles and a population of 297,322. The County consists of 25 legislative districts governed by a Board of 25 legislators currently chaired by Dale Borchert. Only about 9.3% of the population lives below federal poverty levels, and the median household income is relatively high, at \$71,904. The largest city, Poughkeepsie, is the location of the Supreme, County, Family, and Surrogate's Courts, as well as a City Court. In addition, the County has 26 Town and Village Courts and another City Court.

Mandated Representation Overview

Mandated representation is provided by a Public Defender's Office, headed by Tom Angell, Esq. There is no formal Assigned Counsel Program. The County does not monitor or support the quality of assigned counsel representation. The County has a contract with an attorney in Ulster County to handle conflict assignments.

Status of Quality

Staffing (Recruitment and Retention of Attorneys and Non-Attorneys)

The Public Defender's Office has 19 criminal defense attorneys, seven Family Court attorneys, and two paralegals. The estimated ratio of supervisors to staff attorneys is 1:10. There are 11 administrative and/or clerical staff. The Public Defender stated that it is difficult to recruit qualified attorneys. The starting salary is \$60,000, which can increase over time to well over \$100,000 per year, as attorneys progress from Assistant Public Defender to Senior Public Defender to Bureau Chief. In the last year, two experienced attorneys left the office, one because of burnout and another upon not being promoted.

Supervision and Mentoring

The Public Defender's Office has several attorneys with supervisory responsibilities. These attorneys also carry a caseload and cover cases of attorneys who are on leave. Attorneys on the assigned counsel list are unsupervised.

Training

According to the Public Defender's Office, although the Office has a budget to send attorneys to training programs, it has significant unmet training needs. There is no organized system of training

for assigned counsel, and the County does not provide resources for panel attorneys to attend training programs.

Legal Research

The Public Defender's Office possesses adequate legal research resources and benefits from two appellate attorneys who aid trial counsel and have begun doing post-conviction work. Attorneys on the assigned counsel list must provide their own legal research resources.

Client Communication

The Public Defender's Office provides for free calls from the jail and subsidizes cell phones for arraignment. Confidential communications are always available in the office and jail. The Office has protocols regarding client calls and visits, including requiring attorneys to document all client phone calls and jail visits. When clients are dissatisfied with the level of communication received, a supervisor deals with the situation. There is no policy or protocol for client communications by assigned counsel.

Non-Attorney Professional Services (Experts, investigators, social workers, sentencing advocates, interpreters, and other necessary services)

The Public Defender's Office employs two social workers, one of whom is primarily assigned to assist Family Court clients. Both prepare mitigation reports, which can have a significant impact in some cases. Many clients have mental health issues. Additional social worker resources are needed. The Office has previously received training in holistic representation from the Bronx Defender's Office. The Office also employs three investigators, one of whom concentrates in Family Court matters. The Public Defender stated that the Office's budget of approximately \$50,000 per year for expert witnesses is mostly used to provide psychological expertise. The County provides no support for non-attorney professional services.

Technology/Other Resources

The Public Defender's Office uses a CMS and is moving to an electronic/computerized system that will eliminate the need for paper court files and will include a digital device synched to the CMS.

Quality Improvement Needs

Upon consultation with providers and a review of information provided, ILS makes the following recommendations to improve the quality of mandated representation in Dutchess County:

Public Defender's Office

- Increase attorney staff including appellate attorneys for litigation support.
- Augment the Public Defender's Office's ability to provide supervision of attorneys.
- Increase administrative staff.
- Enhance salaries to recruit and retain experienced and qualified staff.
- Support expansion of office space.

- Upgrade technology for such matters as courtroom presentations, litigation support, document scanning, and file management.
- Fund attorney training opportunities.
- Additional funding for enhanced non-attorney professional services (such as investigation, expert, social work/sentencing advocacy, and interpretation services, etc.).
- Support technology upgrades, including the CMS.

Assigned Counsel

- Formalize and upgrade an assigned counsel program.
- Hire an administrator, supervising attorney, and sufficient administrative staff.
- Fund training and mentoring programs.
- Fund non-attorney professional services (such as investigation, expert, social work/sentencing advocacy, and interpretation services, etc.).
- Provide reimbursement for time and travel expenses to promote effective representation and client communication.
- Provide technology upgrades to implement a case management and electronic voucher system.

ERIE COUNTY



County Overview

Erie County, located in the Greater Niagara Region in Western New York, has an area of 1,227 square miles and a population of 919,086. The County consists of 11 legislative districts governed by a Board of 11 legislators currently chaired by John D. Mills. About 15.0% of the population lives below federal poverty guideline levels, and the median household income is \$51,247. The Supreme Court (four locations), County Court, Family Court, Surrogate’s Court, and a City Court are in the City of Buffalo. In addition, the County has two other City Courts and 35 Town and Village Courts.

Mandated Representation Overview

Mandated representation is provided by the Legal Aid Bureau (LAB), headed by David Schopp, Esq., and an Assigned Counsel Program, administered by Robert Convissar, Esq.

Status of Quality

Staffing (Recruitment and Retention of Attorneys and Non-Attorneys)

The LAB represents indigent persons arraigned in Buffalo City Court; individuals in the City of Buffalo charged with misdemeanors and class D and E felonies; and clients whose cases are adjudicated through Treatment Courts in Buffalo City Court. The Office is the exclusive provider—except in cases of conflicts—of appellate representation in Erie County, as well as Genesee, Cattaraugus, and Orleans Counties. The LAB has 31 full-time attorneys devoted to criminal defense, two attorneys with a mixed caseload, seven paralegals, eight administrative/clerical staff, one investigator, and one social worker. The Chief Executive Attorney stated that the number of attorneys needs to be increased. The LAB does not have difficulty hiring qualified people but does lose some experienced people to other county agencies. Intake procedures instituted by Buffalo City Court have resulted in attorneys being overwhelmed with new cases at the beginning of their rotation—as many as 600 new clients—and having little work to do toward the end as the cases proceed toward disposition.

The LAB Appeals Unit, which handles criminal appeals, emphasizes quality representation by, among other things, providing supervision of staff attorneys, traveling to meet with clients, filing reply briefs, moot courting cases, doing oral arguments, arranging for some incarcerated clients to observe arguments, and collaterally attacking convictions. In the regional program, three new attorneys have been assigned to handle appeals from Genesee, Cattaraugus, and Orleans Counties. According to the Chief Executive Attorney, the funding available for attorneys and salaries is inadequate. With State funding, the LAB would like to expand the regional program to other

counties in the Eighth Judicial District. The LAB also has a large Civil Legal Services Unit (including a re-entry program) and a large Attorneys for Children Unit.

In the ACP, felony assignments are made by judges based on a list provided by the Program. Judges are not bound to follow the list, and some judges will assign other attorneys. The Program generally makes all the misdemeanor assignments. City Court judges will sometimes make an assignment in cases of conflict of interest. The Program also makes in-house assignments for appellate and Family Court cases. The ACP has three part-time attorneys, who are underpaid and in need of significant salary increases. The Program is notable for its dedication to quality representation. The ACP, which is “very selective” in its application process, has more than 300 panel attorneys, more than 200 of whom handle criminal cases. The Program does not have a problem retaining attorneys. Attorneys are reviewed every four years. The Administrator anticipates that, due to promulgation of new eligibility standards and resulting increase in assignments, it will expand.

Supervision and Mentoring

The LAB has three supervisors in the Criminal Defense Unit and two supervisors in their Appeals and Post-Conviction Divisions. One appeals supervisor covers Erie County appeals, and the other manages the Office’s regional unit. The Chief Executive Attorney stated that since all five LAB supervisors are required to carry full caseloads, they have insufficient time to devote to supervision.

The ACP’s part-time attorneys provide supervision and quality improvement assistance. One attorney supervises only Family Court cases. The Administrator expressed that the ACP requires additional supervisory resources.

Training

One of the LAB criminal defense supervisors provides a two-week training to all new attorneys, who are initially assigned to share cases with experienced attorneys. In addition, new attorneys receive two hours of training every other week. New attorneys also attend an appellate training program, shadow experienced attorneys, and participate in a Second-Chair Program.

The ACP requires new panel attorneys to participate in an initial training program that provides three hours of training each week for 13 weeks. The Program sponsors several free substantive programs, and it sends some attorneys to statewide training programs. The Administrator stated that the ACP would like to hire a training director to enhance and coordinate training for panel attorneys.

Legal Research

Legal research resources are a strength of the LAB. Each trial attorney has access to computerized legal research resources; and the appeals attorneys consult with the trial attorneys.

The ACP has an online legal research contract that panel attorneys can use but attorneys are generally responsible for providing their own legal research resources. The local bar association also provides a free online legal research service.

Client Communication

According to the Chief Executive Attorney, the intake scheduling model in Buffalo City Court creates difficulties for LAB attorneys trying to adequately communicate with clients. The ACP directs panel attorneys to meet with clients and receives few complaints.

Non-Attorney Professional Services (Experts, investigators, social workers, sentencing advocates, interpreters, and other necessary services)

The Chief Executive Attorney estimated that the expert witness budget at the LAB is about \$20,000 per year, all of which went toward a couple of complex cases. He added that attorneys would think more aggressively about using experts if they knew that they would receive funding. The LAB full-time social worker carries an enormous caseload, and the Office needs additional social worker resources. Social workers are required to assist clients in addressing the completion of the various treatment courts. The Office employs one full-time investigator, and the Chief Executive Attorney stated that there is a budget of approximately \$30,000 for outside investigators, used primarily for felonies. He estimated that three more staff investigators are needed. The LAB has funding to contract with the Center for Community Alternatives in Syracuse and will use the agency to assist with sentencing in felony cases.

According to the Administrator, the ACP has a budget of approximately \$70,000 for expert services. He noted that having access to additional funding would encourage use of experts. The Administrator also reported that although investigators are used frequently for major felonies, only about half of the \$65,000 budget for investigation is being used. He suggested the addition of a full-time investigator to the staff to monitor the quality of investigation countywide. Panel attorneys rarely use social workers, even though many clients have mental health issues, and in many cases, the sentence is “up in the area.” Thus, this is an area where the Administrator sees significant room for growth and the need for a supervisor to monitor the work being done.

Technology/Other Resources

The LAB uses a CMS. The ACP is in the process of revising its CMS.

Quality Improvement Needs

Upon consultation with providers and a review of information provided, ILS makes the following recommendations to improve the quality of mandated representation in Erie County:

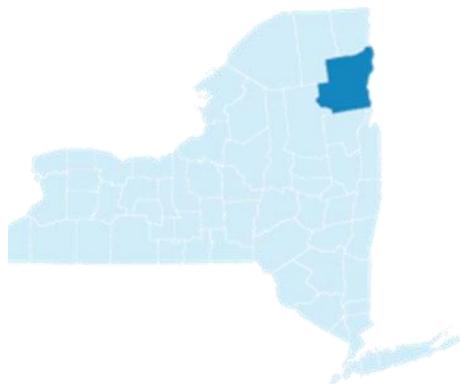
Legal Aid Bureau

- Increase attorney staff, including supervisory staff.
- Enhance attorney salaries to promote attorney retention.
- Fund additional training programs.
- Provide funding to augment access to non-attorney professional services (such as investigation, expert, social work/sentencing advocacy, and interpretation services, etc.).
- Expand appellate and post-conviction resources to support a regional appellate program.
- Provide technology upgrades, including a CMS.

Assigned Counsel

- Increase attorney supervisory staff.
- Increase on-staff professional services, including supervisors for such positions.
- Enhance training opportunities for attorneys.
- Increase funding for non-attorney professional services (such as investigation, expert, social work/sentencing advocacy, and interpretation services, etc.).
- Provide technology upgrades, including any needed for its CMS and electronic voucher system.

ESSEX COUNTY



County Overview

Essex County, located in the Adirondack Mountains, has a population of 38,961, with 10.7% of residents living below federal poverty guideline levels and a median household income of \$52,758. The largest town is North Elba. The County covers a huge area of 1,916 square miles. The County consists of 18 legislative districts governed by a Board of 18 legislators currently chaired by Randy Preston. The Supreme, County, Family, and Surrogate's Courts are in the Town of Elizabethtown. In addition, the County has 19 Town and Village Courts. Given the large size of the County and the numerous courts, attorneys spend enormous amounts of time driving to court.

Mandated Representation Overview

Mandated representation is provided by a Public Defender's Office, led by Brandon Boutelle, Esq. The Office handles criminal matters but not Family Court cases. There is no formal ACP and thus no formal standards govern the list of panel attorneys. Instead, attorneys write to judges requesting their assignment to cases. Individual judges maintain their own list of attorneys. Ten or more attorneys on the list reside in Essex County, and others reside in nearby counties. As attorneys leave the list, not enough new attorneys are seeking to participate. A proposed change as to mileage—to reduce the hourly rate for travel time and eliminate reimbursement for mileage—would likely harm the County's ability to retain attorneys to take assignments.

Status of Quality

Staffing (Recruitment and Retention of Attorneys and Non-Attorneys)

The Public Defender's Office has four attorneys, a full-time paralegal, as well as one full-time and one part-time clerical/administrative staff persons. The Office has experienced great difficulty in retaining attorneys. Most leave after a few years, after having achieved a higher level of competence, experiencing burnout, and having the opportunity to earn better salaries. Starting salaries are \$55,000, and they do not increase enough for the Office to retain attorneys. According to the Public Defender, even with ILS funding for salary enhancements, attorneys at the Public Defender's Office make less than their counterparts in the Office of the District Attorney. There is a need for a formal ACP with a supervising attorney.

Supervision and Mentoring

The Public Defender's Office has no formal supervision program nor system for performance evaluation. The Public Defender is responsible for supervising the other attorneys, yet carries a full

caseload. There is a large degree of communication among the attorneys at the Office. There is no supervising attorney, administrative staff, or oversight for assigned counsel.

Training

The Public Defender's Office does not have a training program for new hires or other attorneys. The Office strives to have two attorneys sit at each trial. According to the Public Defender, the training budget is less than \$5,000, about half of which was used in sending one attorney to a multi-day in-state training program. Administrative staff would benefit from access to paralegal-type training.

Legal Research

The attorneys at the Public Defender's Office have access to online legal research resources, as well as a variety of treatises. Assigned counsel must provide their own legal research resources.

Client Communication

The Public Defender reports that the office has adequate resources to effectively and confidentially communicate with clients, who can call the Office toll-free from jail. In addition, about 75% of the time, space for confidential communications is available at the Office. There is no policy or protocol regarding client communications by attorneys on the assigned counsel list.

Non-Attorney Professional Services (Experts, investigators, social workers, sentencing advocates, interpreters, and other necessary services)

The Public Defender's Office contracts with one part-time investigator, who conducts essential tasks, such as interviewing witnesses, photographing crime scenes, and serving subpoenas. However, the investigator is not paid a competitive rate and is turning for work to a neighboring county that pays a more favorable rate. The Public Defender states that the Office's budget of approximately \$30,000 is adequate to cover expert witnesses, since there are only one or two cases a year that require such services. The Public Defender's Office has few non-English-speaking clients, but has required a Spanish-speaking interpreter on several occasions.

The Public Defender stated that the Office has a need for greater access to social workers to provide more holistic representation to clients, including those with substance abuse problems requiring assistance with insurance to obtain appropriate treatment. The Public Defender's Office has used ILS funding to contract with two entities to provide sentencing advocacy. According to the Public Defender, sentencing advocacy is particularly important, since the County Court judge will not agree to a sentence upon a plea of guilty until after having reviewed the presentence investigation report.

No non-attorney professional services are provided for attorneys on the assigned counsel list.

Technology/Other Resources

The Public Defender's Office uses a CMS.

Quality Improvement Needs

Upon consultation with providers and a review of information provided, ILS makes the following recommendations to improve the quality of mandated representation in Essex County:

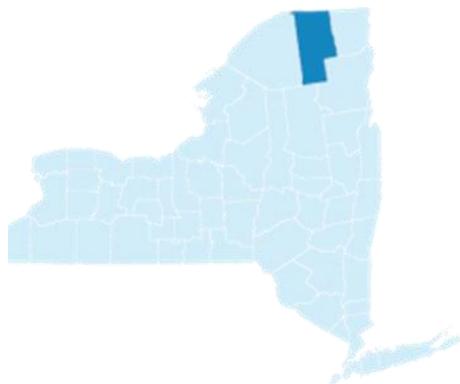
Public Defender's Office

- Increase attorney staff including at least one supervisory position and appellate attorneys for litigation support.
- Enhance attorney salaries to promote staff retention and achieve parity with Assistant District Attorneys.
- Increase funding for training.
- Increase funding for non-attorney professional services, particularly investigation and social work/sentencing advocacy.
- Provide technology upgrades, including the CMS.

Assigned Counsel

- Formalize and upgrade an assigned counsel program.
- Hire an administrator, supervising attorney, and sufficient administrative staff.
- Fund training and mentoring programs.
- Fund non-attorney professional services (such as investigation, expert, social work/sentencing advocacy, and interpretation services, etc.).
- Provide reimbursement for time and travel expenses to promote client communication and effective representation.
- Provide technology upgrades for a case management and electronic voucher system.

FRANKLIN COUNTY



County Overview

Franklin County, located in the Adirondack Mountains, has an area of 1,697 square miles and a population of 51,795. The County consists of seven legislative districts governed by a Board of seven legislators currently chaired by Barbara Rice. About 20.3% of the population lives below federal poverty guideline levels, and the median household income is \$47,923. The Supreme, County, Family, and Surrogate's Courts are in the Town of Malone. In addition, the County has 20 Town and Village Courts.

Mandated Representation Overview

The County has a three-tier system: a Public Defender's Office, led by Thomas Soucia, Esq.; a Conflict Defender's Office, consisting of a single attorney, Cynthia Salmon-Conzola, Esq., and an Assigned Counsel Program, administered by Jill Dyer-Jock.

Status of Quality

Staffing (Recruitment and Retention of Attorneys and Non-Attorneys)

The Public Defender's Office has three attorneys, each with a mixed caseload of criminal defense and Family Court matters. The Public Defender stated that all attorneys in the Office are burdened with excessive caseloads and that the current office space is insufficient. The Office does not represent clients in connection with appeals or post-conviction matters but does handle parole appeals. Recruiting attorneys is difficult because of the remote location, perhaps more than due to the low starting salary of \$52,000. The Public Defender's Office also has trouble retaining attorneys, due to stress, difficult judges and clients, lack of opportunities for promotion, and lack of staff support. The Office also employs a paralegal, clerk, and a legal secretary. According to the Public Defender, the Office needs additional administrative support.

The Conflict Defender's Office recently experienced a nearly total transition when the previous Conflict Defender and two Assistant Conflict Defenders left the office. The County replaced the three attorneys with one attorney. Administrative staff has remained at one paralegal and one legal secretary.

Over the last six years, the assigned counsel panel has shrunk from 16 to five attorneys. According to the Administrator, attorneys need no special qualifications to be added to the list, and only three of these attorneys are qualified to represent clients charged with felonies. The Administrator makes about 100 assignments per year. Pursuant to a contract with the County, an attorney in private

practice is now assigned about 600 cases a year for a flat fee. If this attorney has a conflict of interest, the case is assigned to another attorney on the list.

Supervision and Mentoring

The Public Defender closely supervises the other two attorneys in his Office. He also carries a full, heavy caseload and maintains all administrative responsibilities. The Conflict Defender receives no supervision. No supervision is provided to attorneys on the assigned counsel list.

Training

The Public Defender stated that his Office has a small training budget and that funding for training has become more of a concern because court-coverage issues necessitate weekend trainings. No training is provided to assigned counsel.

Legal Research

The Public Defender's and Conflict Defender's Offices have adequate access to online legal research resources. The County does not provide legal research resources to attorneys on the assigned counsel list.

Client Communication

According to the Public Defender, issues connected to both caseload and geography impact client communication. He added that clients in the County often have transportation issues and would benefit from the provision of bus tokens. Moreover, establishing a satellite office in the southern part of the County would facilitate client communication. ACP panel attorneys can bill for travel time and seek reimbursement for mileage. However, incarcerated clients cannot reach their assigned attorneys.

Non-Attorney Professional Services (Experts, investigators, social workers, sentencing advocates, interpreters, and other necessary services)

The County provides no funding to the Public Defender's Office for expert witnesses; and according to the Public Defender, the County Court judges are not generous in allowing for expert services. He also stated that the Office has an investigation budget of approximately \$10,000 to \$12,000 per year and uses that funding to contract with a part-time investigator. The Public Defender expressed a preference for hiring a full-time investigator. He also stated that the Office needs a full-time social worker and has not contracted with a sentencing advocate or mitigation specialist. Currently, the Office clerk is sitting with clients during supervised visitation, dealing with mental health and substance abuse programs, and contacting clients; and such activities are time-consuming.

It is unknown whether the Conflict Defender's Offices uses non-attorney professional services. Assigned counsel do not voucher for such services.

Technology/Other Resources

The technology at the Public Defender's Office and for administering the assigned counsel list are sufficient. Both use a CMS. There is no electronic vouchering system for assigned counsel cases.

Quality Improvement Needs

Upon consultation with providers and a review of information provided, ILS makes the following recommendations to improve the quality of mandated representation in Franklin County:

Public Defender's Office

- Increase attorney staff, including appellate expertise for litigation support.
- Enhance attorney salaries to attract and retain attorneys.
- Increase administrative support particularly paralegal services.
- Provide additional funding for non-attorney professional services, such as expert, investigative, and social work/sentencing advocacy.
- Expand office space, with consideration of establishing a satellite office in the Southern part of the County to promote effective client communication and representation.
- Increase funding for training.
- Provide technology upgrades including the CMS.

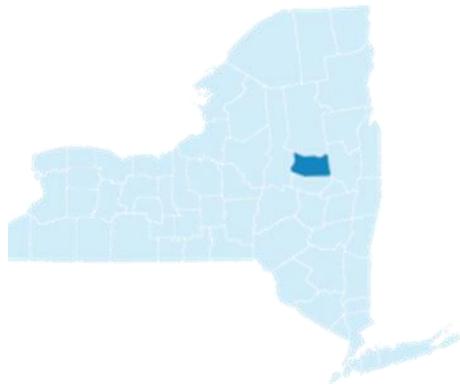
Conflict Defender's Office

- Increase attorney staff including appellate attorneys for litigation support.
- Increase administrative staff.
- Enhance salaries to recruit and retain qualified staff.
- Provide funding for training opportunities.
- Fund non-attorney professional services (such as investigation, expert, social work/sentencing advocacy and interpretation services, etc.).
- Provide technology upgrades, including the CMS.

Assigned Counsel

- Upgrade an assigned counsel program.
- Hire a supervising attorney and additional administrative staff.
- Fund training and mentoring programs.
- Fund non-attorney professional services (such as investigation, expert, social work/sentencing advocacy and interpretation services, etc.).
- Reimburse attorneys for time and travel expenses to promote effective representation and client communication.
- Provide technology upgrades for the CMS and an electronic voucher system.

FULTON COUNTY



County Overview

Fulton County, located in the Adirondack Mountains, has an area of 533 square miles and a population of 54,925. The County consists of six legislative districts governed by a Board of six legislators without a current chairperson. About 17.1% of the population lives below federal poverty guideline levels, and the median household income is \$46,969. The Supreme, County, Family, and Surrogate's Courts are in the City of Johnstown. There are City Courts in Johnstown and Gloversville. In addition, the County has 11 Town and Village Courts.

Mandated Representation Overview

The County has Public Defender's Office, led by Gerard McAuliffe, Esq. There is no formal Assigned Counsel Program.

Status of Quality

Staffing (Recruitment and Retention of Attorneys and Non-Attorneys)

In addition to the Public Defender, the Public Defender's Office has four part-time Assistant Public Defenders, each of whom maintains a private office. All assistants are assigned to criminal courts, and two also represent clients in Family Court. The assistant defenders often work beyond the 20 required hours; and according to the Public Defender, additional attorney staff is necessary. The Public Defender envisions the creation of misdemeanor and felony bureaus each appropriately staffed with sufficient attorneys, administrative support, investigators, and social workers. He also noted the need for improved office space since all attorneys currently work from their private law offices.

The Public Defender stated that his Office has been able to hire relatively qualified local counsel; but any expansion of the staff will require active recruiting, and increased salaries to recruit and retain attorneys.

The County does not have a formal ACP. Instead there is a list of about 30 attorneys who are willing to receive assignments. Since there are not enough local attorneys for the assigned counsel list, attorneys from Herkimer, Montgomery, Saratoga, and Schenectady Counties participate. Some attorneys have left the list due to rigidity in scheduling by local judges. According to the Public Defender, who provides minimal administration of the program by reviewing attorney billing, there are no minimum qualifications for placement on the list and many of the attorneys do not provide quality representation. When the Public Defender's Office cannot accept a case due to a conflict of interest, the judge will assign an attorney from the list of attorneys. The judges often make

assignments based on an alphabetical rotation, not attorney qualifications. They will sometimes go outside the list for complicated cases and occasionally seek out the Public Defender for an informal recommendation regarding a qualified attorney. The Public Defender stated that there is a need for an ACP separate from the Public Defender Office. In his view, the Administrator of the program should be an attorney because the Administrator would have to be involved in training and support.

Supervision and Mentoring

The Public Defender stated that supervision within the Public Defender's Office is minimal at best and that he carries a heavy caseload. He stated that he tries to meet with his staff monthly and otherwise addresses only issues that are brought to his attention. He added that he does not have time to regularly observe the assistant defenders in court.

Assigned counsel receive very little supervision. Only one panel attorney regularly communicates with the Public Defender, who stated that mentoring and Second-Chair programs are needed.

Training

The Public Defender's Office provides minimal training. The Public Defender stated that although the Office has a budget of approximately \$2,500 to \$3,000 for participation in training programs, the assistant defenders do not use the funding. The Office needs more information about available training programs and might benefit from regionalized training programs with Herkimer, Montgomery, Saratoga, and Washington Counties. No trainings are provided to assigned counsel.

Legal Research

The Public Defender's Office provides all assistant defenders with access to online legal research resources and receives legal research assistance at the trial level from the Rural Law Center of New York, which provides contract appellate representation to the County. Assigned counsel do not bill for legal research.

Client Communication

The Public Defender's Office does not monitor attorney-client communication, and the Public Defender observes that some assistant defenders do not do a good job with client communication.

Non-Attorney Professional Services (Experts, investigators, social workers, sentencing advocates, interpreters, and other necessary services)

The Public Defender stated that his Office and the assigned counsel list attorneys share a budget of approximately \$10,000 for expert witnesses and investigation services. The Office does not have funding for social workers or sentencing advocacy. Attorneys on the assigned counsel list do not bill for expert witnesses or sentencing advocacy services and rarely bill for investigators.

Technology/Other Resources

The Public Defender's Office has considered implementation of a CMS. The Office does not maintain a centralized filing system. Each assistant defender maintains open files in his or her private office.

Quality Improvement Needs

Upon consultation with providers and a review of information provided, ILS makes the following recommendations to improve the quality of mandated representation in Fulton County:

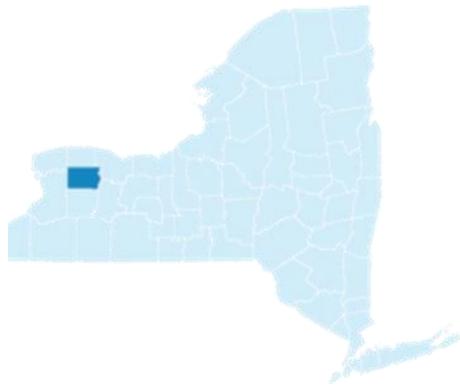
Public Defender's Office

- Increase attorney staff including appellate attorneys for litigation support.
- Increase administrative staff.
- Support improvements for office space to accommodate staff.
- Fund training opportunities.
- Fund non-attorney professional services, particularly experts, investigation, and social work/sentencing advocacy.
- Provide technology upgrades, particularly for implementation of CMS.

Assigned Counsel

- Formalize and upgrade an assigned counsel program.
- Hire an administrator, supervising attorney, and sufficient administrative staff.
- Fund training and mentoring programs.
- Fund non-attorney professional services (such as investigation, expert, social work/sentencing advocacy and interpretation services, etc.).
- Provide technology upgrades, including CMS and electronic voucher system.
- Reimburse attorneys for time and travel expenses to promote effective representation and client communication.

GENESEE COUNTY



County Overview

Genesee County, located in the Greater Niagara Region in Western New York, has an area of 495 square miles and a population of 59,977. The County consists of nine legislative districts governed by a Board of nine legislators currently chaired by Raymond F. Cianfrini. About 13.2% of the population lives below federal poverty levels, and the median household income is \$50,880. The Supreme, County, Family, Surrogate's, and City Courts are in the City of Batavia. In addition, the County has 14 Town Courts.

Mandated Representation Overview

Mandated representation is provided by a Public Defender's Office, led by Jerry Ader, Esq. The Assigned Counsel Program is currently in transition. It was recently administered by Michael Rivers, Esq., who had a flat fee contract with the County, but is no longer serving in that position. The ACP is currently administered by the Public Defender.

Status of Quality

Staffing (Recruitment and Retention of Attorneys and Non-Attorneys)

The Public Defender's Office has four full-time criminal defense attorneys, two full-time Family Court attorneys, one full-time investigator and social worker/case manager, two full-time and two part-time administrative/clerical staff. The Office handles 10 to 20 parole revocation cases a month. The Office also provides representation in juvenile delinquency cases, which bring New York State Attorney for the Child funding. The Public Defender stated that the Office's caseload is high, with inadequate staff to provide quality representation. Pursuant to a contract with the County, the Legal Aid Bureau of Buffalo represents clients of up to 47 criminal appeals a year, including 10 to 15% local court appeals. After 47 appeals, an hourly rate applies. The County was only able to afford this contract due to an ILS funding. The Public Defender stated that expanding resources for appellate and/or post-conviction representation is a very great need.

According to the Public Defender, with an entry salary range of \$50,000 to \$75,000, recruitment of attorneys has been modestly successful. He added that enhancing salaries would permit the Office to hire a more experienced attorney, which would allow him to spend more time on his supervisory and administrative duties. Assistant Public Defenders' salaries are in line with those of Assistant District Attorneys because ILS funding is available to achieve parity. If additional staff is added, more space will be needed. The two-part-time support staff should be converted to one full-time position with benefits.

There are only 18 attorneys on the assigned counsel list to handle conflict cases and Family Court assignments; the ACP has not been able to attract new attorneys.

Supervision and Mentoring

The Public Defender supervises attorneys while also handling a full caseload, including serious felony cases. The Administrator assigns attorneys and reviews vouchers for accuracy but does not supervise attorneys. No supervision or mentoring is provided to assigned counsel.

Training

The Public Defender stated that the Office has a training budget of approximately \$4,000. The Office has not been able to utilize that funding to send attorneys to national or multi-day training programs due to County restrictions on travel. The Public Defender stated that attending trainings is difficult due to the heavy caseloads. There is no formal application process for the assigned counsel list, and no training is provided to attorneys.

Legal Research

The Public Defender's Office has adequate access to online legal research resources for all attorneys.

Client Communication

The Public Defender's Office has a full-time Case Manager, who works 90% in criminal courts and 10% in Family Court, maintains contact with new clients, and visits clients at the jail daily. The Public Defender noted that the Office could use another case manager but has no office space for another person. Female inmates are boarded out to other Counties, so it is difficult to talk to them. Attorneys are reimbursed for mileage, but they do not have time to travel to out-of-county jails. While attorneys have phone access to such jails, there are confidentiality concerns. Visiting clients would be easier if the Public Defender's Office had more staff.

Non-Attorney Professional Services (Experts, investigators, social workers, sentencing advocates, interpreters, and other necessary services)

The Office does not consult with experts on a regular basis. The Public Defender stated that the approximately \$15,000 budget line is sufficient, unless cases become more complicated forensically. The Public Defender's Office has an investigator, paid hourly through ILS grant money, who does 60% criminal and 40% Family Court work. The Office would benefit from additional investigation resources. The Public Defender's case manager arranges for evaluations for treatment services and attends treatment court meetings. The Office provides sentencing advocacy only infrequently and would like have a contract and expand this service. Interpreters are used only one or twice a month using funding from the contract-for-services line. Assigned counsel make few requests for experts and investigators.

Technology/Other Resources

The Public Defender's Office uses a CMS.

Quality Improvement Needs

Upon consultation with providers and a review of information provided, ILS makes the following recommendations to improve the quality of mandated representation in Genesee County:

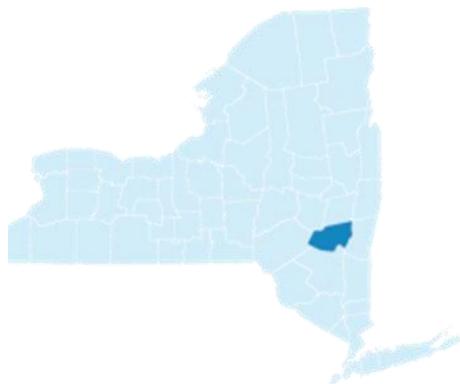
Public Defender's Office

- Increase attorney staffing.
- Provide support for increased attorney supervision.
- Increase administrative staff and fund conversion of part-time staff to full time staff.
- Expand office space.
- Increase funding for litigation and appellate resources and support.
- Fund training programs.
- Increase funding for non-attorney professional services, particularly to support increased access to investigative services.
- Provide technology upgrades, including the CMS.

Assigned Counsel

- Formalize and upgrade an assigned counsel program.
- Hire an administrator, supervising attorney, and sufficient administrative staff.
- Fund training and mentoring programs.
- Fund for non-attorney professional services.
- Reimburse attorneys for time and travel expenses to promote effective representation and client communication.
- Provide technology upgrades for a CMS and electronic voucher system.

GREENE COUNTY



County Overview

Greene County, covering 658 square miles, is in southeast Central New York State, in the Catskills Region. Greene County is governed by a Legislature chaired by Kevin Lewis which consists of 14 districts. Greene County has a population of 48,673, with 12.9% of residents living below federal poverty levels and a median household income of \$ 50,278. The Supreme, County, Family, and Surrogate's Courts are in Catskill. In addition, the County has 16 Town and Village Courts.

Mandated Representation Overview

Mandated representation is provided by the Public Defender's Office, led by Angelo Scaturro, Esq. The Office represents clients in criminal cases, parole revocation proceedings, parole appeals, Family Court cases, and local court appeals to County Court, but not appeals to the Appellate Division. There is no formal Assigned Counsel Program, with participating attorneys assigned to cases by the judges.

Status of Quality

Staffing (Recruitment and Retention of Attorneys and Non-Attorneys)

The Public Defender's Office staff consists of three full-time criminal defense attorneys, one part-time criminal defense attorney, and two part-time family court attorneys. Greene County defines part-time as three days per week or approximately 20 hours. According to the Public Defender, the County is reluctant to hire full-time attorneys for the Public Defender Office to avoid incurring the costs of providing benefits for a full-time position. He added that salaries are on the low end of the spectrum, with part-time attorneys earning \$37,000 per year and full-time attorneys \$50-52,000 per year. The Office does not have parity with the District Attorney or County Attorney offices. The Public Defender earns less than half of the DA's salary, \$20,000 less than the County Attorney, and at least \$5,000 less than the First Assistant District Attorney.

The County does not have a formal ACP. There are approximately 25-30 attorneys who receive criminal defense assignments. These attorneys come from Greene, Ulster, and Albany Counties. Attorneys are not supervised or monitored.

Supervision and Mentoring

The Public Defender is responsible for supervising the other attorneys in the office. The Office does not have a formal supervisory structure. The Public Defender stated that given the small size of the office, he is well acquainted with the work performed in his office, that he does not micro-manage

the attorneys, and that his office works as a team. Regarding assigned counsel, no qualification process exists for placement on the list, and there is no formal mechanism to monitor the quality of representation.

Training

The Public Defender stated that his Office has a small budget for training of approximately \$5,000 per year that does not permit the attorneys to travel out-of-state or stay overnight for training. The attorneys try to attend the less expensive programs. No training is provided for assigned counsel.

Legal Research

Attorneys do not have access to sufficient online legal research resources. Attorneys will contact the New York State Defenders Association for research assistance.

Client Communication

The Public Defender did not raise any issues relating to client communication. The County does reimburse his staff for mileage. Attorneys use their own cell phones and do not receive a stipend for cell-phone expenses.

Non-Attorney Professional Services (Experts, investigators, social workers, sentencing advocates, interpreters, and other necessary services)

The Public Defender's Office has never used a sentencing advocate. The Office needs a social worker. Three part-time investigators on staff are all retired Department of Corrections Officers. In addition to speaking with witnesses, the investigators serve subpoenas, answer phones, and assist with secretarial work. The Office estimates that the investigators spend between 60% and 70% of their time on criminal cases and between 30% and 40% of their time on Family Court cases. The Public Defender opined that the office could use more investigation support and funding for more training of investigators. The Office does not have a budget line for expert services. If an expert is required, the Office will take funding from another budget line. The Public Defender stated that the attorneys would use more experts if they had funding. Currently, attorneys talk on the phone with experts to get "free advice" but do not have the money to retain them. The Office also does not have a budget line for interpreters. There is no budget for assigned counsel to use non-attorney professional services.

Technology/Other Resources

The Public Defender's Office employs one full-time secretary and one part-time secretary who works 2-3 days per week. Both secretaries work on criminal and Family Court cases. The Office needs another part-time secretary as well as a data entry clerk. The Office has a CMS that might need upgrades. Each attorney has a small office and the investigators share an office, but the Public Defender states that the Office requires additional space.

Paper vouchers are used for the assigned counsel cases. The County has expressed an interest in an electronic system to make processing much more efficient.

Quality Improvement Needs

Upon consultation with providers and a review of information provided, ILS makes the following recommendations to improve the quality of mandated representation in Greene County:

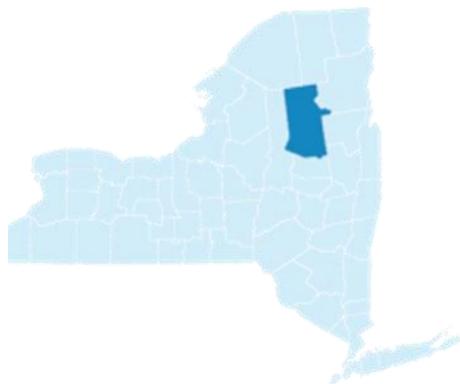
Public Defender's Office

- Increase attorney staff including appellate attorneys for litigation support.
- Increase attorney compensation to achieve parity with Assistant District Attorneys.
- Fund attorney training
- Fund legal research resources including online legal research tools.
- Fund non-attorney professional services (such as investigation, expert, social work/sentencing advocacy, and interpretation services, etc.).
- Increase administrative staff.
- Expand office space.
- Provides support for technology upgrades, including the CMS.

Assigned Counsel

- Formalize and upgrade an assigned counsel program.
- Hire an administrator, supervising attorney, and sufficient administrative staff.
- Fund for training and mentoring programs.
- Fund for non-attorney professional services (such as investigation, expert, social work/sentencing advocacy, and interpretation services, etc.).
- Reimbursement attorneys for time and travel expenses to promote effective representation and client communication.
- Provide technology upgrades for a CMS and electronic voucher system.

HAMILTON COUNTY



County Overview

Hamilton County is located in the north-central portion of New York State. The County is the State's third largest county, consisting of 1,857 square miles (all within the Adirondack Park), but the least populated, consisting of about 4,800 residents. The County is governed by a Board of Supervisors chaired by William G. Farber and nine district supervisors. Approximately 12.9% of the population lives below federal poverty guideline levels, and the median household income is estimated to be \$48,243. The County contains nine Town Courts and has its County, Family and Surrogate Courts located in Lake Pleasant. Supreme Court sessions are not held in Hamilton County, but are conducted in the neighboring county of Fulton. Tourism is a primary industry for the County.

Mandated Representation Overview

There is no formal ACP. Mandated representation is administered by a listing of assigned counsel that is maintained by the County and distributed to the County's judiciary. The listing of attorneys was recently updated to include those attorneys who have committed to providing representation at arraignment countywide. The panel consists of approximately 20 attorneys from Hamilton County, as well as attorneys with dual residence in Fulton, Herkimer and Warren Counties. Attorneys interested in participating on the panel are instructed to advise the County of their interest. The County previously contracted with a local attorney to administer the panel but that position has remained vacant for the past several months.

Status of Quality

Staffing (Recruitment and Retention of Attorneys and Non-Attorneys)

The previous assigned counsel Administrator was a local attorney appointed by the County to administer the panel on a part time basis. Approximately 20 attorneys are on the list of assigned counsel, who are assigned to criminal cases, parole violations, Family Court matters, and appeals. The panel primarily consists of experienced attorneys. About half are experienced criminal defense attorneys capable of handling the rare complex felony cases that arise. The County provides the local judiciary with a list of attorneys and their contact information to assist judges in locating attorneys within proximity of the court for rotational assignment, when possible. There is no formal application process to join the panel, but attorneys are instructed to contact the County if interested.

Supervision and Mentoring

There is currently no supervision, mentoring or Second-Chair Programs available to the attorneys on the assigned counsel list. Vouchers are not reviewed to assess the quality of representation

provided but are processed by the Chairman and Deputy Clerk of the County Board once reviewed and approved by the judiciary.

Training

There is currently no funding available to provide training to 18-B attorneys. The assigned counsel panel includes experienced private attorneys who can address their own training needs. Although the County has not received many requests from newly admitted attorneys to join the panel, it expects that it will need to recruit more attorneys to join the panel as other attorneys retire from their commitment to providing assigned representation.

Legal Research

The County does not provide assigned counsel with any resources for legal research.

Client Communication

Attorneys can bill for travel time and mileage to visit clients and appear in court. Continued support for travel is necessary to maintain the panel.

Non-Attorney Professional Services (Experts, investigators, social workers, sentencing advocates, interpreters, and other necessary services)

The County reported that there are few vouchers for investigative services, experts, social workers, and sentencing advocates. It is recognized that many criminal cases assigned do not involve complex litigation, but that these professional services should be supported and regularly made available.

Technology/Other Resources

Currently, the panel of assigned counsel is administered from within the offices of the County Board. The previous Administrator received support for maintaining the assigned counsel program on a part-time basis from within her law office. County support staff is responsible for assisting in the administration of the panel.

Quality Improvement Needs

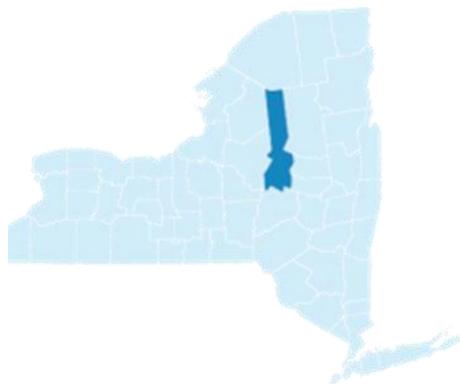
Upon consultation with providers and a review of information provided, ILS makes the following recommendations to improve the quality of mandated representation in Hamilton County:

Assigned Counsel

- Formalize and upgrade an assigned counsel program.
- Hire an administrator, supervising attorney, and sufficient administrative support staff to assist in administering the program.
- Fund training support and mentoring programs.
- Fund non-attorney professional services (such as investigation, expert, social work/sentencing advocacy, and interpretation services, etc.).
- Provide technology upgrades, including a CMS and electronic voucher system.

- Fund adequate office space.
- Support the option for the County to pursue regionalization of the assigned counsel program services.

HERKIMER COUNTY



County Overview

Herkimer County, located in Central New York, covers 1,458 square miles and has a population of 64,508, with 14.6% of residents living below federal poverty levels, and a median household income of \$46,229. The County consists of 17 legislative districts governed by a Board of 17 legislators currently chaired by Bernard Peplinski, Sr. The Supreme, County, Family, and Surrogate's Courts are in the Village of Herkimer. In addition, the County has a City Court in Little Falls and 22 Town and Village Courts.

Mandated Representation Overview

Mandated representation is provided solely through an Assigned Counsel Program. The County has a contract with an attorney in private practice, Keith Bowers, Esq., to administer the Program.

Status of Quality

Staffing (Recruitment and Retention of Attorneys and Non-Attorneys)

The Administrator is a contractor who receives a flat fee and is appointed by the Bar Association. About 25 attorneys are on the list of assigned counsel, who are assigned to criminal cases, parole violations, Family Court matters, and appeals. About six of the attorneys are qualified to represent clients charged with serious felonies, and four to six attorneys do appeals. A third of the assigned attorneys live outside of the County. While the list of assigned counsel is short, there is a constant flow of attorneys entering and leaving the panel. There is no application to join the panel. Attorneys ask to join the panel at local bar association meetings or they contact the Administrator's office. The only requirement for acceptance is good standing with the State Bar.

Supervision and Mentoring

The ACP does not provide panel attorneys with any supervision, mentoring, or opportunities to Second-Chair Programs. Vouchers are not reviewed to assess the quality of representation provided.

Training

The County does not provide funding to train panel attorneys but agreed that State funding to support attorney training is reasonable.

Legal Research

The County does not provide assigned counsel with any resources for legal research. There is an OCA law library in the County Courthouse. Some vouchers do contain entries for legal research.

Client Communication

Attorneys can bill for travel time and mileage to visit clients and appear in court. Because the County jail is too small to house the growing numbers of detainees, many are housed in the Albany County Jail, thus requiring increased travel time and mileage for the attorneys. The Administrator regularly receives calls from clients about their lack of contact with attorneys.

Non-Attorney Professional Services (Experts, investigators, social workers, sentencing advocates, interpreters, and other necessary services)

The ACP does not have a budget for investigation, expert services, social workers, or sentencing advocacy. Instead, attorneys must petition individual judges for access to these services. Requests for investigators, experts, sentencing advocates, and social workers are reportedly rare. The County sought to justify the lack of sentencing advocacy based on the heavy use of plea bargaining and negotiated sentences. There is a clear need for training and resources as to the role and value of investigators, expert services, social workers, and sentencing advocates in representing citizens of Herkimer County accused of criminal offenses.

Technology/Other Resources

The County does not provide office space for the ACP. Instead, the Administrator manages the program from his private law office, using his own computer and staff to support the Program. They spend about 20 hours per week on administrative matters and need additional support staff.

Quality Improvement Needs

Upon consultation with providers and a review of information provided, ILS makes the following recommendations to improve the quality of mandated representation in Herkimer County:

Assigned Counsel

- Enhance the existing assigned counsel program.
- Upgrade the administrator position to full-time and add a supervising attorney and sufficient administrative staff.
- Fund training, mentoring, and second-chair programs.
- Fund non-attorney professional services (such as investigation, expert, social work/sentencing advocacy, and interpretation services, etc.).
- Provide technology for a CMS and electronic voucher system.

JEFFERSON COUNTY



County Overview

Jefferson County, located in the northern tier of New York, covers 1,857 square miles and has a population of 120,262, with 15.1% of residents living below federal poverty levels, and a median household income of \$49,505. The County consists of 15 legislative districts governed by a Board of 15 legislators currently chaired by Scott Gray. The Supreme, County, Family, and Surrogate's Courts are in Watertown. In addition, to Watertown City Court, the County hosts 29 Town and Village Courts.

Mandated Representation Overview

Mandated representation is provided by the Public Defender's Office, overseen by Julie Hutchins, Esq. There is no formal Assigned Counsel Program. The Public Defender Office maintains an assigned counsel list. The Office distributes the list annually to local judges. Mandated providers handle criminal, parole, and Family Court cases.

Status of Quality

Staffing (Recruitment and Retention of Attorneys and Non-Attorneys)

The Public Defender's Office consists of three full-time criminal defense attorneys and five full-time attorneys with a mixed criminal defense and Family Court practice. One of the mixed practice positions is currently vacant. Caseloads are high, and the Office has great difficulty recruiting staff. Indeed, after advertising locally for an open position, the Office did not receive a single resume. The Office also employs two secretaries for its administrative support and does not have anyone to prepare requests for ILS funding.

The assigned counsel list consists of 20 to 25 attorneys that accept criminal defense assignments and 12 attorneys that take Family Court assignments. The list is getting smaller over time. The Public Defender reviews vouchers after they have been approved by the court.

Supervision and Mentoring

The combination of caseload pressures and administrative responsibilities leave both the Public Defender and the First Assistant Public Defender with little time to provide supervision of other attorneys. When the Public Defender does have time to supervise, she reviews files, answers questions, and helps with case preparation. Inadequate staffing prevents the Office from establishing a Second-Chair Program. Attorneys on the assigned counsel list do not receive any supervision, and there is no process to evaluate attorney performance or caseloads.

Training

New hires at the Public Defender's Office shadow an experienced attorney. The training budget is only \$3,000, which is used for online CLE courses. Budget constraints and staffing inadequacy prevent attorneys from attending training programs outside the County. Attorneys on the assigned counsel list do not receive any training.

Legal Research

The Public Defender's Office has sufficient online legal research resources. Assigned counsel do not receive financial assistance for legal research; and there is little vouchering for legal research.

Client Communication

Caseload pressures impact the ability of attorneys at the Public Defender's Office to visit incarcerated clients. Attorneys on the assigned counsel list cannot bill for time spent traveling to court, but they are reimbursed for mileage.

Non-Attorney Professional Services (Experts, investigators, social workers, sentencing advocates, interpreters, and other necessary services)

The Public Defender's Office does not employ a social worker or contract with mitigation specialists for sentencing advocacy. The Office does employ one part-time investigator, who is paid less than \$20,000, and handles both criminal and Family Court cases. He spends much of his time on eligibility screenings and case data entry, and he also serves subpoenas and interviews witnesses. Greater investigative resources are needed. The Office has no expert witness budget. Attorneys seeking experts must apply to the court. In granting requests, the judge requires the defense to disclose written reports to the prosecution, even where the defense does not intend to call the expert as a witness. The Office does not have funding to hire interpreters. Assigned counsel vouchers do not contain entries for sentencing advocacy or any significant use of investigators or expert witnesses.

Technology/Other Resources

The Public Defender's Office uses a CMS. It has a pressing need for a new fax/copy machine, since all arraignments are faxed to the office from the courts. Office space is not sufficient for current staff and could not accommodate additional hires.

Quality Improvement Needs

Upon consultation with providers and a review of information provided, ILS makes the following recommendations to improve the quality of mandated representation in Jefferson County:

Public Defender's Office

- Increase attorney staff including appellate attorneys for litigation support.
- Increase administrative staff.

- Increase funding for non-attorney professional services (i.e., investigation, expert, social work/sentencing advocacy, and interpretation services, etc.).
- Increase salaries to retain and recruit attorney and administrative support.
- Support expansion of office space.
- Upgrade office technology, including the CMS.
- Increase funding for training opportunities.

Assigned Counsel

- Formalize and upgrade the ACP.
- Hire an administrator, supervising attorney, and sufficient administrative staff.
- Fund training, mentoring, and second-chair programs.
- Fund non-attorney professional services (i.e., investigation, expert, social work/sentencing advocacy, and interpretation services, etc.).
- Reimburse attorneys for time and travel expenses to promote effective representation and client communication.
- Implement a CMS and electronic voucher system.

LEWIS COUNTY



County Overview

Lewis County, located in the Adirondack Park, encompasses 1,290 square miles. The County has a population of 27,224, with 12.1% of residents living below federal poverty levels and a median household income of \$49,819. The County consists of 10 legislative districts governed by a Board of 10 legislators currently chaired by Michael A. Talbot. Supreme, County, Family, and Surrogate's Courts are located in Lowville. In addition, the County has 19 Town and Village Courts.

Mandated Representation Overview

Mandated representation is provided by Public Defender's and Conflict Defender's Offices, both of which are contract entities operated out of private law firms. There is no formal Assigned Counsel Program. For any trial cases in which both Defender Offices have a conflict of interest, the courts assign counsel. The Appellate Division, Fourth Judicial Department, assigns counsel for appeals.

Status of Quality

Staffing (Recruitment and Retention of Attorneys and Non-Attorneys)

The Public Defender, Michael Young, Esq., receives a flat fee from the County to provide representation for criminal defense, parole, and Family Court clients. The Office employs five part-time attorneys, all of whom also maintain their own private law practices. The Public Defender stated that the largest portion of the Office's public defense cases involve Family Court clients. The Public Defender and one other experienced attorney represent clients charged with felony cases. Two of the other attorneys handle primarily local court misdemeanor cases. The Public Defender reported no concerns regarding recruitment or retention of staff. The Public Defender's Office has one secretary. The other attorneys rely on administrative staff from their private law firms. The Conflict Defender's Office is overseen by Timothy McClusky, Esq., who also receives a flat fee from the County. The Conflict Defender Office employs three part-time attorneys. The Conflict Defender stated that like the Public Defender Office, his office mostly represents clients in Family Court with only about a third of the Office's cases involving criminal defense matters. The Conflict Defender uses personnel in his private law office for administrative support. Since there is no ACP, the County requires the Public Defender to review assigned counsel vouchers. The Appellate Division assigns counsel for appeals upon a recommendation from the Public Defender, who stated that only a small number of the 40 to 50 attorneys on the assigned counsel list provide quality representation at the appellate level.

Supervision and Mentoring

According to the Public Defender and Conflict Defender, most of their attorneys have significant experience, which minimizes the need for supervision. The Public Defender and his most experienced attorney regularly co-counsel felony cases. There is no supervision or mentoring of assigned counsel.

Training

The Public Defender stated that his Office has utilized ILS funding to obtain a training budget line of about approximately \$1,500. This small budget covers sending a few attorneys to one yearly statewide training program. It does not support any specialized training. The Conflict Defender's Office does not have funding for training and the Conflict Defender stated that he would like the opportunity to send attorneys to statewide training programs, particularly those that address practical trial skills.

Legal Research

The Public Defender's Office has access to online legal research resources. The Office also contracts with an appellate attorney for assistance with both pretrial motions and trial litigation support. The Public Defender estimated that the Office spends approximately \$5,000 per year for this assistance, but that the Office need is increasing. The Conflict Defender's Office does not have access to online legal research resources. According to the Conflict Defender, attorneys must turn to the law library for all legal research needs.

Client Communication

Neither the Public Defender nor the Conflict Defender believe that their offices face any significant issues or barriers with regard to client communication.

Non-Attorney Professional Services (Experts, investigators, social workers, sentencing advocates, interpreters, and other necessary services)

The Public Defender's Office has not used sentencing advocates or social workers. The County has never provided a budget line for investigation. Both Defender Offices draw upon ILS funding for investigation and expert services in criminal and Family Court cases. According to both Defenders, additional resources in this area are urgently needed.

Technology/Other Resources

Both Defenders stated that their offices require CMSs, laptops for attorneys, and additional administrative support staff.

Quality Improvement Needs

Upon consultation with providers and a review of information provided, ILS makes the following recommendations to improve the quality of mandated representation in Lewis County:

Public Defender's Office

- Increase attorney staff including appellate attorneys for litigation support.
- Increase administrative staff.
- Provide additional funding for non-attorney professional services (i.e., investigation, expert, social work/sentencing advocacy, and interpretation services, etc.).
- Upgrade office technology, including a CMS and computers.
- Fund legal research, including increased access to online legal research resources.
- Increase funding for attorney training.

Conflict Defender's Office

- Increase attorney staff including appellate attorneys for litigation support.
- Fund legal research, including access to online legal research resources.
- Increase administrative support.
- Fund non-attorney professional services (investigation, expert, social work/sentencing advocacy, and interpretation services, etc.).
- Upgrade office technology, including a CMS and computers.
- Fund attorney training programs.

Assigned Counsel

- Formalize and upgrade the assigned counsel program.
- Hire an administrator, supervising attorney, and sufficient administrative staff.
- Fund training and mentoring programs.
- Fund non-attorney professional services (investigation, expert, social work/sentencing advocacy, and interpretation services, etc.).
- Reimburse attorneys for time and travel expenses to promote effective representation and client communication.
- Implement a CMS and electronic voucher system.

LIVINGSTON COUNTY



County Overview

Livingston County, located in the Finger Lakes – Wine Country Region, has a population of 64,810, with 14.8% of residents living below federal poverty levels, and a median household income of \$51,734. The County covers 640 square miles. The County consists of 19 legislative districts governed by a Board of 19 Supervisors currently chaired by Eric R. Gott. The Supreme, County, Family, and Surrogate's Courts are in the Village of Geneseo. In addition, the County has 23 Town and Village Courts.

Mandated Representation Overview

Mandated representation is provided by a Public Defender's Office, Conflict Defender's Office, and Assigned Counsel Program. The Public Defender's Office is led by Marcea Clark Tetamore, Esq. Hayden Dadd, Esq., serves in a dual capacity as both Conflict Defender and ACP Administrator.

Status of Quality

Staffing (Recruitment and Retention of Attorneys and Non-Attorneys)

The Public Defender's Office employs four full-time attorneys, all of whom handle criminal cases, and two of whom also handle a small volume of Family Court cases. Three part-time criminal attorneys handle the night-time Justice Courts. The Office also represents clients in parole revocation cases and parole appeals. The Public Defender stated that attorney retention is a problem, due to a county residency requirement and a salary structure that lacks parity with the Office of the District Attorney. The Public Defender also expressed concern that implementation of counsel at first appearance at current staffing and salary levels may cause some attorneys to leave. The Public Defender stated that increased staffing to address caseloads is the Office's greatest need. The Office has one full-time confidential secretary and one full-time administrative assistant. There is inadequate office space for current staff.

The Conflict Defender's Office has one full-time criminal defense attorney, one full-time Family Court attorney, and two part-time attorneys. The County's residency requirement also impacts recruitment for this Office. The Office has one full-time administrative staff. Office space is inadequate. The Conflict Defender administers the ACP. There are 13 attorneys on the assigned counsel list, several of whom reside outside the County.

Supervision and Mentoring

Caseload pressures and administrative responsibilities limit the ability of both Defenders to provide supervision to the other attorneys in their respective offices. An increase in staff would allow these Offices to reduce their caseloads and give them more time to supervise. Attorneys on the assigned counsel list are not subject to a qualification or review process, and the ACP does not provide any supervision of attorneys.

Training

The County provides the Public Defender's Office with a small budget line for training that enables attorneys to attend some statewide training programs. Neither the Conflict Defender's Office nor the ACP has a budget line for training. Both Offices take advantage of free training programs located in Ontario and Monroe Counties. The Conflict Defender's Office has provided written training materials to assigned attorneys. Both Defenders opined that regional trainings would be beneficial.

Legal Research

Both Defender Offices have inadequate legal research resources. There is no budget for legal research for assigned counsel.

Client Communication

The Public Defender reports that there are many obstacles to client communication, including high caseloads, lack of client transportation, a lack of confidential meeting space in courts, and limited space at her own office. The Conflict Defender's Office faces similar challenges. Assigned counsel do receive reimbursement for mileage or time traveling within the County. The jail has only two confidential rooms. Attorneys can use a confidential line to call detained clients.

Non-Attorney Professional Services (Experts, investigators, social workers, sentencing advocates, interpreters, and other necessary services)

The Public Defender stated that her Office has a budget of approximately \$10,000 for all non-attorney professional services and that the Office exceeds the budget every year. The Office has never had the resources for social workers or sentencing advocates but would use them if they were available. Investigation services have been limited to primarily process service. The Office also has trouble finding interpreters and would benefit from a service such as Language Line. The Conflict Defender's Office and assigned counsel list have no budget for non-attorney professional services and must apply to the court for these services. The Conflict Defender's Office needs an investigator so that staff need not conduct their own investigations. Assigned counsel generally do not use expert or investigative services.

Technology/Other Resources

The Public Defender's Office uses a CMS to open and close cases and record some case information. The Conflict Defender's Office and ACP do not have access to a CMS.

Quality Improvement Needs

Upon consultation with providers and a review of information provided, ILS makes the following recommendations to improve the quality of mandated representation in Livingston County:

Public Defender Office

- Increase attorney staff including appellate attorneys for litigation support.
- Increase administrative support staff.
- Support expansion of office space.
- Fund non-attorney professional support services (such as investigation, expert, social work/sentencing advocacy, and interpretation services, etc.).
- Upgrade technology, including theCMS.
- Increase funding for training.
- Support legal research resources, including online legal research.

Conflict Defender's Offices

- Increase attorney staff including appellate attorneys for litigation support.
- Increase administrative support staff.
- Support expansion of office space.
- Fund non-attorney professional support services (investigation, expert, social work/sentencing advocacy, and interpretation services, etc.).
- Fund training opportunities.
- Support legal research resources, including online legal research.
- Provide technology upgrades, including theCMS.

Assigned Counsel

- Formalize and upgrade the assigned counsel program.
- Hire an administrator, supervising attorney, and sufficient administrative staff.
- Fund training and mentoring programs.
- Fund non-attorney professional services (investigation, expert, social work/sentencing advocacy, and interpretation services, etc.).
- Reimburse attorneys for time and travel expenses to promote effective representation and client communication.
- Support implementation of a case management and electronic voucher system.

MADISON COUNTY

County Overview



Madison County, located in central New York, east of Syracuse, covers 662 square miles and has a population of 72,382, with 12.2% of residents living below federal poverty levels. The median household income of \$54,145. The County consists of 19 legislative districts governed by a Board of 19 Supervisors currently chaired by John Becker. The Supreme, County, Family, and Surrogate's Courts are located in Wampsville. In addition, the County has a City Court in Oneida, and 21 Town and Village Courts.

Mandated Representation Overview

Mandated representation is provided by the Public Defender's Office. The Office is not a county government agency, but rather a nonprofit corporation formally called the Madison Legal Aid Bureau (LAB). The Office has a contract with the County to provide representation in criminal defense and parole matters that it must renegotiate on a yearly basis. The County Attorney's Office administers the Assigned Counsel Program.

Status of Quality

Staffing (Recruitment and Retention of Attorneys and Non-Attorneys)

The Public Defender's Office has seven full-time attorneys who work 30 to 35 hours per week and who may maintain an outside private practice. The Office also employs four administrative staff. Only some attorneys are provided with individual office space. The Public Defender reports that the Office has had difficulty recruiting and retaining attorneys. He attributes difficulties in this area to starting salaries of \$45,000 that are not competitive with those offered in neighboring counties. He also stated that salaries for upper level attorneys are not on a par with those paid at the District Attorney's Office. Consequently, attorneys are encouraged to apply for the assigned counsel list to take Family Court cases to gain trial experience and to supplement their income.

The County Attorney's Office manages the assigned counsel list and provides administrative support. An Assistant County Attorney serves as Administrator. Approximately 25 attorneys handle a small volume of assigned criminal cases. The program relies on participation by attorneys from three neighboring counties. Attorneys must submit an application, carry malpractice insurance, and be in good standing with the State Bar to achieve placement on the assigned counsel list.

Supervision and Mentoring

The Public Defender supervises attorneys. He carries a reduced office caseload, but also handles all administrative responsibilities and maintains a private law practice. A second attorney serves as a compliance officer charged with ensuring court coverage. A third attorney, the Deputy Director, will soon begin to share supervisory responsibilities. Assigned counsel do not receive supervision or mentoring and do not have access to a Second-Chair Program. The County Attorney's Office does not monitor, or review assigned counsel performance.

Training

The Public Defender stated that his Office has a training budget of approximately \$2,500. This funding covers registration fees for all of the attorneys' required CLE credits. The Office cannot afford to send attorneys to out-of-state programs; but it has sent new attorneys to statewide trainings. No training funds exist for assigned counsel. The Deputy County Attorney stated that such funding could attract attorneys to take assigned cases.

Legal Research

In the Public Defender's Office, all attorneys have access to online legal research resources. Legal research resources are not provided to attorneys on the assigned counsel list.

Client Communication

The Public Defender's Office provides each attorney with \$1,000 in travel expense reimbursement each quarter. Clients can call the Office from the jail. Assigned counsel can bill the County for travel time and seek reimbursement for mileage.

Non-Attorney Professional Services (Experts, investigators, social workers, sentencing advocates, interpreters, and other necessary services)

The Public Defender's Office has retained the Center for Community Alternatives to assist with sentencing advocacy. The Office has applied for ILS funding for a social worker to work at the jail and help clients gain entry in programs. The jail also has a social worker, whom the Office uses to assist clients with Drug Court. The Office has a part-time contract investigator. The Public Defender stated that an \$8,000 budget line for investigation also covers expert services and transcripts. An interpreter is needed only rarely. The ACP Administrator stated that he does not see many vouchers seeking payment or reimbursement for investigation, expert witnesses, or interpreting services.

Technology/Other Resources

The Public Defender Office has utilized ILS funding to address technology needs, including case management. The ACP does not have access to case management or electronic vouchering systems.

Quality Improvement Needs

Upon consultation with providers and a review of information provided, ILS makes the following recommendations to improve the quality of mandated representation in Madison County:

Public Defender's Office

- Increase attorney staff including appellate attorneys for litigation support.
- Increase administrative support staff.
- Provide support to expand office space.
- Fund non-attorney professional support services (investigation, expert, social work/sentencing advocacy, and interpretation services, etc.).
- Upgrade technology, including the CMS.
- Increase funding for training.
- Support legal research resources, including online legal research resources.

Assigned Counsel

- Formalize and upgrade the assigned counsel program.
- Hire an administrator, supervising attorney, and sufficient administrative staff.
- Fund training and mentoring programs.
- Fund non-attorney professional services (investigation, expert, social work/sentencing advocacy, and interpretation services, etc.).
- Reimburse attorneys for time and travel expenses to promote effective representation and client communication.
- Implement a case management and electronic voucher system.

MONROE COUNTY



County Overview

Monroe County, located in the Finger Lakes – Wine Country Region, encompasses 1,366 square miles. The population is 744,344, with a median household income of \$52,553 and 15.2% of residents living below the federal poverty level. The County consists of 29 legislative districts governed by a Board of 29 legislators currently chaired by Anthony J. Daniele. Supreme, County, Family, and Surrogate’s Courts, as well as the Court of Claims and the Appellate Division – Fourth Department, are found in Rochester, which is the third largest city in the State. There is a Rochester City Court, and 23 Town and Village Courts.

Mandated Representation Overview

Mandated representation is provided by the Public Defender’s Office, led by Timothy Donaher, Esq. Mark Funk, Esq., serves in a dual capacity as both Conflict Defender and Assigned Counsel Administrator.

Status of Quality

Staffing (Recruitment and Retention of Attorneys and Non-Attorneys)

The Public Defender’s Office employs approximately 89 attorneys, 62 of whom are assigned to represent criminal defense clients. The office is structured into six Divisions: Town and Village Courts; City Court; Non-violent felonies; Violent Felonies; Appeals; and Family Court. The Public Defender stated that increased staffing is a high priority for his office. The Office easily recruits attorneys, but has difficulty retaining staff. The Public Defender explained that starting salaries are competitive, but that experienced Assistant Public Defenders lack salary parity with their counterparts in the Office of the District Attorney. He also expressed concern about a potential looming crisis involving the elimination or reduction of loan forgiveness programs upon which new attorneys depend. The three to five years that it takes for new attorneys to progress from Town and Village Court cases to felonies also creates a staff retention issue for the Office.

The Conflict Defender’s Office has 13 attorneys, including the Chief Conflict Defender, three attorneys assigned to represent clients charged with misdemeanors, seven attorneys assigned to Family Court practice, and two attorneys assigned to represent clients on appeal. The Office also faces retention concerns. According to the Conflict Defender, restricting the Office’s caseload to misdemeanors hinders the ability of new attorneys to progress in their practice. The Conflict Defender also noted that the Office’s Family Court division is understaffed and that the attorneys

endure heavy caseloads. The Office has two full-time and two part-time clerical staff, who also assist with assigned cases. The ACP panel is large, consisting of approximately 150 attorneys representing clients charged with criminal offenses.

Supervision and Mentoring

The Public Defender's Office provides supervision in every unit, employing 12 supervisory attorneys for criminal cases and one for Family Court cases. Two attorneys provide daily oversight of new attorneys assigned to Town and Village Courts cases, and two other attorneys supervise the City Court Division. The First Assistant Public Defender and Training Director each supervise five attorneys assigned to the Violent Felony Division, while the Second Assistant Public Defender supervises the Non-Violent Felony unit. The Appellate Bureau Chief supervises attorneys in his unit. Some supervising attorneys carry a reduced caseload. The Conflict Defender informally supervises the three attorneys assigned to misdemeanors. Attorneys on the assigned counsel list do not receive any supervision from the ACP.

The Public Defender's Office is exploring an innovative regional approach to improve the quality of appellate representation provided by assigned counsel attorneys. The Office has received the support of the Appellate Division – Fourth Department for its concept of using State funding to create a pilot mentoring program in the Seventh Judicial District. In collaboration with the counties' assigned counsel initiatives and the Fourth Department, mentees would be identified and required to receive guidance from experienced volunteer mentors in matters such as issue selection, brief writing and editing, and oral argument. Mentors would submit vouchers to the office administering the mentoring program and be reimbursed at statutory rates. State funding would be used to pay for administration of the program and for mentor vouchers.

Training

New attorneys assigned to the Public Defender Office Town and Village Court division participate in a "one-on-one" initial training program, completing 16 one-hour training sessions during a six-week period. New attorneys also attend a statewide multi-day intensive trial training program. Each Division within the Office also provides its own training. Attorneys are also required to attend five trial skills programs. All attorneys may opt to participate in 30 to 40 training programs sponsored by the Office each year. The Office has a vacancy for its full-time Training Director position. While the Conflict Defender's Office has some funding for attorneys to attend training programs, it does not provide an initial training program, and instead has new attorneys shadow experienced colleagues. The ACP lacks a training budget but does offer introductory videos on misdemeanor and felony practice. There is no funding for mentoring or Second-Chair Programs.

Legal Research

All attorneys at the Public Defender's Office have access to online legal research. Conflict Defender Office attorneys also have access to online legal research as well. ACP attorneys have access to free online research at the courthouse. Although the Program does not keep formal track of legal research and writing practices, the Conflict Defender has noticed a lack of motion practice, based upon his review of vouchers.

Client Communication

Attorneys at the Public Defender's Office are required to meet with incarcerated clients every two weeks. There is no telephone access to the office for incarcerated clients. The Conflict Defender's Office does not have a formal policy regarding client communication. Assigned counsel are paid for travel time to visit the client at the jail.

Non-Attorney Professional Services (Experts, investigators, social workers, sentencing advocates, interpreters, and other necessary services)

The Public Defender's Office previously employed Defender-Based Advocates to assist clients with programs addressing their various needs. The Public Defender stated that the increasing use of treatment courts has reduced the need for such advocacy although social workers are needed in the Family Court context. The Office has used sentencing advocates such as the Center for Community Alternatives to produce favorable outcomes for clients. The Public Defender stated that bolstering investigative support is a priority. The Office has five full-time staff investigators and two part-time contract investigators. He explained that such staff is insufficient for the approximately 21,000 cases handled each year. Given the large volume of cases, the Office must triage investigation. According to the Public Defender, external factors, such as the speed with which indictments are issued and crime scene security camera tapes are erased, exacerbates the situation. Low investigator salaries impede recruitment. The Public Defender stated that the Office's expert witness budget of approximately \$70,000 to \$80,000 is the bare minimum to meet Office needs. Experts are used for sentencing advocacy, forensic psychology, arson, and driving while intoxicated cases. The Office also retains a DNA consultant.

The Conflict Defender's Office has a contract investigator. All funds for any contract services are shared with efforts for assigned counsel. The Conflict Defender stated that funding for these services is inadequate. Assigned counsel use investigators and some experts, but not sentencing advocacy.

Technology/Other Resources

The Public Defender's and Conflict Defender's Offices use a CMS. An electronic vouchering program was recently introduced for the ACP.

Quality Improvement Needs

Upon consultation with providers and a review of information provided, ILS makes the following recommendations to improve the quality of mandated representation in Monroe County:

Public Defender Office

- Increase attorney staff, including appellate attorneys for litigation support.
- Increase administrative support staff.
- Support the expansion of office space.

- Fund non-attorney professional support services (investigation, expert, social work/sentencing advocacy, and interpretation services, etc.).
- Upgrade technology, including support for the CMS.
- Increase funding for training including a full-time training director.
- Support legal research resources, including online legal research resources.
- Provide funding for a pilot mentoring program for 18-B attorneys in the Seventh Judicial District.

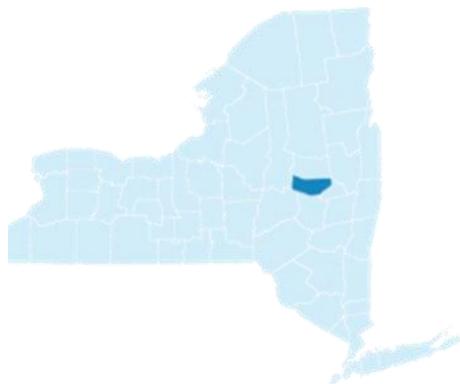
Conflict Defender's Offices

- Increase attorney staff including appellate attorneys for litigation support.
- Increase administrative support staff.
- Support expansion of office space.
- Fund non-attorney professional support services (investigation, expert, social work/sentencing advocacy, and interpretation services, etc.).
- Provide support for technology, including the CMS.
- Fund training opportunities.
- Support legal research resources, including online legal research.

Assigned Counsel

- Formalize and upgrade the assigned counsel program.
- Hire an administrator, supervising attorney, and sufficient administrative staff.
- Fund training and mentoring programs.
- Fund non-attorney professional services (investigation, expert, social work/sentencing advocacy, and interpretation services, etc.).
- Reimburse attorneys for time and travel expenses to promote effective representation and client communication.
- Provide support for the CMS and electronic voucher system.

MONTGOMERY COUNTY



County Overview

Montgomery County, located in the Mohawk Valley, has an area of 410 square miles and a population of 49,941. About 20.6% of the population lives below federal poverty levels, and the median household income is \$43,764. The County consists of nine Legislative Districts, which are governed by a Board of nine legislators, currently chaired by Roy S. Diamond. The Supreme, County, Family, Surrogate's, City, and Town Courts are located in the City of Amsterdam. In addition, the County has 12 Town and Village Courts.

Mandated Representation Overview

Mandated representation is provided by a Public Defender's Office, led by William Martuscello, Esq. The Public Defender maintains a list of attorneys who accept 18-B assignments.

Status of Quality

Staffing (Recruitment and Retention of Attorneys and Non-Attorneys)

The Public Defender's Office has five part-time criminal defense attorneys, three of whom can handle serious felonies, and two full-time Family Court attorneys. As of September 2017, the Office was in the process of hiring four part-time attorneys, using ILS funding. In addition to criminal and Family Court matters, the Public Defender's Office handles appeals from local court to County Court and could benefit from an appellate attorney to handle such appeals, as well as to support trial attorneys. Further, the Public Defender handles parole cases. The Office is rarely assigned to represent clients for 440 motions.

The Public Defender's Office has a small central office near the jail, with individual offices for the Public Defender and two part-time secretaries. All staff attorneys have their own private offices. The Public Defender indicates that the Office needs another secretary and that attorney salaries are competitive for part-time work—on par with those of Assistant District Attorneys—and problems with recruiting new attorneys are not anticipated. To convert staff to full-time, salaries would have to significantly increase, and part-time attorneys would likely prefer to retain their private practices, per the Public Defender.

As to the assigned counsel list, while there are 25 to 30 panel attorneys, only seven to 10 accept assignments. The attorneys are from Fulton, Montgomery, and Schenectady County. Interested attorneys send a resume to the Public Defender, individual judges make case assignments, and the Public Defender reviews vouchers.

Supervision and Mentoring

While handling a full caseload of public defense and private cases, the Public Defender also supervises attorneys in the Office, meeting with them on a quarterly basis. He often observes attorneys in court. The panel attorneys do not receive supervision or mentoring nor the opportunity to participate in a Second-Chair Program.

Training

The Public Defender's Office has been using ILS funding to send attorneys to training programs, and according to the Public Defender, attorneys would take advantage of additional training if it were offered.

Legal Research

The Public Defender's Office has used ILS funding to provide legal research resources to attorneys. Attorneys on the assigned counsel panel are not provided with legal research resources.

Client Communication

Clients can call the Public Defender's Office at no cost from jail. The Office provides reimbursement for travel-related expenses.

Non-Attorney Professional Services (Experts, Investigators, Social Workers, Sentencing Advocates, Interpreters, and Other Necessary Services)

The Public Defender's Office stated that it has an estimated budget line of \$10,000, for experts, investigators, sentencing advocates for SORA evaluations, and interpreters. The Office has not used social workers for sentencing advocacy. Sometimes, the Office needs to seek additional money from the County's general fund for services. Attorneys on the 18-B list rarely use experts or investigators.

Technology/Other Resources

No needs as to this topic were discussed.

Quality Improvement Needs

Upon consultation with providers and a review of information provided, ILS makes the following recommendations to improve the quality of mandated representation in Montgomery County:

Public Defender

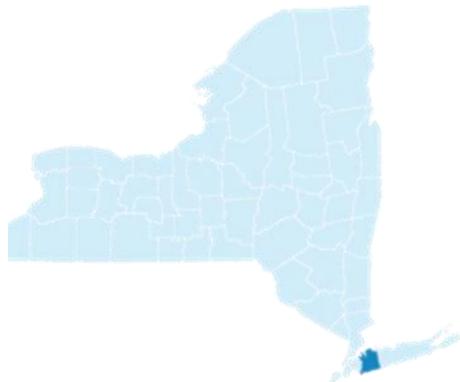
- Increase attorney staff, including appellate attorneys for litigation support.
- Expand training opportunities.
- Increase funding for non-attorney professional services, (such as investigation, expert, social work/sentencing advocacy and interpretation services, etc.).

- Provide technology upgrades, including a CMS.

Assigned Counsel

- Support a formalized and upgraded assigned counsel program.
- Hire an administrator, supervising attorney and sufficient support staff.
- Support office expansion.
- Fund technology including a CMS and electronic voucher system.
- Support training opportunities.
- Increase funding for non-attorney professional services (experts, investigators, social workers, sentencing advocates, and interpreters).
- Reimburse attorneys for time and travel expenses to promote effective representation and client communication.

NASSAU COUNTY



County Overview

Nassau County, which occupies the western portion of Long Island, has an area of 453 square miles and a population of 1,349,000. About 6.2% of the population lives below federal poverty levels, and the median household income is \$99,465. The County consists of 19 Legislative Districts, which are governed by a Board of 19 Legislators, currently chaired by Norma Gonsalves. The Supreme, County, and Surrogate's Courts are in the City of Mineola. Family Court is in the Village of Westbury, and District Court in the Town of Hempstead. In addition, the County has two City Courts, a District Court and 64 Village Courts.

Mandated Representation Overview

Mandated representation is provided by the Legal Aid Society of Nassau County (LAS), headed by Executive Director Scott Banks, Esq., and an ACP, which is incorporated as a nonprofit entity that has a contract with the County and is led by Administrator Robert Nigro, Esq.

Status of Quality

Staffing (Recruitment and Retention of Attorneys and Non-Attorneys)

The LAS, which has 52 attorneys, handles criminal and Family Court representation. The LAS office space is inadequate, with only 18 offices for the attorneys, requiring the use of small cubicles for most attorneys. The Appeals Bureau provides training, consultation, and sample motions for staff attorneys. The LAS needs additional administrative staff to manage grants and vouchers, as well as paralegals to interview counsel at arraignment clients who are detained. The lure of New York City and the low starting salary of \$51,000 hinders the recruitment of staff attorneys. The LAS Executive Director indicated that the salaries of new attorneys are not competitive vis-à-vis their peers at other offices in the NYC metropolitan area. Moreover, there are problems with retention, as attorneys with many years' experience are paid significantly less than their prosecution counterparts. Further, the County is restricting the ability of LAS to set grant-based salaries at a competitive level.

The ACP Administrator stated that he has a full-time administrative assistant and full-time voucher processor, as well as a part-time bookkeeper, and could use a budgeting/accounting person, but lacks space for additional staff. The ACP has about 300 panel attorneys serving on seven distinct panels. About 200 panel attorneys handle criminal cases, and 125 of those are qualified to handle felony cases. There are about 35 attorneys on the criminal appellate panel. The ACP requires candidates to complete a very detailed application and be interviewed by a

screening committee. Judges are also consulted regarding the attorneys, and then the committee votes about candidates. Assignments are made by the court pursuant to a rotating system.

Supervision and Mentoring

The LAS has a formal supervision policy and structure. Each of the several bureaus has a chief, as well as experienced supervisors, who provide close supervision of attorneys, including meeting with them before hearings and trials; serving as second seat for their first pretrial hearings and trials; and having a presence in court every day. At the end of each attorney's initial three years, the LAS reviews his or her performance. The ACP does not supervise panel attorneys but would like to add a supervisory or "quality enhancement" attorney, as well as a mentoring program. No Second-Chair Program exists. Attorney performance is not monitored, except that attorneys are removed from the panel for failure to meet CLE requirements for attorney good standing.

Training

The LAS provides initial training for new attorneys, including classroom training from appellate and parole attorneys and observation of court proceedings. Throughout the year, LAS attorneys receive training, including in-house CLE programs. Additional funding is needed to send attorneys to training programs outside the County. A regional training center with Suffolk County was suggested by the LAS Executive Director.

Legal Research

Every LAS attorney has access to online legal research.

Client Communication

Some courts lack confidential meeting space, requiring interviews of clients in large holding cell areas, the LAS Executive Director stated. The ACP does not pay for travel time nor reimburse for mileage, absent exceptional circumstances. However, the Program expects attorneys to meet with incarcerated clients within 48 hours of arraignment and regularly thereafter and disfavors meetings with the client's family members as surrogates for the client.

Non-Attorney Professional Services (Experts, Investigators, Social Workers, Sentencing Advocates, Interpreters, and Other Necessary Services)

The LAS Executive Director indicated that funding for expert witnesses is insufficient, with the amount of the allocations based on a previous time when cases were not as complex. Two LAS investigators focus primarily on criminal cases. Additional investigators are needed, but low salaries limit the ability to recruit experienced professionals. Two LAS social workers are assigned to assist criminal and Family Court clients. A case manager is needed to assist the social workers, and sentencing advocacy services should be expanded, per the LAS Executive Director. Many ACP panel attorneys use investigators and experts, primarily as consultants. Some use social workers.

Technology/Other Resources

The LAS uses a CMS. The ACP expects to soon institute an electronic vouchering system.

Quality Improvement Needs

Upon consultation with providers and a review of information provided, ILS makes the following recommendations to improve the quality of mandated representation in Nassau County:

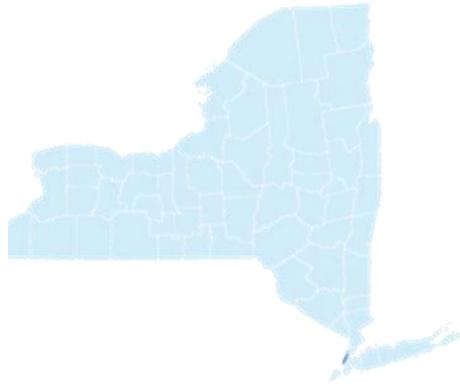
Legal Aid Society

- Increase attorney staff including appellate attorneys for litigation support.
- Enhance staff salaries for staff retention.
- Support expansion of office space.
- Increase training resources.
- Increase funding for non-attorney professional services (experts, investigators, social workers, sentencing advocates, and interpreters).
- Provide technology upgrades including upgrades to the CMS.

Assigned Counsel

- Enhance the existing assigned counsel program.
- Support the hiring of sufficient attorney staff to support and oversee panel program as well as hiring of sufficient administrative staff.
- Support adequate office space and technology including a CMS and electronic voucher system.
- Support training opportunities for panel attorneys.
- Increase funding for non-attorney professional services (experts, investigators, social workers, sentencing advocates, and interpreters).
- Reimburse attorneys for time and travel expenses to promote effective representation and client communication.

NEW YORK CITY



Profile

New York City is made up of five boroughs, each of which constitutes its own distinct county. Located in the southeastern tip of the State, NYC is the most populous and densely populated city in the United States. The Bronx and Queens are concurrent with counties of the same name. The Bronx is the only borough not located on an island and consists of 57 square miles. The population totals 1,385,108, the median household income is \$34,299, and 30.7% of residents live below federal poverty levels. Brooklyn, in Kings County, consists of 96.9 square miles and has a population of 2,504,700. The median household income is \$48,201, with 23.2% of individuals living below federal poverty guidelines. Manhattan, which is in New York County, has 33.77 square miles and a population of 1,585,873. The median household income is \$72,871, with 17.9% of individuals living below federal poverty guidelines. Queens has 178 square miles and has a population of 2,230,722. The median household income is \$57,720, with 15.1% of the population living below federal poverty guidelines. Staten Island is located in Richmond County and occupies 59 square miles. The population is 468,730 individuals, the median household income is \$73,197, and 12.5% of the population live below federal poverty levels. In each county in NYC, there is a Supreme Court – Criminal Term for felonies, Criminal Court for misdemeanors and lesser offenses, Supreme Court – Civil Term, Family Court, Surrogate’s Court, and Civil Courts for small claims and other matters. The NYC Council, the lawmaking body, has 51 members from 51 Council Districts throughout the five boroughs. The head of the City Council is the Speaker, a post currently held by Melissa Mark-Viverito.

Mandated Representation Overview

The primary provider of criminal defense in all five boroughs of NYC is the Legal Aid Society (LAS). In addition, criminal defense is provided by Bronx Defenders (BXD), Brooklyn Defender Services (BDS), Neighborhood Defender Services (NDS) in Harlem, New York County Defender Services (NYCDS), Queens Law Associates (QLA), and ACPs administered by the Appellate Division – First and Second Departments. Providers have made bids for a contract to represent homicide clients, and the award of such contract will significantly increase that provider’s staffing and resource needs.

TRIAL COURT REPRESENTATION

Status of Quality

Staffing (Recruitment and Retention of Attorneys and Non-Attorneys)

LAS has 550 attorneys. In addition to criminal defense, LAS represents clients in a variety of civil matters. The Criminal Defense Practice Attorney-in-Charge reported that greatly expanded attorney staffing is needed to address immigration and collateral consequence issues and that the Office would like to enhance its parole unit to help prevent revocation from occurring. LAS has an appellate unit, which is discussed in the appellate section of this Profile. The salaries offered to new hires have been sufficient to recruit new attorneys, but inadequate to recruit experienced attorneys or retain those with four to 10 years' experience, per LAS leadership.

BXD has approximately 300 employees, including 92 staff attorneys in the criminal defense division. These attorneys are assigned to various teams based on experience level. The Office, which provides holistic representation, also has about 70 attorneys handling varied civil matters. The office's Impact Litigation Division works to identify, develop, and litigate challenges to systemic problems and injustices. The BXD employs 20 full-time administrative and clerical staff in the criminal practice area. Such staffing levels are inadequate, and support staffing should be doubled, per the Acting Executive Director, who added that recruitment has not been a problem but retention is, due to salaries, workload, burnout, and high NYC rents.

The legal staff at BDS consists of about 100 criminal defense attorneys, 58 Family Court attorneys, and three attorneys with a mixed caseload. Like other NYC providers, BDS offers holistic representation. The Office has seen a spike in Family Court cases in the past year. The 20 full-time administrative staff at BDS are insufficient, per the Executive Director, and an estimated five additional people are required. There are six paralegals, and three more should be hired. Further, the Office reportedly needs two more executive staff, as well as several full-time bail employees. To retain staff, BDS needs to increase salaries, and an internal student loan program would also be beneficial, the Executive Director observed.

NDS has 59 full-time attorneys and one part-time attorney. Thirty-one of the attorneys concentrate in criminal defense. Holistic, client-centered representation is provided by an interconnection of the criminal, family, and civil defense practices. The Office has seven full-time administrative staff, which is inadequate and does not have anyone dedicated to data and technology, according to the Executive Director, who noted that NDS experiences staff retention problems, because the pay scale plateaus at a certain level.

NYCDS has 58 full-time attorneys, three full-time immigration attorneys, and one integrated domestic violence attorney. The Office has six full-time and two part-time administrative clerks. Two paralegal bail specialists are also employed, as well as administrative personnel for data, IT, HR, and other operations. The Executive Director stated that additional attorneys and

administrative are needed and that the Office hopes to implement a retention fund or system, including salary steps and bonuses to retain experienced attorneys in a competitive environment.

QLA has about 50 attorneys. The office provides representation in criminal defense matters, as well as representing clients in Family Court cases and integrated domestic violation matters. Another immigration attorney is reportedly needed. The Office employs seven paralegals and about a dozen administrative staff but hiring more paralegals and clerical staff is a high priority, per the Executive Director. No attorney retention issues were noted.

Both the First and Second Department Assigned Counsel Programs, located in Manhattan, are underfunded and were the subjects of studies conducted pursuant to a grant from the Department of Justice's Smart Defense Initiative, according to the Administrators. The First Department ACP, housed within the NYC Department of Finance (DOF), has an Administrator and one administrative assistant, and such staffing is inadequate. About 750 attorneys receive assignments for Bronx and Manhattan conflict cases. There are separate panels in both boroughs for misdemeanors, felonies, and homicides. Panel attorneys receive no supervision, and the ACP Administrator does not possess the resources necessary to assess the quality of representation provided. As far as training, the Administrator sets up monthly CLEs on criminal defense issues and relies upon NYC organizations to allow panel attorneys to attend the programs for free, since the ACP has no training budget. The Administrator also distributes to panel attorneys the newsletter of the Center for Appellate Litigation to alert them to issues than can be raised at trial. The ACP has no legal research resources at its office or to reimburse attorneys for their research activities. Panel attorneys have been advised that they should use mitigation specialists and investigators for serious felonies, and they are doing so. Use of experts is a thorny issue. There is no mechanism for hiring experts who want a retainer. The ACP stated that a budget is needed to deal with such situations and opines that the Program should be separate from the NYC DOF, so that the Administrator can exercise independent judgment about whether an expert should be retained. Finally, the ACP described a need for staff attorneys who can advise panel attorneys about complex forensic issues. Using interpreters also provides challenges, in that it is difficult to find interpreters who will work for the minimal fee offered, and the DOF can deny requests. The ACP has no CMS and uses the DOF electronic voucher system. Attorneys are not reimbursed for travel time to any local court or jail, thus creating a disincentive for attorneys to travel to Rikers Island. Having a videoconference room could help foster better client communication. The ACP receives only about 10 to 20 applications a year, apparently because of low statutory compensation rates. A screening committee designated by the Appellate Division reviews applications. Judges make the assignments.

The Second Department ACP, located in Manhattan, has about 325 panel attorneys who receive assignments out of Brooklyn, Queens, and Staten Island. There are panels for homicides, other felonies, and civil commitment proceedings. The ACP employs only an Administrator and one assignment clerk, and such staffing has reportedly prevented the program from implementing quality improvement reforms. At least two supervisory attorneys and one data entry clerk should be hired per the Administrator. To be admitted to the panel, attorneys must complete a detailed written application, undergo an interview by a committee, and be approved by the Presiding

Justice. Every three years, the Administrator completes the recertification process for about 100 attorneys, or one-third of the panel attorneys. About 95% of attorneys are recertified after a review of information regarding trials, CLEs, complaints, and evaluations by judges. Judges make assignments; and between the time of assignment and submission of vouchers, the ACP typically is not involved in the case and provides no real oversight. Panel admission has been frozen since 2013. The assignment to other providers of LAS conflict cases resulted in a sharp reduction of the use of panel attorneys. Further, NYC is in the process of shifting the assignment of nearly all homicide cases to institutional providers. New attorneys are not interested in joining the panel, ostensibly due to low 18-B hourly rates. Existing panel members are aging out. A central concern raised about the ACP was the lack of independence.

Supervision and Mentoring

LAS has a 1:10 ratio of supervisors to line attorneys. BXD provides comprehensive, structured supervision through 13 supervisors assigned to various practice areas and protocols governing supervisory practices and trainings for supervisors. Like LAS, BDS has a 1:10 ratio of supervisors to line attorneys. Four of the 14 supervisors have no caseload, and the others have a reduced load. The Office also uses a Second-Chair Program. NDS and NYCDS offer close supervision but explained that they would like expanded supervisory staff to achieve the ideal ratio of 1:7. QLA's six supervisors carry a reduced caseload. The ACPs need additional funding to provide adequate supervision of panel attorneys.

Training

LAS has four attorneys in its training unit, which, according to the Criminal Defense Practice Attorney-in-Charge, should be doubled in size to enable the unit to create a resource center and assist with training of upstate attorneys. Initial attorneys undergo an eight-week training program, while lateral hires attend a modified program. The Office's budget enables it to send some attorneys to statewide and national training programs. BXD provides intensive training for new attorneys and has developed an intensive five-day Defenders Academy. Additional funding would enable the office to use national trainers, assist upstate defender offices, provide management training, and send attorneys to national programs. At BDS, a training team of about 30 employees handle training, which includes an intensive initial training, an intermediate training program after an attorney has gained four years of experience, and thereafter attorney eligibility to attend national programs. With additional funding, BDS could bring in outside speakers and could send attorneys upstate to do trainings for Public Defenders offices. NDS's budget of approximately \$25,000 limits attorney access to training programs and does not provide trainings to investigators and social workers. NYCDS also provides intensive initial training and would like to expand resources for mid-level training. QLA's training budget was characterized as adequate. The ACPs report a need for funding to be able to provide training to panel attorneys.

Legal Research

LAS has an appeals unit. BXD, BDS, NDS, and NYCDS use online legal research services; and all providers indicated that they would like to add staff with appellate expertise for trial preparation

and/or strategic litigation. QLA found its legal research resources sufficient. The ACPs need additional funding to provide legal research resources to panel attorneys.

Client Communication

For most NYC providers, client communication is hampered by the logistics of visiting clients at Rikers Island. Travel is time-consuming, and inadequate visiting rooms are provided. BDS found that using two full-time jail liaisons and social workers who go to jail is helpful, but more such staff are reportedly needed. Videoconferencing is used, but expanded resources are sought. A community office has staff who meet with clients. Hiring a bail specialist would enable the office to get more clients out of Rikers Island, thus making communication more viable. NDS attorneys use office vehicles to regularly visit clients at Rikers Island, and the office would like to be able to provide Metro cards to clients who are not detained to enable them to make visits to the office. To improve client communications, NYCDS sees a need to increase attorney understanding of the importance of face-to-face meetings. Office space is needed at courthouses to allow for confidential client interviews. QLA primarily relies upon videoconferencing capabilities and states that attorney-client communication is not a big problem. The Appellate Division ACPs did not provide information regarding the extent of client communication.

Non-Attorney Professional Services (Experts, Investigators, Social Workers, Sentencing Advocates, Interpreters, and Other Necessary Services)

LAS has a 1:10 ratio of social workers to attorneys and investigators to attorneys. The Attorney-in-Charge reported that a new investigator will be needed for enhanced parole services. A lump sum budget for experts has allowed for use of experts when they are needed, and the Office also has extensive in-house expert consulting resources. BXD uses 12 full-time social workers for criminal cases, including mitigation. Twelve full-time investigators are devoted to criminal cases, but the Office described a need to expand such staffing. BXD uses two attorneys who concentrate in forensic disciplines, and such approach has helped them reduce expert witness costs. The Office reported that interpreter services are inadequate.

BDS employs 11 full-time investigators but reported a need for six more investigators. Last year, BDS's expert budget line of about \$130,000 was exceeded by \$70,000, due to the growing complexity of trials and more cases presenting forensic issues. An in-house expert is desired. BDS has two full-time interpreters and seeks expanded resources in this area. Sentencing advocacy is stressed at NDS, where one social worker or advocate is assigned to each team and prepares written sentencing memoranda and finds placement programs. Per the Executive Director, additional social workers/advocates are needed, and the Office is understaffed in terms of investigation, with three full-time investigators requiring attorneys to self-censor their requests. The NDS budget line of approximately \$60,000 for expert witnesses has required great care in considering when to retain an expert. The Executive Director stated that expertise and education are needed regarding women charged with violent offenses. NDS is in an area of NYC where many different languages are spoken. The budget for interpreters should be expanded so that an interpreter could be assigned to the courts, the Executive Director said.

NYCDS has six full-time alternative-to-incarceration specialists to help clients gain entry to drug treatment, sex offense, and mental health programs and to draft pre-plea memoranda. Five additional social workers are sought. The Office has four full-time investigators but seeks six more. The approximately \$175,000 budget line for expert services has been found adequate, but an emergency fund is desired to properly handle complex cases. Several attorneys specialize in forensic issues, but they must carry full caseloads. NYCDS has five to eight clerks who are fluent in Spanish but needs additional interpreting services. QLA has six social workers who provide a wide range of functions. The Office has a budget to contract with investigators and finds this approach cost-efficient. Having a “true DNA expert” on staff would be beneficial at QLA, which otherwise finds sufficient its budget of about \$150,000 for expert services. The interpreters’ budget was found adequate by the Office. The ACPs need increased funding to provide adequate non-attorney professional resources to panel attorneys.

Technology/Other Resources

This topic was not addressed as to LAS or BXD. BDS reported a need to upgrade its CMS, to hire staff to input and analyze data, and greater funding for transcripts. NDS uses a CMS but would like to upgrade or change that system. NDS is also running out of office space. NYCDS is considering a web-based data system that is under development and seeks more staff for data entry. QLA has a CMS and needs funding for updates and to train all staff to enter data. The ACPs need additional office space and up-to-date CMS systems.

Quality Improvement Needs

Upon consultation with providers and a review of information provided, ILS makes the following recommendations to improve the quality of mandated representation by trial providers in NYC:

The Legal Aid Society (LAS)

- Increase attorney staff including appellate resources for complex litigation support.
- Increase attorney salaries to retain experienced staffing.
- Enhance funding for non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).
- Increase funding for training opportunities and to support LAS efforts in mentoring and training of other in-state mandated representation providers.
- Expand funding to enhance client communication.
- Support technology upgrades for CMS and complex litigation.

Bronx Defender Services (BXD)

- Increase attorney staff including appellate resources for complex litigation support.
- Increase attorney salaries to retain experienced staffing.
- Enhance funding for non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).
- Increase funding for training opportunities and to support BXD efforts in mentoring and training of other in-state mandated representation providers.

- Expand funding to enhance client communication.
- Support technology upgrades for case management and complex litigation.

Brooklyn Defender Services (BDS)

- Increase attorney staff including appellate resources for complex litigation support.
- Increase attorney salaries to retain experienced staffing.
- Enhance funding for non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).
- Increase funding for training opportunities and to support BDS efforts in mentoring and training of other in-state mandated representation providers.
- Expand funding to enhance client communication.
- Support technology upgrades for case management and complex litigation.

Neighborhood Defender Services (NDS)

- Increase attorney staff including appellate resources for complex litigation support.
- Increase attorney salaries to retain experienced staffing.
- Enhance funding for non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).
- Increase funding for training opportunities and to support NDS efforts in mentoring and training of other in-state mandated representation providers.
- Expand funding to enhance client communication.
- Support technology upgrades for case management and complex litigation.

New York County Defender Services (NYCDS)

- Increase attorney staff including appellate resources for complex litigation support.
- Increase attorney salaries to address retention issues.
- Expand administrative staff.
- Increase resources for training.
- Enhance funding for non-attorney professional services (i.e., such as experts, investigators, social workers, sentencing advocates, and interpreters).
- Support technology upgrades for case management and complex litigation.

Queens Law Associates (QLA)

- Increase attorney staff including appellate resources for complex litigation support.
- Increase funding for paralegal and administrative staff.
- Enhance funding for non-attorney professional services (i.e., such as experts, investigators, social workers, sentencing advocates, interpreters and immigration resources).
- Support technology upgrades for case management and complex litigation.

Assigned Counsel, Appellate Division, First Department (1st Department ACP)

- Support the development of an independent assigned counsel program.
- Support hiring of additional attorneys to provide supervision of panel attorneys.
- Support hiring of administrative staff to support the program.

- Fund office space for the program.
- Support competitive salaries for the program.
- Support technology including a case management and electronic voucher system.
- Enhance funding for non-attorney professional services (i.e., such as experts, investigators, social workers, sentencing advocates, and interpreters).
- Fund for training and mentoring programs.

Assigned Counsel, Appellate Division, Second Department (2nd Department ACP)

- Support the development of an independent assigned counsel program.
- Support the hiring of additional attorneys to provide supervision of panel attorneys.
- Support the hiring of administrative staff to support the program.
- Fund office space for the program.
- Support competitive salaries for the program administration.
- Support technology including a case management and electronic voucher system.
- Enhance funding for non-attorney professional services (i.e., such as experts, investigators, social workers, sentencing advocates, and interpreters).
- Fund for training and mentoring programs.

APPELLATE REPRESENTATION

The City of New York has contracts with four offices, which handle most appellate representation, with the balance handled by ACPs at the Appellate Division – First and Second Departments, which are described above in the NYC Trial Representation section provided above. Appeal contracts use a weighting system that applies different values to assignments in many categories. Appellate representation in New York is noteworthy for its high quality. There is comprehensive training and structured supervision, and a holistic approach offering many services beyond the direct appeals.

Staffing (Recruitment and Retention of Attorneys and Non-Attorneys)

LAS has an appeals unit that handles appeals in all five boroughs, according to information offered by the providers. In the First Department, LAS is assigned to 48% of the appeals. LAS would like to build a unit devoted to wrongful convictions and clemency applications, including a supervisor, attorney, investigator, and social worker and use of pro bono law firm assistance. There are three other institutional providers of appellate representation. In the Appellate Division – First Department, the Center for Appellate Litigation (CAL) is assigned to 35% of appeals, and the Office of the Appellate Defender (OAD) is assigned to the remaining 17% of appeals. In the Second Department, Appellate Advocates also handles appeals. The providers are currently seeking to increase the contractual base levels of appeals; numbers have grown due to trial offices filing more notices of appeal in plea cases. CAL, OAD, and Appellate Advocates did not note problems in attracting and retaining attorneys. The offices receive applications from many qualified candidates, and attorneys stay for the long-term, except at OAD due to its unique training model, explained below.

CAL has 40 attorneys and 10 non-attorneys (five paralegals, four administrative staff, and one social worker) and expects to add five more attorneys to handle an expanded caseload. In addition to direct appeals, CAL uses City funding to do *Padilla* and SORA hearings and 440 motions, including some as part of its re-investigation unit. In addition, CAL provides representation and services in other areas for which there is no City funding, including federal habeas corpus and Article 78 proceedings and parole representation. One of CAL's top priorities is to expand its program for post-conviction re-investigation, to vigorously pursue red flags as to possible innocence claims in more cases, according to the Attorney-in-Charge, who observed that such expansion would require the hiring of one to two additional staff attorneys, along with additional non-attorney staff.

OAD, which has 20 full-time attorneys, is a structured appellate training office with most positions calling for three-year commitments. The Attorney-in-Charge stated that there are only a handful of permanent slots and having mid-level positions would improve the quality of representation. The current approach may provide a pipeline of trained young attorneys for upstate defense offices. In addition to direct appeals, the office does SORA appeals and 440 motions, including re-investigation of innocence claims, a realm funded by a DOJ grant. A Client Services Attorney has historically handled parole work, but the position is vacant; and the Office is re-thinking the nature of the position, the Attorney-in-Charge said. She reported that a key challenge for OAD is inadequate administrative support. The three full-time paralegals and three administrative staff do not come close to meeting Office needs, resulting in attorneys doing administrative work.

Appellate Advocates has 40 full-time and five part-time attorneys. One full-time and one part-time attorney concentrate in post-conviction representation, including regarding immigration matters. The Office indicated a need for a full-time immigration attorney. Appellate Advocates has an innocence project and handles SORA matters. The office has an informal pro bono program with several law firms. The six full-time administrative/clerical staff are sufficient to meet the office's needs, the Attorney-in-Charge reported, but paralegal staffing of three full-time and two part-time positions was described as inadequate.

Supervision and Mentoring

LAS supervision is addressed above. CAL, OAD, and Appellate Advocates provides extensive supervision, including working closely with newer attorneys to select issues, reviewing all briefs, brainstorming about potential issues, and helping attorneys prepare for oral argument. Further, at these offices, informal supervision reportedly occurs organically via collegial communications and the offices' culture. Supervisors carry reduced caseloads as to their own appeals. At CAL, there are 10 supervisory attorneys. OAD has nine supervisory positions, with two currently vacant. Supervisory capacity needs to be expanded, and management training for supervisors would be beneficial, the OAD Attorney-in-Charge stated. Appellate Advocates leadership regards its supervision as a great strength of the office. There are nine supervisors, who are involved in overall case management and individual cases of line attorneys.

Training

LAS training is addressed above. At CAL, OAD, and Appellate Advocates, all new attorneys receive intensive initial training, and thereafter in-house trainings are available to all attorneys. An increased training budget would enable CAL to send attorneys to State trial training programs—which is desired due to the increased number of hearings handled by the Office—and to national training programs. For OAD’s long-established pro bono program with NYC law firms, a “a mini boot camp” is provided. The Attorney-in-Charge indicated that expanded funding is needed to send attorneys to national trainings and to allow OAD to offer training services to upstate attorneys. Appellate Advocates provides a mentor to all new attorneys to walk them through the appellate process. The Attorney-in-Charge explained that the Office needs additional funding for attorneys to attend trainings in forensics, immigration, and other specialized areas that have become increasingly important as criminal defense practice has evolved; trial practice trainings to gain proficiency for matters such as 440 hearings, and remands for *Batson* and reconstruction hearings; and national programs.

Legal Research

This topic was not addressed with LAS. CAL, OAD, and Appellate Advocates reported that the Office has adequate legal research resources.

Client Communication

LAS stated that increased funding is needed to allow appellate attorneys to visit clients at State prisons. CAL, OAD, and Appellate Advocates provide extensive communication via correspondence and phone calls. The leaders of these offices, which provide some client visitation, explained their differing approaches and philosophies. A high priority at CAL is expanding re-investigation efforts and to increase client communication to comply with ILS Appellate Standards and Best Practices. Currently, at the outset of assignments, paralegals visit incarcerated clients, but the Office does not have a budget for client visits. Many, but not all, attorneys go to prisons to meet with clients and discuss issues. OAD stresses the importance of attorneys meeting with all clients to build a relationship of trust and explain appellate strategy. With additional funding, the Office could provide more than one visit in complex cases. Appellate Advocates lacks funding to visit all clients. Attorneys visit clients on an as-needed basis, such as for cases involving mental health issues, 440 claims, or very complex appeals. In other cases, there may be diminishing returns in visit clients, rather than devoting the time to timely completing cases, which is a major concern of clients.

Non-Attorney Professional Services (Experts, Investigators, Social Workers, Sentencing Advocates, Interpreters, and Other Necessary Services)

LAS leadership indicated that the Office would like to expand its social work resources to assist clients who are incarcerated pending appeal and will need assistance with SORA proceedings and re-entry into the community upon release. CAL uses investigators on an as-needed basis and does not see a need for a full-time investigator if its re-investigation efforts are expanded via State funding. CAL has an estimated budget of only \$15,000 for experts. Per the Attorney-in-Charge, such amount is inadequate, and with State funding, CAL could hire experts as consultants for 440 motions and SORA hearings. The CAL Attorney-in-Charge stated that the Office has adequate

interpreter resources, and the Office’s social worker meets needs for assisting with re-entry program and in other areas.

OAD has one vacant social worker position. Such position was previously directed toward re-entry issues and prison conditions. The Attorney-in-Charge stated that this is an area in which OAD would like to expand its expertise and efforts. The Office is currently considering how to best use such position, and in the meantime, attorneys are doing parole advocacy work as “a courtesy” to clients. A part-time investigator is used, but such services should be expanded, the Attorney-in-Charge stated. The budget of approximately \$10,000 for expert services is insufficient. Additional interpreter services are desired. As part of its move toward a more holistic practice, Appellate Advocates employs one full-time and one part-time social worker to assist clients with re-entry issues and sentencing advocacy. Both positions are vacant, and the office is in the process of filling the positions and defining the part-time position. Appellate Advocates reported that it had adequate investigative and interpreter services. However, the modest budget for expert witnesses was deemed very inadequate. Appellate Advocates would also like to start handling parole hearings.

Technology/Other Resources

This topic was not addressed by LAS. CAL stated that it has an excellent CMS and requires no additional funding in this regard. OAD is converting to a different CMS and expects it to be online soon. The Office seeks to update its database, which can be accomplished when the administrative staff needed for data collection and entry are hired. Ultimately, OAD would like to extract data that will enable it to discern trends in cases. Appellate Advocates has a “strictly internal” CMS that meets the office’s needs.

Quality Improvement Needs

Upon consultation with providers and a review of information provided, ILS makes the following recommendations to improve the quality of mandated representation by appellate providers in NYC:

The Legal Aid Society – Appellate Unit (LAS)

- Support additional staffing for complex litigation.
- Increase funding to enhance effective client communication.

Center for Appellate Litigation (CAL)

- Increase attorney salaries to retain staffing.
- Increase funding for complex litigation.
- Increase funding to enhance effective client communication.
- Expand resources for training.
- Enhance funding for non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).

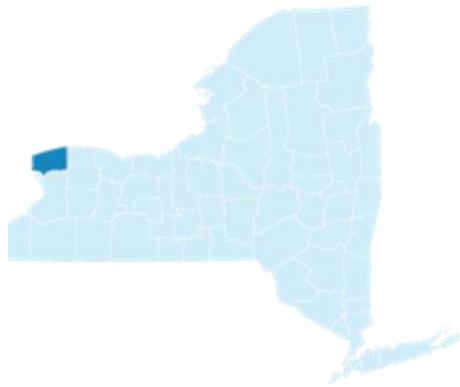
Office of Appellate Defender (OAD)

- Increase attorney salaries to retain staffing.
- Increase funding for complex litigation.
- Increase funding to enhance effective client communication.
- Expand resources for training.
- Enhance funding for non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).

Appellate Advocates (AA)

- Increase attorney salaries to retain staffing.
- Increase funding for complex litigation.
- Increase funding to enhance effective client communication.
- Expand resources for training.
- Enhance funding for non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).

NIAGARA COUNTY



County Overview

Niagara County, located in the Niagara Region in Western New York, has an area of 1,140 square miles and a population of 215,124. About 13.7% of the population lives below federal poverty levels, and the median household income is \$49,449. The County consists of 15 Legislative Districts, which are governed by a Board of 15 Legislators, currently chaired by W. M. Keith McNall. The Supreme, County, and Family Courts are located in Niagara Falls and Lockport; and Surrogate's Court is in Lockport. In addition, the County has three City Courts and 12 Town Courts.

Mandated Representation Overview

Mandated representation is provided by a three-tier system: a Public Defender's Office, led by David Farrugia, Esq., and a Conflict Defender's Office and an assigned counsel list, both overseen by Kathleen Kugler, Esq.

Status of Quality

Staffing (Recruitment and Retention of Attorneys and Non-Attorneys)

The Public Defender's Office employs 25 attorneys, all of whom work part-time (30 hours per week) and 18 of whom handle criminal cases. The attorneys receive health insurance and State retirement system benefits. They maintain their private practices and separate offices, and their private caseloads are not monitored. Attorneys rotate parole representation monthly. Two attorneys handle appeals and consult with the Legal Aid Society in Buffalo. The Office has seven full-time administrative staff. Recruitment of attorneys is not a concern, because the part-time jobs provide a reasonable base salary, with benefits, and the attorneys have the ability to maintain private practices. Due to implementation of Eligibility Standards, caseloads are rising. The Public Defender would like to convert the attorneys handling felonies to full-time status and have a full-time attorney handle City Court matters. To do so, the Office would need to increase attorney salaries. The Public Defender indicated that additional administrative staff are needed.

The Conflict Defender's Office has seven part-time (30 hours) attorneys, including the Chief Conflict Defender and an administrative assistant. Three attorneys handle criminal matters, two do Family Court cases, and the other two have a mixed caseload. More than half of the caseload is Family Court cases. Part-time positions have helped in recruiting experienced attorneys. The Conflict Defender also administers the 18-B panel, which has about 15 attorneys who take criminal cases. Attorneys contact individual judges to be placed on the panel.

Supervision and Mentoring

The Public Defender supervises all attorneys in the office and receives input from judges about their performance. His duties are primarily administrative, but he does handle Veterans and Family Treatment Courts. The Conflict Defender, who does not carry a caseload, provides supervision, regularly meeting with attorneys and discussing issues and concerns. Assigned counsel are not supervised.

Training

The Public Defender's Office has a budget to send attorneys to CLE programs. Younger attorneys are given the opportunity to second-chair at trials. The Public Defender sees a pressing need for trial techniques training. The Conflict Defender's Office does not offer in-house training and merely provides information on CLE programs to staff. The Conflict Defender opines that trial techniques trainings should be mandatory. Panel attorneys do not receive training.

Legal Research

Individual defenders primarily use their private practice resources for legal research. However, the Public Defender's Office does have several computers and access to online legal research tools. The Conflict Defender reports that the Office has adequate legal research resources. Attorneys on the assigned counsel panel do not receive legal research resources and rarely bill for legal research.

Client Communication

The Public Defender's Office experiences problems with access to confidential meeting spaces in many local courts. Most attorneys do not meet with clients outside of court. Incarcerated clients can call Conflict Defender attorneys at no cost every day from 10:30 to 11:30 a.m. Panel attorneys are reimbursed for travel to the jail to visit clients.

Non-Attorney Professional Services (Experts, Investigators, Social Workers, Sentencing Advocates, Interpreters, and Other Necessary Services)

The Public Defender's Office indicated that it had an estimated budget of \$10,000 for expert witnesses, which has been adequate. The Public Defender's Office has two contract investigators who primarily work on felonies. The Office does not use social workers or sentencing advocates. Interpreters are often needed in local courts for seasonal migrant workers. The Conflict Defender's Office lacks funding for social workers or sentencing advocates and finds that attorneys rarely use experts or investigators. Assigned counsel seldom use experts or investigators.

Technology/Other Resources

The Public Defender's Office uses a CMS. The Conflict Defender's Office uses Excel spreadsheets to keep track of cases and would like to have a computerized system.

Quality Improvement Needs

Upon consultation with providers and a review of information provided, ILS makes the following recommendations to improve the quality of mandated representation in Niagara County:

Public Defender's Office

- Increase attorney staff including appellate attorneys for litigation support.
- Expand administrative staff.
- Enhance salaries for full-time attorneys and support upgrading part-time positions to full-time
- Increase training resources.
- Increase funding for non-attorney professional services (experts, investigators, social workers, sentencing advocates, and interpreters).
- Support technology upgrades, including the CMS.

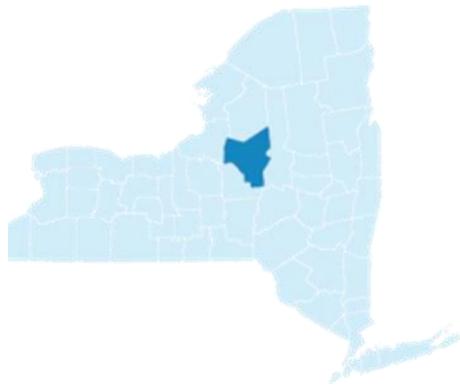
Conflict Defender's Office

- Increase attorney staff including appellate attorneys for litigation support.
- Support resources to upgrade staff to full-time status and to recruit and retain staff.
- Increase funding for non-attorney professional services (experts, investigators, social workers, sentencing advocates, and interpreters).
- Provide technology upgrades, including a CMS.

Assigned Counsel

- Formalize and upgrade an assigned counsel program.
- Hire an administrator, supervising attorney and sufficient administrative staff.
- Support adequate office space and technology including a case management and electronic voucher system.
- Support training opportunities.
- Increase funding for non-attorney professional services (experts, investigators, social workers, sentencing advocates, and interpreters).
- Reimburse attorneys for time and travel expenses to promote effective representation and client communication.

ONEIDA COUNTY



County Overview

Oneida County in Central New York, covers 1,257 square miles. The County has a population of 324,878, with 17.1% of residents living below federal poverty levels, and a median household income of \$48,246. The County consists of 23 Legislative Districts, which are governed by a Board of 23 Legislators, currently by Gerald Fiorini. The Supreme, County, Family, and Surrogate's Courts are located in Utica, and there is a Supreme and Family Court in Rome. Utica, Rome and Sherrill each have a city court. In addition, the County hosts 35 Town and Village Courts.

Mandated Representation Overview

Mandated representation is provided by the Public Defender's Office, headed by Frank Furno, Esq. (Civil Division) and Frank Nebush, Esq. (Criminal Division), and an Assigned Counsel Program, administered by Mike Arcuri, Esq. and non-attorney Kim Strong Flint, to handle conflict cases.

Status of Quality

Staffing (Recruitment and Retention of Attorneys and Non-Attorneys)

The Criminal Division of the Public Defender's Office has 20 full-time and two part-time attorneys and handles criminal cases, including appeals and parole cases. The Civil Division has eight full-time attorneys to cover Family Court matters. The Public Defender is experiencing trouble recruiting new attorneys to the office. The Office has three paralegals. The ACP has 10 panel attorneys who handle criminal matters exclusively; 35 attorneys who handle Family Court cases exclusively; and 20 with a mixed caseload. The ACP Program is having a difficult time recruiting attorneys.

Supervision and Mentoring

The Public Defender's Office, Criminal Division, has a formal system of supervision, with supervisory attorneys designated to supervise five to seven attorneys, including meeting with them, reviewing their files, and sometimes serving as second chair at trial. The Office also holds a brief staff meeting each morning before attorneys go to court. There is a gap in formal supervision for City Court, where the newest attorneys are often assigned to cases. Thus, adding supervision for City Court practice is a high priority. All supervisors at the Public Defender's Office carry a full caseload and have inadequate administrative assistance. The ACP does not supervise panel attorneys. The Administrators see a significant need for a mentoring program.

Training

The Public Defender's Office runs several training programs with the local bar association, including a "Criminal Track Program" and a Criminal Law Academy. After the Office obtains CLE accreditation, it plans to hold monthly in-house trainings. Staff attorneys may attend the programs for free, which also draw attorneys from neighboring counties and provide a foundation for a regional training program. The Office has an estimated training budget of \$25,000, which enables staff attorneys to attend in-state training programs. The ACP and local bar co-sponsor the "Assigned Counsel School," a day-long annual program, which the ACP Administrators would like to expand.

Legal Research

The Public Defender states that the Office has sufficient legal research resources. For the ACP Administrators, enhancing legal research resources is a priority because attorneys are not billing for such services, and it likely means that legal research is not being conducted on cases.

Client Communication

The Public Defender's Office reports that there are no concerns with client communication. Although the office cannot accept collect calls, there is a direct line from the county jail. ACP panel attorneys can submit bills for mileage reimbursement, but not travel time. The Administrators receive vouchers for texting and e-mailing with clients.

Non-Attorney Professional Services (Experts, Investigators, Social Workers, Sentencing Advocates, Interpreters, and Other Necessary Services)

The Public Defender's Office has one social worker. The need for additional social workers is significant, given the high caseload and the large, diverse refugee population in Utica. The Office's three investigators cannot adequately cover Rome City Court. The Office estimates that it has a budget of \$60,000 for experts, which it has found to be adequate.

Panel attorneys do not bill for sentencing advocacy and only infrequently use expert witnesses and investigative resources. The ACP does not have a budget line for investigation. Attorneys must apply to the judge to utilize an investigator, and services are only approved for up to \$1,000. Panel attorneys do use interpreters, given the very diverse community. Several qualified local companies provide such services.

Technology/Other Resources

The Public Defender's Office has four full-time and two part-time administrative staff. The ACP office has two administrative staff. Both offices will need additional support staff as attorney staff is increased.

Quality Improvement Needs

Upon consultation with providers and a review of information provided, ILS makes the following recommendations to improve the quality of mandated representation in Oneida County:

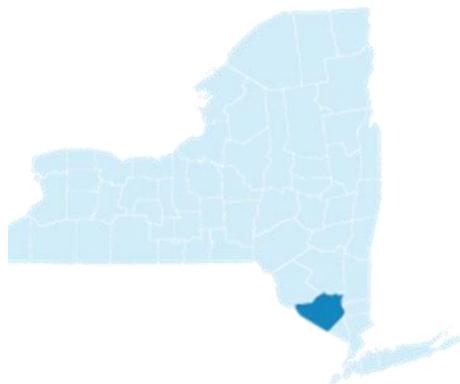
Public Defender's Office

- Increase attorney staff including appellate attorneys for litigation support.
- Provide additional support for staff supervision.
- Support increased funding for training.
- Increase funding for non-attorney professional services (experts, investigators, social workers, sentencing advocates, and interpreters).
- Provide support for technology upgrades, including any needed for its CMS.

Assigned Counsel

- Enhance the existing assigned counsel program.
- Add a supervising attorney position to the program and ensure there is administrative staff.
- Provide support for adequate office space and technology upgrades
- Support training opportunities.
- Provide increased funding for non-attorney professional services (experts, investigators, social workers, sentencing advocates, and interpreters).
- Reimburse attorneys for time and travel expenses to promote effective representation and client communication.

ORANGE COUNTY



County Overview

Orange County, located in the Hudson Valley in southeastern New York State, is the only county in the State that borders both the Hudson and Delaware Rivers. The County covers 839 square miles, has a population of 372,813, with 12.8% of residents living below federal poverty levels and a median household income of \$70,848. The County consists of 21 Districts, which are governed by a Board of 21 Legislators, currently chaired by L. Stephen

Brescia. The Supreme, County, Family, and Surrogate's Courts are in Goshen. The County also has three City Courts (Middletown, Newburgh, and Port Jervis) and 33 Town and Village Courts.

Mandated Representation Overview

Mandated representation is provided by the Legal Aid Society of Orange County (LAS), a nonprofit that provides both criminal and Family Court representation but does not handle appeals or parole violation cases. In addition, an Assigned Counsel Program receives assignments when the LAS has a conflict of interest. The LAS Chief Attorney is Gary Abramson, Esq. The ACP Administrator is Mark Stern, Esq.

Status of Quality

Staffing (Recruitment and Retention of Attorneys and Non-Attorneys)

The LAS employs 14 full-time criminal defense attorneys and four full-time Family Court attorneys. One attorney is devoted to administrative and managerial duties. The Office is in the process of adding another full-time criminal attorney. The Family Court attorneys also handle a small Justice Court that meets once per month. The LAS has five full-time administrative positions, which the Chief Attorney states is sufficient to meet current needs although the office space is inadequate. The ACP Administrator works part-time and receives a salary but no benefits. His duties are to process vouchers and prepare annual reports. The Orange County Bar Association runs the ACP and makes policy decisions. The panel has about 100 attorneys.

Supervision and Mentoring

In addition to the Chief Attorney, the LAS provides supervision, including a Managing Attorney, Assistant Chief Attorney, Criminal Practice Supervisor, and Family Court Practice Supervisor. The Chief Attorney also carries a full caseload. The Managing Attorney handles day-to-day management and supervision and training of new attorneys. Recruiting and retaining attorneys is reported to be difficult, given low salaries (\$70,000 to \$72,000) for mid-level attorneys. The ACP has panels for homicides, felonies, misdemeanors, appeals, parole cases, and local courts. To qualify for placement on the panel, new attorneys must provide information about their

experience. Prior to acceptance on the homicide panel, an attorney must serve as pro bono second chair in a homicide trial. No review, monitoring, or supervision of attorneys is provided.

Training

The LAS has a limited training budget. In the past, the Office has also sent attorneys to in-state trainings.

Legal Research

All LAS attorneys have access to computerized legal research resources.

Client Communication

The LAS Chief Attorney did not express any problems concerning client communication. He stated that clients can call from the jail at no cost, that the office will accept collect calls from State prisons, that attorneys are reimbursed for mileage, and that attorneys regularly see clients. The ACP does not reimburse for travel time, a policy that has resulted in a substantial loss of panel attorneys.

Non-Attorney Professional Advocacy Services (Experts, Investigators, Social Workers, Sentencing Advocates, Interpreters, and Other Necessary Services)

The LAS has used a sentencing advocate and prefers contracting with such professionals instead of hiring a social worker. The Office employs one full-time investigator, who splits time between criminal and Family Court cases. The LAS Chief Attorney indicated that it would be beneficial to hire one or two additional investigators. The Office does not have a budget line for expert witnesses. LAS attorneys reportedly worry about over spending and, therefore self-censor requests for experts. Additional funding for expert witnesses is a priority, per the LAS Chief Attorney. ACP attorneys are routinely denied investigators by judges, except in homicides, and the Administrator regards an on-staff investigator as a matter of paramount importance.

Technology/Other Resources

The LAS Chief Attorney states that the Office has an adequate data collection system.

Quality Improvement Needs

Upon consultation with providers and a review of information provided, ILS makes the following recommendations to improve the quality of mandated representation in Orange County:

Legal Aid Society

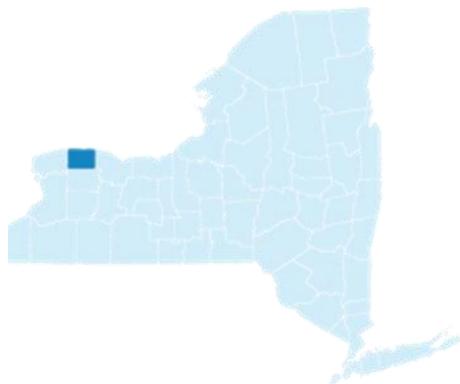
- Increase attorney staff, including appellate attorneys for litigation support.
- Support resources to recruit and retain experienced and qualified staff.
- Enhance non-attorney professional services, (i.e., such as investigation, expert, social work/sentencing advocacy, and interpreter services).
- Support expansion of office space.

- Increase funding for training opportunities.
- Provide support for technology upgrades including the CMS.

Assigned Counsel

- Enhance existing assigned counsel program.
- Support hiring a supervisory attorney and sufficient administrative staff as well as enhancing the role of the administrator to oversee and support the panel .
- Support adequate office space and technology including a case management and electronic voucher system.
- Support training opportunities.
- Support increased funding for non-attorney professional services (experts, investigators, social workers, sentencing advocates, and interpreters).
- Reimburse attorneys for time and travel expenses to promote effective representation and client communication.

ORLEANS COUNTY



County Overview

Orleans County, located in the Greater Niagara Region in Western New York, has an area of 817 square miles and a population of 42,883. About 15.7% of the population lives below federal poverty levels, and the median household income is \$46,359. The County consists of four Legislative Districts, which are governed by a Board of seven Legislators, currently chaired by E. John DeFilippis. The Supreme, County, Family, and Surrogate's Courts are in Albion. In addition, the County has 10 Town Courts.

Mandated Representation Overview

Mandated representation is provided by a Public Defender's Office, led by Sanford Church, Esq. and an assigned counsel list, administered by Jeffrey Martin, Esq.

Status of Quality

Staffing (Recruitment and Retention of Attorneys and Non-Attorneys)

The Public Defender's Office has four part-time attorneys, all of whom maintain private practices. In addition to handling criminal and Family Court cases, the Office handles parole violation hearings/administrative appeals, habeas corpus matters, and criminal appeals from local courts to County Court. The Legal Aid Bureau in Buffalo provides representation in appeals to the Appellate Division – Fourth Department. One part-time person at the Public Defender's Office handles administrative matters. Recruitment challenges are anticipated, given the dearth of local attorneys.

For administration of the assigned counsel list, the Administrator receives a yearly stipend. He uses resources of his law firm to fulfill his duties. To be included on the panel, an attorney must complete an application and describe his or her experience. About 75% of the assignments involve Family Court matters. The ACP has 20 to 25 attorneys on the criminal and Family Court lists, with some duplication of attorneys on the panels. The Program makes case assignments on a rotation basis, but considers experience and gives preference to local attorneys. Attorneys from Genesee, Erie, and Monroe Counties also take assignments.

Supervision and Mentoring

The Public Defender informally supervises the other attorneys, with special focus on felony representation. Panel attorneys, who are mostly older, experienced practitioners, are not supervised. A mentoring program would benefit younger attorneys. Given the few cases that go to trial, a Second-Chair Program is not deemed to be necessary by the Administrator.

Training

The Public Defender's Office has no initial training program; it has not had a new attorney in more than a decade. The Public Defender observed that it would be beneficial to have funding to send attorneys to training programs outside the County. For assigned counsel, there is no budget line for training.

Legal Research

The Public Defender states that his Office has inadequate online legal research resources. Legal research resources are not provided to 18-B attorneys.

Client Communication

The Public Defender's Office does not have a formal client-communication policy, except for requiring that, before any court appearances, attorneys meet at the jail with incarcerated clients (other than troubling or dangerous clients). Attorneys are also instructed to return calls. The Office accepts toll-free calls from jail. Assigned attorneys receive reimbursement for travel time to visit clients, but not for mileage.

Non-Attorney Professional Services (Experts, Investigators, Social Workers, Sentencing Advocates, Interpreters, and Other Necessary Services)

The Public Defender estimates that the Office budget for expert witnesses is \$1,000 and notes that few cases go to trial. The Office contracts with a part-time investigator, who locates and interviews witnesses. The Office should improve sentencing advocacy, in the view of the Public Defender, who noted that plea offers come with sentencing caps allowing for judicial discretion. However, the Office has not had the funding needed to hire a social worker or contract with sentencing advocacy services. Panel attorneys do not bill for experts, investigators, or sentencing advocacy.

Technology/Other Resources

The Public Defender's Office uses a CMS. For assigned counsel cases, the County utilizes spreadsheets to gather and record data, and it needs a case-tracking system.

Quality Improvement Needs

Upon consultation with providers and a review of information provided, ILS makes the following recommendations to improve the quality of mandated representation in Orleans County:

Public Defender

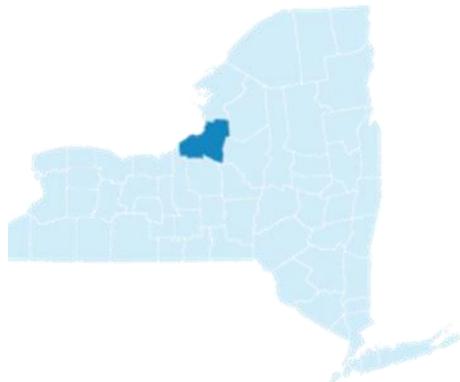
- Support increased attorney staff including appellate attorneys for litigation support.
- Support increased administrative staff.
- Fund expansion of training opportunities.
- Fund legal research resources, including electronic legal research tools.

- Support increased funding for non-attorney professional services (experts, investigators, social workers, sentencing advocates, and interpreters).
- Provide technology upgrades including the CMS.

Assigned Counsel

- Enhance the existing assigned counsel program.
- Support hiring a supervisory attorney and sufficient administrative staff as well as enhancing the role of the administrator to oversee and support the panel .
- Fund adequate office space and technology including a case management and electronic voucher system.
- Support training opportunities.
- Provide support for increased funding for non-attorney professional services (experts, investigators, social workers, sentencing advocates, and interpreters).
- Reimburse attorneys for time and travel expenses to promote effective representation and client communication.

OSWEGO COUNTY



County Overview

Oswego County is located in northwestern New York in the Thousand Islands Seaway Region. The County has an area of 1,312 square miles and a population of 122,109, with 18.6% of residents living below federal poverty levels. The median household income is \$47,860. The County consists of 25 Legislative Districts, which are governed by a Board of 25 Legislators, currently chaired by Kevin Gardner. The Supreme, County, Family, and Surrogate's Courts are in Oswego. In addition, the County has two City Courts in Oswego and Fulton, as well as 23 Town and Village Courts.

Mandated Representation Overview

Mandated representation is provided exclusively by an Assigned Counsel Program, administered by Sara Davis, Esq.

Status of Quality

Staffing (Recruitment and Retention of Attorneys and Non-Attorneys)

The panel, which includes 30 experienced panel attorneys who take criminal cases, recently became a County agency with a part-time Administrator. The Administrator stated that the ACP also has one part-time administrative assistant and could use a second one, as well as expansion of the Administrator position to a full-time position. Previously, the program was part of the County Attorney's Office. The few younger attorneys practicing in the County are largely employed by County or State offices. The Administrator reported that, because the County does not pay for travel time, it is difficult to recruit attorneys from other counties, and that the need for more Family Court attorneys is particularly acute. Panel attorneys must maintain an office or residence in the County to receive assignments.

Supervision and Mentoring

Panel attorneys are not supervised. Because of the paucity of younger attorneys, there is no mentoring program. Attorneys who wish to be added to the panel specify the courts in which they seek assignments. To receive felony assignments, attorneys must have handled at least one trial and have jury selection experience.

Training

No trainings are required, but the ACP offered two one-day programs for free to panel members. Further, some funding is available to send panel attorneys to State CLE programs and to reimburse attorneys for other programs.

Legal Research

The ACP does not provide legal research tools or resources to panel attorneys, who generally do not bill for legal research.

Client Communication

The ACP does not pay for travel time nor reimburse for mileage. Vouchers reflect some client visits. Jail practices also reportedly hinder client communication, in that the facility has limited visiting hours and limits the number of attorneys who can visit at any given time, and lack of monitoring by officers causes security concerns.

Non-Attorney Professional Services (Experts, Investigators, Social Workers, Sentencing Advocates, Interpreters, and Other Necessary Services)

With one exception, panel attorneys have not sought assistance from a sentencing advocate, and they rarely use investigators, despite information provided regarding the value of such services. Although the ACP has a budget for expert assistance, such resources are not used. No requests have been made for interpreters, and there is no budget line for such services.

Technology/Other Resources

The Administrator characterized the ACP as having “strong data collection capabilities.” A new online system was recently installed. Approximately 75% of the local courts are willing to use the electronic vouchering system. The others mail or fax the signed vouchers.

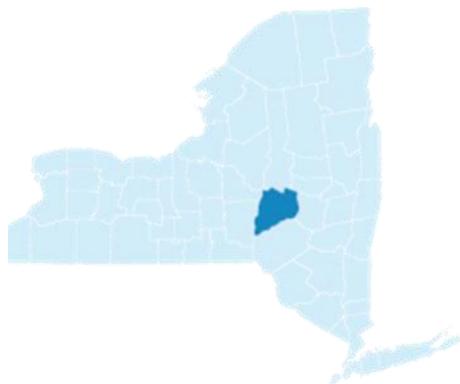
Quality Improvement Needs

Upon consultation with providers and a review of information provided, ILS makes the following recommendations to improve the quality of mandated representation in Oswego County:

Assigned Counsel

- Enhance the existing assigned counsel program.
- Support hiring a supervisory attorney and sufficient administrative staff as well as enhancing the role of the administrator to oversee and support the panel .
- Fund adequate office space and technology including case management and electronic voucher system if necessary.
- Provide support for training opportunities.
- Provide increased funding for non-attorney professional services (experts, investigators, social workers, sentencing advocates, and interpreters).
- Reimburse attorneys for time and travel expenses to promote effective representation and client communication.

OTSEGO COUNTY



County Overview

Otsego County in Central New York, covers 1,015 square miles, has 62,259 residents with a median household income of \$48,588, 16.5% of whom live below federal poverty levels. The County consists of 14 Legislative Districts, which are governed by a Board of 14 Legislators, currently chaired by Kathleen Clark. The Supreme, County, Family, and Surrogate's Courts are in Cooperstown. A City Court is found in Oneonta, and the County also has 25 Town and Village Courts.

Mandated Representation Overview

Mandated representation is provided by the Public Defender's Office, which handles both criminal and Family Court cases and is led by Bruce Maxson. There is no ACP. Instead, for conflicts, judges assign individual attorneys willing to accept 18-B cases. Efforts to recruit a part-time ACP Administrator have been unsuccessful due to the modest salary. As to appeals, the County has in recent years used ILS funds to have the Rural Law Center of New York handle both criminal and Family Court appeals.

Status of Quality

Staffing (Recruitment and Retention of Attorneys and Non-Attorneys)

The Public Defender's Office has two part-time attorneys devoted to criminal matters and one part-time attorney handling a mixed caseload. Recruiting attorneys is difficult due to non-competitive salaries and high caseloads. The Public Defender states that he receives a part-time salary, but the position should be converted to a full-time position. The Public Defender's Office has one part-time administrative person and the Public Defender states that additional support staff is needed.

Supervision and Mentoring

The Public Defender informally supervises the other attorneys while handling his own cases, and he states that the Office needs help with complex cases. There is no supervision of 18-B attorneys.

Training

The Public Defender reports that a limited training budget prevents attorneys from receiving advanced training in substantive areas and trial advocacy. The Office does have a limited budget for professional organization membership fees. There is no budget for training assigned counsel.

Legal Research

The Public Defender states that the Office has a modest need for legal research support. There is no budget for legal research services for 18-B attorneys.

Client Communication

Detained clients can call the Public Defender's Office or individual attorneys. Confidential meeting space in court and at the Office is limited.

Non-Attorney Professional Services (Experts, Investigators, Social Workers, Sentencing Advocates, Interpreters, and Other Necessary Services)

The Public Defender states that the Office lacks necessary non-attorney professionals, including a staff social worker, and needs an increased budget for experts, investigators, and sentencing advocates. The use of such services by 18-B counsel is not monitored nor supported.

Technology/Other Resources

The Office uses a CMS system only to open and close cases. Voucher processing for assigned attorneys is handled through the County Attorney's office.

Quality Improvement Needs

Upon consultation with providers and a review of information provided, ILS makes the following recommendations to improve the quality of mandated representation in Otsego County:

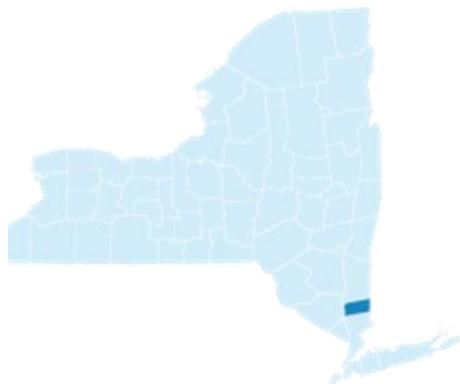
Public Defender's Office

- Increase attorney staff, including appellate attorneys for litigation support.
- Expand administrative support.
- Increase funding for non-attorney professional services (experts, investigators, social workers, sentencing advocates, and interpreters).
- Enhance funding for training.
- Expand office space and support technology upgrades including the CMS.

Assigned Counsel

- Support a formalized and upgraded assigned counsel program.
- Hire an administrator, supervising attorney and sufficient administrative staff.
- Support adequate office space and technology including a case management and electronic voucher system.
- Support training and increased funding for non-attorney professional services (experts, investigators, social workers, sentencing advocates, and interpreters).
- Reimburse attorneys for time and travel expenses to promote effective representation and client communication.

PUTNAM COUNTY



County Overview

Putnam County, located in the Hudson Valley, covers 246 square miles and has a population of 99,710. Only 5.3% of residents live below federal poverty levels, and the median household income is high, at \$96,148. The County consists of nine Legislative Districts, which are governed by a Board of nine Legislators, currently chaired by Ginny Nacerino. The Supreme, County, Family, and Surrogate's Courts are located in Carmel. In addition, the County has nine Town and Village Courts.

Mandated Representation Overview

Mandated representation is provided by the Putnam County Legal Aid Society (LAS), led by Chief Attorney David Squirrell, which handles both criminal and Family Court cases, but generally not appeals. There is no ACP. Instead, in cases of conflicts, local judges assign attorneys who are willing to take 18-B cases and are named on an assigned counsel list.

Status of Quality

Staffing (Recruitment and Retention of Attorneys and Non-Attorneys)

The LAS has two full-time and six part-time attorneys. The Chief Attorney handles a caseload and supervisory and administrative duties for the Office, as well as having a private practice. Private practices maintained by several part-time attorneys interfere with LAS duties, the Chief Attorney observed, and he thus seeks to create a completely full-time office. He reports that the current space is inadequate to accommodate a transformation from a part-time office—in which attorneys use their own private offices to do LAS work—to a full-time operation. The Chief Attorney's salary is less than what the District Attorney is paid; and there is also no parity as to staff attorneys' salaries compared to prosecutor compensation. LAS employs three full-time administrative assistants, who do not receive competitive salaries. The Chief Attorney stated that hiring a full-time office manager is the most pressing support staff need for the Office and explained that such a manager could free him from tasks such as paying bills, managing administrative staff, and resolving employee issues. The 18-B panel includes 10 to 15 local attorneys. There is no vetting in naming attorneys to the list, nor any monitoring or review process.

Supervision and Mentoring

The Chief Attorney supervises attorneys. No oversight is provided as to 18-B counsel.

Training

LAS does not have a training budget but did send one new attorney to an in-state training program. The Chief Attorney plans to have other new attorneys shadow an experienced attorney.

Legal Research

LAS reports that it has insufficient access to computerized legal research. Assigned counsel do not receive any reimbursement for legal research.

Client Communication

The local jail is within walking distance of the LAS, clients frequently come to the Office, and jail calls are free. The primary client communication problem is part-time attorneys not returning phone calls.

Non-Attorney Professional Services (Experts, Investigators, Social Workers, Sentencing Advocates, Interpreters, and Other Necessary Services)

The LAS Chief Attorney opined that sentencing advocacy should be used to achieve more favorable outcomes, including in plea cases, where negotiations result in agreed-upon sentences. The Office noted a full-time social worker would help clients to obtain evaluations and treatment. The LAS Chief Attorney stated that the office needs a full-time investigator but lacks the requisite budget. The Office draws upon an estimated budget of \$30,000 budget for forensic experts, which was enhanced by ILS funding, according to the LAS Chief Attorney. Given a large population of the population in the County of limited English proficiency, LAS needs a separate budget line for interpreters and would like to hire a full-time professional.

Technology/Other Resources

LAS uses a CMS, but the program needs to be updated.

Quality Improvement Needs

Upon consultation with providers and a review of information provided, ILS makes the following recommendations to improve the quality of mandated representation in Putnam County:

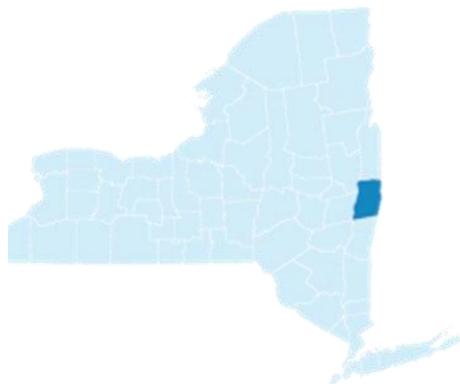
Legal Aid Society

- Increase attorney staff, including appellate attorneys for litigation support.
- Expand administrative staff.
- Increase attorney and administrative personnel salaries to achieve parity with the District Attorney Office.
- Expand office space to permit conversion to full-time staff.
- Increase resources for training and legal research.
- Increase funding for non-attorney professional services (experts, investigators, social workers, sentencing advocates, and interpreters).
- Support technology upgrades including the CMS.

Assigned Counsel

- Support a formalized and upgraded assigned counsel program.
- Hire an administrator, supervising attorney and sufficient administrative staff.
- Provide for adequate office space and technology, including a case management and electronic voucher system.
- Fund training opportunities.
- Increase funding for non-attorney professional services (experts, investigators, social workers, sentencing advocates, and interpreters).
- Reimburse attorneys for time and travel expenses to promote effective representation and client communication.

RENSELAER COUNTY



County Overview

Rensselaer County, located in the Capital Region, covers 665 square miles and has a population of 159,429, with 12.4% of residents living below federal poverty levels. The median household income is \$60,709. The County consists of 19 Legislative Districts, which are governed by a Board of 19 Legislators, currently chaired by Stan Brownell. The Supreme, County, Family, and Surrogate's Courts are located in the City of Troy. In addition, the County has City Courts in Rensselaer and Troy, as well as 16 Town and Village Courts.

Mandated Representation Overview

Mandated representation is provided by three providers. The Public Defender's Office, overseen by John Turi, Esq., is the primary provider for criminal and Family Court cases and parole hearings. Where a conflict exists, the case is assigned to the Conflict Defender's Office, headed by Sandra McCarthy, Esq. If that Office has a conflict, the case is assigned to an attorney on an assigned counsel list. County appeals are handled through a contract attorney.

Status of Quality

Staffing (Recruitment and Retention of Attorneys and Non-Attorneys)

The Public Defender's Office employs one full-time and 13 part-time attorneys, all of whom maintain private practices. A salary disparity vis-à-vis prosecutor pay, in combination with a planned residency requirement, may limit the County's ability to recruit staff. The Office also has one full-time and three full-time secretaries and one part-time bookkeeper; and the Public Defender states that there is a need for a data-entry clerk and a grants manager, and that office space is inadequate.

The Conflict Defender's Office has seven part-time attorneys. The Conflict Defender states that the Office does not have recruitment issues, because attorneys like the ability to maintain a private practice. Two of the attorneys do not reside in Rensselaer County and will be forced to leave the Office if a residency requirement is imposed. The Conflict Defender reported that the Office needs more than the current half-time secretary, as well as expanded office space. An assigned counsel panel, administered by the County Attorney's Office, has about 40 to 50 attorneys who represent clients in criminal cases and are based in Rensselaer County or neighboring counties.

Supervision and Mentoring

On the topic of supervision, the Public Defender noted that his staff is very experienced. The Conflict Defender oversees all the attorneys, several of whom are also experienced, and does not handle serious felony cases herself because of her other duties. Attorneys on the assigned counsel panel, and the contract appellate attorney, are not supervised. To be added to the panel, attorneys write a letter to the court. Qualifications are not reviewed. Judges make appointments. Performance is not monitored.

Training

The Public Defender stated that the Office has adequate County funding for training, as supplemented by ILS funding. This funding enables attorneys to attend in-state trainings and some national programs. The Conflict Defender office has access to ILS funding for training programs, and attorneys would take advantage of additional training if funding were available, the Conflict Defender reported. No funding is provided to train 18-B attorneys.

Legal Research

The Public Defender reports that the Office has adequate online legal resources but needs access to online investigation software. The Conflict Defender office has some access to computerized legal research, and attorneys can utilize resources in the Supreme Court Library or their own firms. No legal research resources are provided to assigned attorneys, who have free access to online legal research at the Supreme Court Law Library.

Client Communication

Neither Defender Office voiced concerns about client communication by staff. Attorneys on the assigned counsel list bill for travel time to meet with clients, but whether they can properly be reimbursed for mileage is an unsettled question in the County.

Non-Attorney Professional Services (Experts, Investigators, Social Workers, Sentencing Advocates, Interpreters, and Other Necessary Services)

The Public Defender's Office does not have a budget for sentencing advocacy or social work. There is a Family Court attorney who possesses a master's degree in social work who does not have the caseload capacity to assist clients in criminal cases. The Office reported a need for a full-time social worker or defender based advocate. The Office also employs a half-time investigator who primarily assists with files in court, but also does some witness interviews. Most investigation is conducted via a contract with Probst Investigation. The Public Defender stated that the budget lines for investigators and experts are inadequate. Expert funds are quickly exhausted by homicide cases. The Conflict Defender's Office does not have funding for sentencing advocacy or to hire a social worker. The Office has a contract for investigation, but stated that it needs a full-time investigator, as well as funding to contract with investigators on an as-needed basis. The Office has a modest amount for expert services, which is supplemented by ILS funding. Both Defender Offices explained that a County requirement that experts carry liability insurance impedes their ability to find experts. Attorneys doing 18-B assignments do not use sentencing advocates, but occasionally use experts for criminal cases. Judicial approval is

needed for investigation services of less than \$1,000 and county approval is also required if the services exceed \$1,000. The use of interpreters is increasing.

Technology/Other Resources

The Public Defender's Office has a CMS but will need funding to upgrade the system. The Conflict Defender's Office also uses a CMS, but no data is being entered because the secretary is not able to use the system. The County Attorney reviews 18-B vouchers, and a secretary does the data entry. There is no CMS for assigned counsel cases.

Quality Improvement Needs

Upon consultation with providers and a review of information provided, ILS makes the following recommendations to improve the quality of mandated representation in Rensselaer County:

Public Defender

- Increase attorney staff, including appellate attorneys for litigation support.
- Expand administrative staff.
- Increase attorney salaries to promote recruitment and retention as well as achieve parity with Assistant District Attorneys.
- Expand funding for non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).
- Provide support for legal research, including electronic legal research resources.
- Increase funding for training.
- Provide support to expand office space.
- Provide support to update office technology, including the CMS.

Conflict Defender

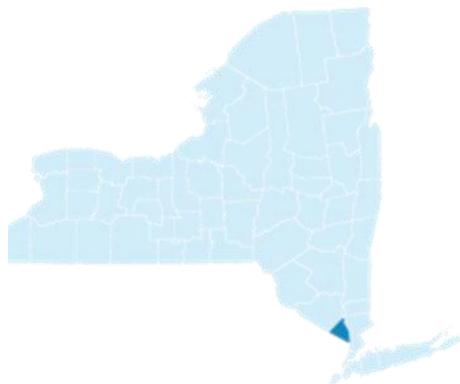
- Increase attorney staff, including appellate attorneys for litigation support.
- Expand administrative staff.
- Increase attorney salaries to promote recruitment and retention, as well as achieve parity with Assistant District Attorneys.
- Expand funding for non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).
- Provide support for legal research, including electronic legal research resources.
- Increase funding for training.
- Provide support to expand office space.
- Provide support to update office technology, including the CMS.

Assigned Counsel

- Support formalizing and upgrading an assigned counsel program.
- Hire an administrator, supervising attorney and sufficient administrative staff.

- Provide support for adequate office space and technology, including a CMS and electronic voucher system.
- Provide support for training opportunities.
- Increase funding for non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).
- Provide funding to increase the frequency and comprehensiveness of client communication.

ROCKLAND COUNTY



County Overview

Rockland County is located in the Hudson Valley, just north of the New Jersey-New York border. While only 199 square miles, the County has a population of 311,687. Some 14.6% of residents live below federal poverty levels. The median household income is \$84,855. The County consists of 17 Legislative Districts, which are governed by a Board of 17 Legislators, currently chaired by Toney Earl. The Supreme, County, Family, and Surrogate's Courts are found in New City. In addition, the County has 22 Town and Village Courts.

Mandated Representation Overview

Mandated representation is provided by the Public Defender's Office, which provides representation in all criminal cases, including both trials and appeals. Representation in Family Court and criminal cases involving a conflict are handled by the Assigned Counsel Program. The County contracts with the local bar association to run the Program.

Status of Quality

Staffing (Recruitment and Retention of Attorneys and Non-Attorneys)

The Public Defender's Office has nine full-time and 11 part-time attorneys. Attorneys are assigned to individual judges. One attorney handles the Office's appeals. The Public Defender's office also has six full-time and three part-time administrative assistants. The County pays the bar association \$80,000, which is used to pay an administrative assistant. The ACP Administrator position is unpaid. Approximately 65 attorneys are on the panel. The ACP has five panels: Homicide, Felony, Misdemeanor, Appellate, and Family. Attorney applications are reviewed by a committee and then approved by the bar association. The administrative assistant assigns cases on a rotational basis. After the case is logged into the system, the ACP generally has no further involvement until a voucher is submitted.

Supervision and Mentoring

The Public Defender's Office has two supervising attorneys, in addition to the Public Defender and his First Deputy. The First Assistant regularly observes County Court proceedings. However, the attorneys are mostly very experienced and largely unsupervised. Recruitment is not a concern. Starting salaries are set by the union, and the benefits package is attractive. Overall, staff retention is not a concern. The ACP does not supervise attorneys, but occasionally mentoring and second-seating occur.

Training

The Public Defender's Office has a training budget of approximately \$20,000 from an ILS distribution and has sent attorneys to in-state trial trainings but cannot afford to take advantage of national training programs. The Office co-sponsors CLE programs with the ACP, which lacks funding to send attorneys to national or statewide programs.

Legal Research

All attorneys in the Public Defender's Office have access to online legal research. Most legal research is done by the appellate attorney, who faces a burden in handling appeals, doing research for trial attorneys, writing grants, and covering misdemeanor Drug Court. The ACP Administrator notes that vouchering for legal research is rarely done.

Client Communication

Attorneys at the Public Defender's Office are not reimbursed for mileage. The jail imposes severe time restrictions on visits. There are some Skype "visits" with detained clients. The ACP does not reimburse for mileage or permit billing for travel time. If a client complains about an attorney's failure to visit, the Administrator calls the attorney.

Non-Attorney Professional Services (Experts, Investigators, Social Workers, Sentencing Advocates, Interpreters, and Other Necessary Services)

The Public Defender's Office employs one full-time social worker but needs many more given the high caseload and the many specialty courts. The office employs two full-time investigators but needs a third to manage the caseload. Given the modest \$15,000 budget for experts, the Public Defender's Office must carefully decide when to use experts, i.e. only for trial cases involving very serious charges and for experts who are not overly expensive. The expert budget line is used for interpreters. Attorneys normally rely on court interpreters.

ACP panel attorneys do not use sentencing advocates and rarely utilize social workers and investigators. The ACP has virtually no funding for expert services, which must be approved by the judge, but requests are refused even in homicide cases. The 18-B attorneys have no access to independent interpreters.

Other Office Resources

The office has a CMS, which needs to be updated. The ACP needs a CMS and an electronic billing system.

Quality Improvement Needs

Upon consultation with providers and a review of information provided, ILS makes the following recommendations to improve the quality of mandated representation in Rockland County:

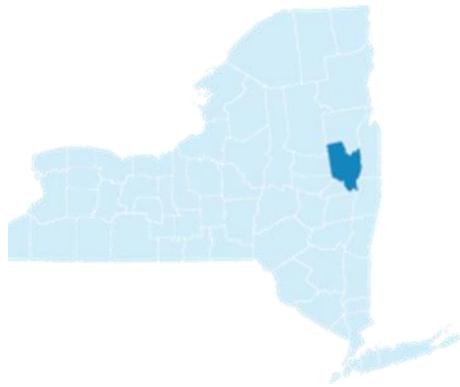
Public Defender

- Increase attorney staff including appellate attorneys for litigation support.
- Support for additional administrative staff.
- Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).
- Fund training resources.
- Fund technology upgrades, including the CMS.

Assigned Counsel

- Enhance the existing assigned counsel program.
- Support hiring a supervisory attorney and sufficient administrative staff as well as enhancing the role of the administrator to oversee and support the panel
- Support adequate office space.
- Fund enhanced non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).
- Fund training opportunities.
- Fund mentoring and Second-Chair programs.
- Support funding for technology, including a CMS and electronic voucher system.
- Reimburse attorneys for time and travel expenses to promote effective representation and client communication.

SARATOGA COUNTY



County Overview

Saratoga County, located in the Capital Region, encompasses 822 square miles, has a population of 222,133, with 6.6% of residents living below federal poverty levels, and a median household income of \$71,496. The County consists of 23 Legislative Districts, which are governed by a Board of 23 Supervisors, currently chaired by Deputy Clerk Therese Connelly. The Supreme, County, Family, and Surrogate's Courts are located in Ballston Spa. There are City Courts in Mechanicville and Saratoga Springs, as well as 21 Town and Village Courts.

Mandated Representation Overview

Mandated representation is provided by a three-tier system. The Public Defender's Office, overseen by Oscar Schreiber, Esq., handles criminal, parole, and Family Court cases, as well as appeals. The Conflict Defender's Office, led by Kyran Nigro, Esq., handles conflict cases and does not do appeals. If that Office has a conflict, an 18-B attorney is assigned, and the list of 18-B attorneys is overseen by the Public Defender.

Status of Quality

Staffing (Recruitment and Retention of Attorneys and Non-Attorneys)

There are five full-time and two part-time criminal attorneys, and two full-time Family Court attorneys, at the Public Defender's Office. They have vertical representation, meaning the attorneys follow their cases from local court to County Court. The Public Defender assigns cases. The Office pays a half-time attorney to handle dozens of criminal and Family Court appeals. The Public Defender's Office has two full-time and one part-time administrative staff and reported a need for two additional full-time, experienced legal secretaries.

The Conflict Defender's Office, a relatively new office, has three half-time conflict defenders to handle criminal and Family Court cases. Attorneys also maintain private practices, and use their own offices for County work, since the Conflict Defender's Office has no physical space. Pursuant to contract, the attorney compensation is capped, except that, when attorneys are on trial, they may submit an 18-B voucher for any time exceeding their weekly limit of 17.5 hours. There is insufficient staff to cover cases when an attorney is on trial. The Chief Conflict Defender believes that if positions were full-time, he could recruit attorneys. The Office has no budget for administrative staffing and reports a need for a part-time person. The assigned counsel list, administered by the Public Defender, includes any attorneys willing to accept 18-B assignments

in criminal and Family Courts, and for appeals. The Public Defender assigns the misdemeanors, and County Court assigns the felony cases.

Supervision and Mentoring

The Public Defender supervises attorneys and does administrative work, while carrying a full caseload. Because Saratoga is one of the fastest-growing counties, a greater number of cases is anticipated which will include a likely increase in serious felony cases. The Public Defender hires experienced attorneys because he does not have time to train people. The starting salary is competitive; and all County attorneys have salary parity. Thus, there is no problem recruiting or retaining attorneys. The Conflict Defender also hires experienced people but finds it difficult to find people with felony trial experience. Assigned attorneys receive no supervision or oversight.

Training

The Public Defender reported that the Office has a training budget of approximately \$5,000, which allows for some attorneys to attend in-state programs. The Conflict Defender's Office has no training budget. No training is provided to assigned counsel.

Legal Research

The Public Defender's Office has sufficient online legal research resources, and an OCA law library is located in Saratoga Springs. The Conflict Defender's Office receives no legal research resources.

Client Communication

The Public Defender's Office reports no problems with client communication. The Conflict Defender observed that video communications with the jail would be helpful. Travel time or mileage is not reimbursed. In the Conflict Defender's Office, all travel time must be billed against the 17.5 hours a week for which attorneys may be paid. Clients can generally reach attorneys by placing toll-free calls. Attorneys on the assigned counsel panel are not governed by any formal policy regarding client communication.

Non-Attorney Professional Services (Experts, Investigators, Social Workers, Sentencing Advocates, Interpreters, and Other Necessary Services)

The Public Defender stated that the Office has one part-time social worker, but needs a full-time social worker, as well as a contract for sentencing advocacy. Two contract investigators are used, drawing upon a budget of about \$10,000 a year. Given the rise of serious felony cases, the Office reported needing a full-time staff investigator. The Public Defender also stated that the Office has inadequate resources for consulting experts and that funding is needed so that the Office can do DWI evaluations when clients cannot afford to pay for them. Interpreters are needed particularly in the summer during track season, according to the Public Defender, who said the budget for such services is insufficient. The Chief Conflict Defender stated that both his Office and the assigned counsel attorneys lack adequate funding for non-attorney professional services.

Technology/Other Resources

The Public Defender's Office uses a CMS and relies upon attorneys to update data. The Office enters data about cases from the Conflict Defender's Office and the assigned counsel attorneys.

Quality Improvement Needs

Upon consultation with providers and a review of information provided, ILS makes the following recommendations to improve the quality of mandated representation in Saratoga County:

Public Defender's Office

- Increase attorney staff, including appellate attorneys for litigation support.
- Expand administrative staff.
- Increase funding for training.
- Fund legal research, including electronic legal research resources.
- Increase funding for non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).
- Support upgrades of office technology, including the CMS.

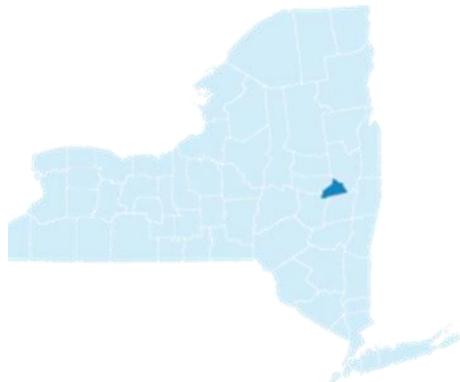
Conflict Defender's Office

- Increase attorney staff, including appellate attorneys for litigation support.
- Expand administrative staff.
- Increase funding for training opportunities.
- Fund legal research, including electronic legal research resources.
- Provide reimbursement for time and travel expenses to promote effective representation and client communication.
- Support office technology, including a CMS.
- Increase funding for non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).

Assigned Counsel

- Support a formalized and upgraded assigned counsel program.
- Hire an administrator, supervising attorney and sufficient administrative staff.
- Support adequate office space.
- Support office technology, including a case management and electronic voucher system.
- Support training opportunities.
- Increase funding for non-attorney professional services, (i.e., such as experts, investigators, social workers, sentencing advocates, and interpreters).
- Reimburse attorneys for time and travel expenses to promote effective representation and client communication.

SCHENECTADY COUNTY



County Overview

Schenectady County, located in East-Central New York, has an area of 210 square miles and a population of 154,727. About 12.6% of the population lives below federal poverty guideline levels, and the median household income is \$58,114. The County consists of four Legislative Districts, which are governed by a Board of 15 Legislators, currently chaired by Anthony Jasenski, Jr. The Supreme, County, Family, and Surrogate's Courts are in the City of Schenectady. In addition, the County has Schenectady City Court and six Town and Village Courts.

Mandated Representation Overview

The County has a three-tier system of mandated representation, with a Public Defender's Office, led by Stephen Signore, Esq.; a Conflict Defender's Office, headed by Tracey Chance, Esq.; and an assigned counsel list, administered by Frank Salamone, Esq. from the County Attorney's Office.

Status of Quality

Staffing (Recruitment and Retention of Attorneys and Non-Attorneys)

The Public Defender's Office has eight full-time and two part-time attorneys handling criminal defense and five full-time attorneys with a mixed criminal defense/Family Court caseload. The Public Defender stated that additional attorneys are needed. The Office has four administrative staff, and the Public Defender stated that an additional person with paralegal training is required. One attorney handles a large volume of parole cases. The Public Defender does not do appeals or 440 motions. Attorney salaries start at \$61,000. While the Public Defender has not had difficulty recruiting attorneys, he reported that retention is a problem, in part because there is a significant disparity in the salaries of experienced attorneys at the Office and prosecutors with a similar level of experience.

The Conflict Defender's Office consists of one part-time and four full-time attorneys, all with reported high caseloads. The Chief Conflict Defender, who handles a full caseload, along with administrative and supervisory duties, stated that additional administrative staff are required. The Office reported that retention of attorneys is an issue, due to high caseloads and compensation that is not competitive. The Office does not do appeals and would like to have an appellate attorney to assist in drafting motions and support the trial attorneys. The assigned counsel panel includes about 70 attorneys. The only two requirements for panel admission are membership in the local bar association and a residence or office in the County. The County

provides no quality control over the representation provided by assigned counsel. Individual judges make assignments.

Supervision and Mentoring

The Public Defender's Office has three supervisors. The Public Defender is responsible for overall supervision, and there are criminal defense and Family Court supervisors. In addition, attorneys frequently discuss their cases together. The Chief Conflict Defender, the sole supervising attorney at the Conflict Defender's Office, has inadequate time for supervision of new attorneys. Attorneys on the assigned counsel panel do not receive supervision or mentoring, and no Second-Chair Program exists.

Training

The Public Defender estimated the training budget at \$3,000, which he reported enabled some of the attorneys to attend CLE programs. The Conflict Defender's Office has a small training budget that allows attorneys to attend some State trainings. The County does not fund training for 18-B attorneys.

Legal Research

The Defender Offices reported inadequate access to online legal research. The Conflict Defender noted that the Office has no legal books. Assigned counsel have access to free online legal research resources via the local bar association and courthouse library.

Client Communication

Attorneys at the Public Defender's Office use their own cell phones, and the jail is within walking distance from the Office. The Chief Conflict Defender stated that, due to caseload pressures, meeting with clients is a problem. Assigned counsel can either bill for time spent traveling or obtain reimbursement for mileage.

Non-Attorney Professional Services (Experts, Investigators, Social Workers, Sentencing Advocates, Interpreters, and Other Necessary Services)

The Public Defender reported that a professional services budget line of approximately \$20,000 was earmarked for experts, mental health evaluations, interpreters, and transcripts. The use of experts is therefore limited. The Office employs three full-time investigators, a staffing level which has been found inadequate. The Public Defender states that the Office would benefit from a part-time advocate to assist with Drug Court evaluations and placements. Sentencing advocates are used for some cases resulting in a conviction after trial, but not for plea negotiations.

The Chief Conflict Defender has found inadequate a budget of about \$4,000 for professional services, including experts and interpreters. The Office has one full-time investigator, who spends most of his time doing process serving for Family Court matters. There is no funding to handle sentencing advocacy or perform other social work functions. Assigned counsel do not use investigators or sentencing advocates and rarely use expert witnesses.

Technology/Other Resources

The Defender Offices use a CMS and both need more printers and/or copiers.

Quality Improvement Needs

Upon consultation with providers and a review of information provided, ILS makes the following recommendations to improve the quality of mandated representation in Schenectady County:

Public Defender's Office

- Increase attorney staff, including appellate attorneys for litigation support.
- Increase attorney salaries to promote retention and achieve parity with the District Attorney's office and support additional administrative staff.
- Increase the training budget.
- Expand funding for non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).
- Support improvement of office technology, including providing additional printers and upgrading the CMS.

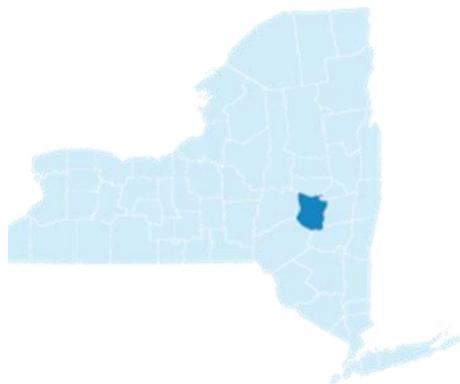
Conflict Defender's Office

- Increase attorney staff, including appellate attorneys for litigation support.
- Increase attorney salaries to promote retention and achieve parity with the District Attorney's office.
- Support additional administrative staff.
- Increase the budget for training and legal research resources.
- Increase funding for non-attorney professional services (experts, investigators, social workers, sentencing advocates, and interpreters).
- Support adequate office space and technology, including the CMS.

Assigned Counsel

- Support a formalized and upgraded assigned counsel program.
- Hire an administrator, supervising attorney and sufficient administrative staff.
- Support adequate office space and technology, including a CMS and electronic voucher system.
- Support training opportunities for 18-B panel attorneys.
- Increase funding for non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).

SCHOHARIE COUNTY



County Overview

Schoharie County, located in Central New York, lies partly within the Catskill Mountains. The County has an area of 626 square miles and a population of 32,749. About 12.9% of the population lives below federal poverty guideline levels, and the median household income is \$51,195. The County consists of 16 Legislative Districts, which are governed by a Board of 16 Supervisors, currently chaired by Earl VanWormer III. The Supreme, County, Family, and Surrogate's Courts are in the Town of Schoharie. In addition, the County has 17 Town and Village Courts.

Mandated Representation Overview

Mandated representation is provided exclusively by an Assigned Counsel Program. The ACP part-time Administrator is Suzanne Graulich, Esq.

Status of Quality

Staffing (Recruitment and Retention of Attorneys and Non-Attorneys)

The Administrator has one part-time administrative staff person. Currently, there are about 20 panel attorneys, most of whom are local and accept both criminal and Family Court assignments. The Program does not impose qualifications for admission to the panel. Generally, criminal cases are assigned to attorneys on a rotating basis, while Family Court assigns its own cases.

Supervision and Mentoring

The ACP does not supervise attorneys. If the Administrator receives a call from a judge complaining about an attorney, she will contact the attorney and try to resolve the issue. The ACP would like to offer mentoring and Second-Chair programs but lacks the resources to do so.

Training

The ACP has used ILS funding to present substantive training programs. The Administrator stated that the Office would like to expand training opportunities for panel attorneys.

Legal Research

The ACP does not provide legal research resources to panel members nor track the extent of research done by attorneys. The Administrator seeks funding to provide such resources to panel members.

Client Communication

The ACP requires that panel attorneys agree to meet with clients within the County. Attorneys can meet with clients in the courthouse law library. Vouchers reveal that attorneys do not meet frequently with clients and instead communicate mostly by letter, email or text. The Program will pay for videoconferencing with incarcerated clients but does not have a toll-free telephone number for clients to use when calling from the jail or an option to reimburse for collect calls received from the jail.

Non-Attorney Professional Services (Experts, Investigators, Social Workers, Sentencing Advocates, Interpreters, and Other Necessary Services)

The ACP does not use non-attorney professional services.

Technology/Other Resources

The Program utilizes spreadsheets but does not have a CMS and does not record all case data.

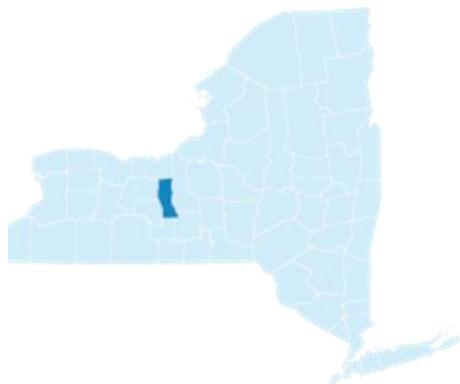
Quality Improvement Needs

Upon consultation with providers and a review of information provided, ILS makes the following recommendations to improve the quality of mandated representation in Schoharie County:

Assigned Counsel

- Support a formalized and upgraded assigned counsel program.
- Provide support for an administrator, supervising attorney, and sufficient administrative staff.
- Support adequate office space and improve office technology, including a CMS electronic voucher system.
- Fund training opportunities.
- Increase funding for non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).
- Support funding to increase the frequency and comprehensiveness of client communication.

SENECA COUNTY



County Overview

Seneca County, located in the Finger Lakes-Wine Country Region, has a population of 35,251 and encompasses 391 square miles. About 12.7% of Seneca County residents are living below federal poverty levels, and the median household income is \$49,292. The largest town, Seneca Falls, has a population of only about 6,681. The County consists of 10 Legislative Districts, which are governed by a Board of 14 Supervisors, currently chaired by Robert Shipley. The Supreme, County, Family, and Surrogate's Courts are located in Waterloo. In addition, the County has 11 Town and Village Courts.

Mandated Representation Overview

Mandated representation is provided by the Public Defender's Office, headed by Michael Mirras, and, in conflict cases, 18-B attorneys on a list maintained by the Public Defender.

Status of Quality

Staffing (Recruitment and Retention of Attorneys and Non-Attorneys)

The Public Defender's Office has three part-time criminal defense attorneys, one part-time attorney with a mixed criminal/Family Court practice, and one part-time paralegal. All attorneys maintain private practices, and there is no central office space. Attorneys also use their own administrative staff for public defense, and the County provides partial reimbursement for office expenses. The Public Defender recognizes that the Office should convert to a full-time office with central office space. More staff is needed, given the steady rise in cases arising from two state prisons located in the County, inmate mental health issues, and a District Attorney policy of prosecuting cases that could be handled as internal disciplinary matters. The Office is also seeing a sharp increase in petit larceny cases connected to the opening of a casino. Increased caseload pressures may impact staff retention. The County does not have an ACP. Instead, the Public Defender administers a small panel of 18-B attorneys, with help from a full-time paralegal. The Public Defender makes assignments, which are accepted by four or five attorneys, most from neighboring counties. To be placed on the list, attorneys write to the Public Defender, who interviews applicants. The Public Defender states that the Office requires additional administrative staff; and a regional appellate center would be beneficial.

Supervision and Mentoring

The Public Defender supervises attorneys, while handling administrative duties, a full-caseload, and private cases. All attorneys in the Office are experienced, so supervision is more aptly described as brainstorming than oversight. There is no supervision of 18-B attorneys.

Training

The Public Defender's Office has a small training budget for attorneys to attend local CLE programs. The Office also has hosted a regional immigration training. Attorneys cannot attend in-state or national training programs. The Office pays for professional association fees. Panel attorneys do not receive training with County funding.

Legal Research

The Public Defender's Office's online legal research subscription needs to be updated. There are no legal research resources for 18-B attorneys.

Client Communication

Incarcerated clients can call their attorneys toll-free from the jail at no cost to the Public Defender's Office. The Office reported a need for funding to enable the felony attorney to stay overnight when he is compelled to travel across the State to visit clients who have been transferred to out-of-county jails/prisons. The Office does reimburse mileage. The County permits panel attorneys to voucher for travel time and mileage, which represents a significant expense.

Non-Attorney Professional Services (Experts, Investigators, Social Workers, Sentencing Advocates, Interpreters, and Other Necessary Services)

The Public Defender's Office has no funding for sentencing advocates and relies on pro bono social work by agencies that have pre-existing relationships with clients. Funding to contract for social work and/or sentencing advocates is needed, per the Public Defender. He stated that a budget of approximately \$25,000 for investigations, expert witnesses, and other contractual services—provided primarily through ILS funding—is insufficient. An investigator's services are used sparingly, and attorneys often conduct their own investigation. One crucial expert witness absorbed a large portion of the overall budget. An increase in the expert budget is deemed necessary by the Public Defender, so that attorneys do not have to self-censor their expert requests. The Public Defender feels that assigned counsel should also be provided with non-attorney professional services.

Technology/Other Resources

The Public Defender reported that the Office has a CMS that needs to be updated.

Quality Improvement Needs

Upon consultation with providers and a review of information provided, ILS makes the following recommendations to improve the quality of mandated representation in Seneca County:

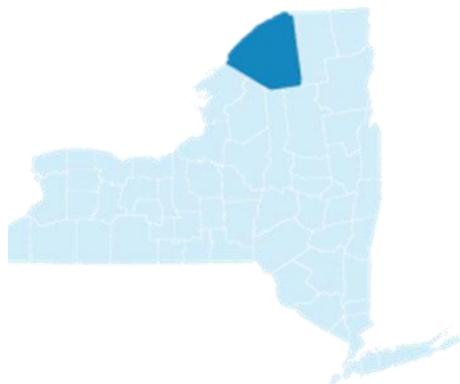
Public Defender's Office

- Increase attorney staff, including appellate attorneys for litigation support.
- Support the development of appellate resources.
- Fund additional administrative staff.
- Support adequate office space.
- Increase the budget for training opportunities.
- Fund additional legal research, including electronic legal research resources.
- Increase funding for non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).
- Support technology upgrades, including any needed for its CMS.

Assigned Counsel

- Support a formalized and independent assigned counsel program.
- Support the hiring of an administrator, supervising attorney, and sufficient administrative staff.
- Support adequate office space and office technology, including a CMS and electronic voucher system.
- Fund training opportunities.
- Increase funding for non-attorney professional services (experts, investigators, social workers, sentencing advocates, and interpreters).
- Provide funding to increase the frequency and comprehensiveness of client communication.

ST. LAWRENCE COUNTY



County Overview

St. Lawrence County, situated on the Canadian border in the Thousand Island Seaway's Region, is the State's largest county, with an area of 2,821 square miles. The County has a population of 111,944, and about 19.4% of the population lives below federal poverty levels. The median household income is \$44,705. The County consists of 15 Legislative Districts, which are governed by a Board of 15 Legislators, currently chaired by Donald Hooper. The Supreme, County, Family, and Surrogate's Courts are in Canton. In addition, the County has a City Court in Ogdensburg and has 33 Town and Village Courts.

Mandated Representation Overview

Mandated representation is provided by a Public Defender's Office, led by Steven Ballan, Esq.; a Conflict Defender's Office, headed by Amy Dona, Esq.; and an Assigned Counsel Program, administered by Scott Goldie, Esq.

Status of Quality

Staffing (Recruitment and Retention of Attorneys and Non-Attorneys)

The Public Defender stated that challenges faced by the Office include high caseloads, overlapping court schedules, and the County's large size. As to the final factor, a satellite office would be helpful, the Public Defender stated. The Office has seven full-time attorneys, three doing criminal defense, two handling Family Court representation, and two with a mixed practice. The Public Defender reported that the Office needs more attorneys and that recruiting staff is difficult because of the remote, rural location, a lack of local attorneys, and salaries that are not competitive. The Office has three full-time administrative/clerical staff.

The Chief Conflict Defender stated that the Office has three attorneys and three clerical staff to handle a high volume of cases and needs to expand staff to manage the caseload and cover 35 courts. The Office also has difficulty recruiting attorneys. The County has a contract with the Rural Law Center to handle appeals from the Defender Offices. In cases involving conflicts, appeals are assigned to 18-B attorneys by the Appellate Division, Third Department.

The Administrator of the assigned counsel panel has a contract with the County to administer the initiative for a flat fee from his private law firm, where his staff handles the bulk of the work. Attorneys are assigned to cases on a rotation basis. There is no formal process for admission to the panel, evaluation, or recertification. Attorneys have been removed from the list due to

complaints from judges about the quality of representation provided. Attorneys from Franklin, Jefferson, and Lewis Counties also participate. The panel, which includes two to three dozen attorneys, is shrinking. The attrition has several causes: many attorneys have taken County positions; there is a delay in processing vouchers; and representing Family Court clients is stressful. The County's Office of Indigent Defense is a screening entity that reviews applications for assignment of counsel and determines eligibility. The Office has one full-time administrative/clerical staff person. The Administrator indicated that staffing is inadequate; another clerical person is needed. An improved CMS is also desired. The use of County Attorney's Office space causes confidentiality concerns, per the Administrator.

Supervision and Mentoring

The Public Defender informally supervises attorneys and encourages discussion among attorneys about their cases. The Chief Conflict Defender explained that she does not have time to supervise attorneys because she is often in court and carries a full caseload, in addition to her administrative responsibilities. Attorneys on the assigned counsel panel do not receive supervision or mentoring, and no Second-Chair program is provided.

Training

The Public Defender reported that the Office has an inadequate training budget. The Conflict Defender attended a multi-day State training, and other attorneys have attended local trainings. The Chief Conflict Defender opined that additional training should be provided. Training is not offered to 18-B attorneys.

Legal Research

The Public Defender's Office finds its legal research resources adequate. The Chief Conflict Defender stated that the Office has an inadequate budget for research. Assigned counsel attorneys do not receive legal research resources from the County and do not specifically voucher for legal research.

Client Communication

It is standard practice for Public Defender's Office attorneys to meet clients at court; and clients can always reach attorneys by placing toll-free calls. Conflict Defender attorneys frequently must cancel client meetings when courts demand attorney appearances. Located within the County Attorney's Office, the Conflict Defender lacks confidential meeting space. Some 18-B attorneys do not respond to their clients, who then complain to the Administrator, who does not "police" representation, nor accept client calls.

Non-Attorney Professional Services (Experts, Investigators, Social Workers, Sentencing Advocates, Interpreters, and Other Necessary Services)

The Public Defender stated that the Office has a budget of about \$15,000 for expert witnesses and investigations and that attorneys refrain from using experts because of the inadequate budget. The Office contracts with one person for its investigations and would prefer a full-time employee. In plea cases, attorneys often prepare defense sentencing memoranda, since an agreed-upon sentence is the exception, not the rule. Sentencing advocates generally are not

used; but the Office would prefer to employ a social worker. In addition, the Public Defender stated that it would be beneficial to have a professional dedicated to assisting clients in obtaining substance abuse treatment and assisting clients with mental health issues. The Conflict Defender's Office does not use experts and has found the budget of approximately \$3,500 to be inadequate. The Office has not retained sentencing advocates to assist in preparing mitigation reports. Assigned counsel do not use expert witnesses or sentencing advocates and rarely utilize investigators.

Technology/Other Resources

Both Defender Offices use a CMS but the Conflict Defender does not have resources needed to enter all data. The County lacks an electronic voucher system.

Quality Improvement Needs

Upon consultation with providers and a review of information provided, ILS makes the following recommendations to improve the quality of mandated representation in St. Lawrence County:

Public Defender's Office

- Increase attorney staff, including appellate attorneys for litigation support.
- Enhance attorney salaries to recruit and retain qualified staff.
- Support additional administrative staff.
- Increase funding for training opportunities.
- Increase funding for non-attorney professional services (experts, investigators, social workers, sentencing advocates, and interpreters).
- Support technology upgrades, including the CMS.

Conflict Defender's Office

- Increase attorney staff, including appellate attorneys for litigation support.
- Enhance attorney salaries to recruit and retain qualified staff.
- Support additional administrative staff.
- Increase funding for training opportunities.
- Increase funding for non-attorney professional services (experts, investigators, social workers, sentencing advocates, and interpreters).
- Support technology upgrades, including the CMS.

Assigned Counsel

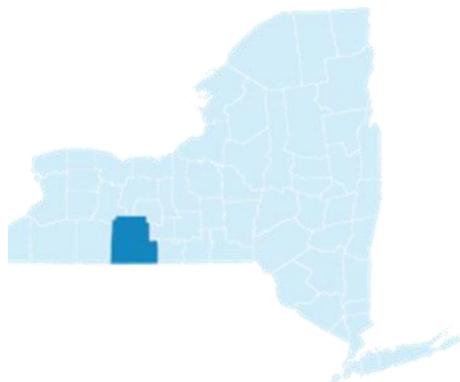
- Enhance the existing assigned counsel program.
- Support hiring a supervisory attorney and sufficient administrative staff as well as enhancing the role of the administrator to oversee and support the panel . Support adequate office space and office technology, including a CMS and electronic voucher system.

- Fund training opportunities.
- Increase funding for non-attorney professional services (experts, investigators, social workers, sentencing advocates, and interpreters).
- Provide funding to increase the frequency and comprehensiveness of client communication.

Office of Indigent Defense

- Support additional administrative.
- Support funding for office technology, including a CMS and electronic voucher system.
- Provide adequate office space.

STEUBEN COUNTY



County Overview

Steuben County, located in the Finger Lakes – Wine Country Region, north of the Pennsylvania border, covers 1,404 square miles. It has a population of 98,990, with a median household income of \$47,280, and 16.3% of individuals living at or below the federal poverty level. The County consists of 13 Legislative Districts, which are governed by a Board of 17 Legislators, currently chaired by Joseph Hauryski. The Supreme, County, Family, and Surrogate's Courts are located in Bath. The County is home to two City Courts, located in Corning and Hornell. In addition, the County has 38 Town and Village Courts.

Mandated Representation Overview

Mandated representation is provided primarily by the Public Defender's Office, led by Philip Roche, Esq. and a new Felony Conflict Defender's Office that handles all felonies in which the Public Defender's Office has a conflict of interest. The County also has a basic Assigned Counsel Program administered by Joseph Pelych.

Status of Quality

Staffing (Recruitment and Retention of Attorneys and Non-Attorneys)

The Public Defender's Office consists of three full-time and seven part-time criminal defense attorneys, and three full-time Family Court attorneys. Recruitment is challenging, in part because of a significant disparity between defense and prosecution salaries, according to the Public Defender. The Office has three full-time secretaries/administrative assistants and needs additional administrative personnel. The Office lacks a paralegal to help with research and writing, or a separate position for making eligibility determinations. Space limitations prevent the conversion to a full-time Office. All part-time attorneys work out of their private offices. The Conflict Defender's Office, a County agency, has one full-time and one part-time attorney. Because of the lack of support staff or needed equipment, attorneys turn to the County Manager's and Public Defender's Offices, as well as the Probation Department. The Office is located in Corning; and Bath is a possible location for an additional office. When both Defender Offices have conflicts, 18-B attorneys are assigned. The County has a contract with a local attorney who administers a panel of 15-16 attorneys assigned to criminal cases and appeals.

Supervision and Mentoring

The Public Defender supervises staff, while carrying a one-half caseload. Part-time positions make supervision difficult, the Public Defender reported. The Conflict Defender's Office has two

experienced attorneys. Assigned counsel receive no supervision or mentoring. There are no qualification criteria or monitoring of the quality of representation. Out-of-county attorneys are called upon to handle serious felonies.

Training

The Public Defender's Office's training budget, from ILS funding, was deemed sufficient to meet current needs, including State trainings and an occasional national training. The Conflict Defender's Office has a small budget for training. There is no training budget for 18-B attorneys, and the County does not develop or co-sponsor training programs.

Legal Research

The Public Defender stated that the Office has adequate access to online legal research. There is also an OCA library in the County Office Building in Bath. Assigned counsel do not receive any legal research resources from the County.

Client Communication

Public Defender's Office attorneys are reimbursed for mileage to go to jails and courts. The part-time attorneys handling felony cases have difficulty traveling to the jail. Attorney caseloads and limited jail visitation time impedes client communication. Clients cannot call the Public Defender's Office from the jail. The Conflict Defender attorneys are reimbursed for travel expenses. Panel attorneys need court approval to visit clients outside the County.

Non-Attorney Professional Services (Experts, Investigators, Social Workers, Sentencing Advocates, Interpreters, and Other Necessary Services)

The Public Defender indicated that the Office needs additional funding to be able to use a sentencing advocate and to employ a case manager or social worker. Attorneys must rely on a close relationship with the Probation Department, which is responsible for drug treatment evaluations and referrals and evaluates detained clients to determine who can go directly into treatment. The County also has a substantial veterans' outreach program because of the Veterans Administration in Bath. The Public Defender stated that a social worker could oversee such efforts on behalf of the Public Defender's Office. The Office has a part-time contract with an investigator and a small budget for experts, according to the Public Defender. He stated that additional investigative and expert resources—as well as attorney training on the use of such resources—are needed. The Conflict Defender has a modest budget for experts and investigations. Panel attorneys rarely use non-attorney professional services.

Technology/Other Resources

The Public Defender's Office uses a CMS.

Quality Improvement Needs

Upon consultation with providers and a review of information provided, ILS makes the following recommendations to improve the quality of mandated representation in Steuben County:

Public Defender's Office

- Increase attorney staff, including appellate attorneys for litigation support.
- Expand administrative staff.
- Increase funding for non-attorney professional services (experts, investigators, social workers, sentencing advocates, and interpreters).
- Fund training opportunities.
- Fund adequate office space.
- Support office technology upgrades, including any needed for its CMS.

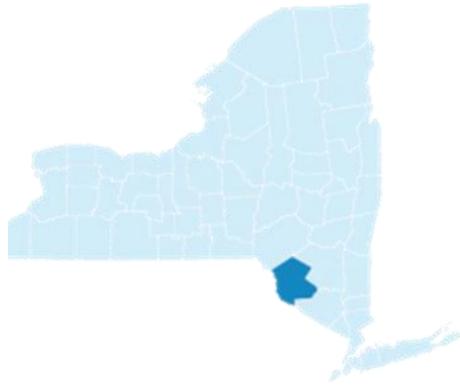
Conflict Defender's Office

- Increase attorney staff, including appellate attorneys for litigation support.
- Expand administrative staff.
- Fund adequate office space.
- Fund training opportunities.
- Increase funding for non-attorney professional services (experts, investigators, social workers, sentencing advocates, and interpreters).
- Support office technology upgrades, including a CMS.

Assigned Counsel

- Enhance the existing assigned counsel program.
- Hire an administrator, supervising attorney, and administrative staff.
- Support adequate office space and technology, including a CMS electronic voucher system.
- Support training opportunities.
- Increase funding for non-attorney professional services (experts, investigators, social workers, sentencing advocates, and interpreters).
- Support funding to increase the frequency and comprehensiveness of client communication.

SULLIVAN COUNTY



County Overview

Sullivan County, located in the Catskills Region, borders Pennsylvania. The County has an area of 997 square miles and a population of 77,547. About 17.5% of the population lives below federal poverty guideline levels, and the median household income is \$50,710. The County consists of nine Legislative Districts, which are governed by a Board of nine Legislators, currently chaired by Luis Alvarez. The Supreme, County, Family, and Surrogate's Courts are in the Village of Monticello. In addition, the County has 18 Town and Village Courts.

Mandated Representation Overview

Mandated representation is provided by two entities that have contracts with the County and subcontract with experienced local attorneys who provide representation while maintaining private practices: the Sullivan Legal Aid Panel (LAP), headed by Executive Director Tim Havas, Esq., and a Conflict Defender, led by Joel Proyect, Esq. The programs face similar challenges and have similar needs, as reflected in the Recommendations section.

Status of Quality

Staffing (Recruitment and Retention of Attorneys and Non-Attorneys)

The LAP has one part-time and five full-time criminal defense attorneys and two full-time Family Court attorneys. There is a strict rule against "flipping" clients, that is, converting assigned clients into paying clients. A contract attorney handles parole violation assigned cases. The Office rarely does appeals and 440 motions. To hire additional qualified attorneys, the LAP would have to reach outside the County. While retention has not been a problem to date, retirement will cause attrition. The Office also employs a full-time secretary and part-time receptionist and would like an additional administrative person. The Conflict Defender's Office has five part-time attorneys (including the Chief Conflict Defender), who work 30 hours per week. The Chief Conflict Attorney indicated that additional attorneys are needed. The Office does not do appeals, but occasionally prepares 440 motions. The Office has one secretary and could use a part-time administrative person to handle filing and data entry. There is no ACP in the County. Attorneys send a letter to individual judges requesting placement on a list of attorneys willing to accept assignments, and the judges make all assignments. Most panel attorneys are local, but a few are based in Orange or Ulster Counties.

Supervision and Mentoring

At both the LAP and the Conflict Defender's Office, there are no formal supervisory programs, but there is ongoing communication between the office heads and the other attorneys. The Chief Defenders serve as co-counsel on every felony case in their respective offices.

Training

The Executive Director indicated that LAP has an inadequate budget for training and reimbursement of attorney costs for CLE programs that advance their practice. The Conflict Defender's Office has no budget for training.

Legal Research

The LAP has limited access to online legal research resources but can use the resources at the courthouse library. The Program would like to have computerized research capabilities in the office. The Conflict Defender's Office has no funding for legal research and would appreciate having such resources.

Client Communication

Both programs take collect calls from jail but neither program reimburses attorneys for mileage.

Non-Attorney Professional Services (Experts, Investigators, Social Workers, Sentencing Advocates, Interpreters, and Other Necessary Services)

The LAP uses expert witnesses and interpreters and finds adequate its current resources for those services. The Program contracts with one part-time investigator on an as-needed basis. The budget for such purpose was estimated to be \$10,000 to \$15,000, but should be double or triple that amount, according to the Executive Director. He further explained that there is no budget for social work services, and the LAP needs a full-time social worker or defender to assist clients with substance abuse and mental health treatment, as well as to help prepare sentencing mitigation memos. The Chief Conflict Defender states that the Office has sufficient expert witness resources. A budget of about \$1,500 to \$2,000 for investigative services is inadequate, in the view of the Chief Conflict Defender, who stated that such services should be significantly expanded. The Office also needs a full-time social worker to work with clients on various issues. A sentencing advocate is used on an as-needed basis.

Technology/Other Resources

The LAP does not use spreadsheets or a CMS, instead relying upon index cards to record case data. The Conflict Defender's Office also needs a CMS. Each attorney works out of his or her own private office, and there is no central office.

Quality Improvement Needs

Upon consultation with providers and a review of information provided, ILS makes the following recommendations to improve the quality of mandated representation in Sullivan County:

Legal Aid Panel

- Increase attorney staff, including appellate attorneys for litigation support.
- Enhance attorney salaries to recruit and retain qualified staff.
- Provide support for additional administrative assistance.
- Increase funding for training and legal research, including electronic legal research resources.
- Increase funding for non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).
- Support office technology upgrades, including a CMS.
- Reimburse attorneys for time and travel expenses to promote effective representation and client communication.

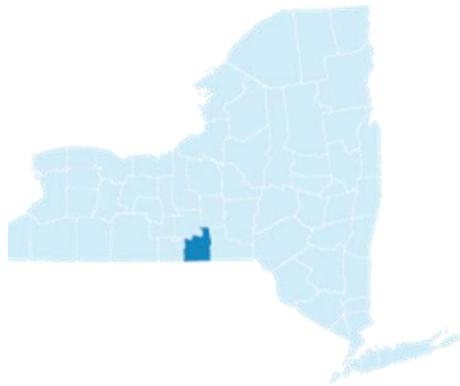
Conflict Defender

- Increase attorney staff, including appellate attorneys for litigation support.
- Enhance attorney salaries to recruit and retain qualified staff.
- Provide support for additional administrative assistance.
- Increase funding for training and legal research, including electronic legal research resources.
- Increase funding for non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).
- Support office technology upgrades, including a CMS.
- Reimburse attorneys for time and travel expenses to promote effective representation and client communication.

Assigned Counsel

- Support a formalized and upgraded assigned counsel program.
- Support the hiring of an administrator, supervising attorney and sufficient administrative staff.
- Support office technology, including a CMS and electronic voucher system.
- Support training opportunities.
- Increase funding for non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).
- Provide reimbursement for time and travel expenses to promote effective representation and client communication.

TIOGA COUNTY



County Overview

Tioga County, located in the Finger Lakes – Wine Country Region, encompasses 523 square miles, and has a population of 51,125, with 9.6% of residents living below federal poverty levels. The median household income is \$57,514. The county consists of seven Legislative Districts, governed by a Board of nine Legislators, currently chaired by Martha Sauerbrey. The Supreme, County, Family, and Surrogate’s Courts are located in Owego. In addition, the County has 12 Town and Village Courts.

Mandated Representation Overview

Mandated representation is provided via the Public Defender’s Office, overseen by George Awad, which handles both criminal and Family Court matters but does not handle appeals or post-conviction matters. The County also has an Assigned Counsel Program for conflict cases, which is administered by Irene Graven, a part-time (five hours per week) employee.

Status of Quality

Staffing (Recruitment and Retention of Attorneys and Non-Attorneys)

The Public Defender’s Office has three part-time attorneys handling criminal matters and one full-time Family Court attorney, all of whom maintain private law offices. Attorneys are assigned to particular courts and maintain vertical representation of clients from those courts. Recruitment can be difficult, since the pool of entry-level attorneys is limited, and it is anticipated that it would be hard to bring in newer attorneys on a part-time basis, unless they do not have established private law practices. The Public Defender explained that he would like to move toward a full-time office, but that salaries would have to increase significantly to make that a viable option. Attorneys work at least 25-30 hours per week but are paid as half-time employees and earn less than half than their prosecutor counterparts. The Office has one part-time administrative person and one part-time clerical person devoted primarily to case management tasks, while attorneys rely upon their own private office staff for administrative support. As to the assigned counsel panel, the County employs an administrative assistant who works three to six hours per week assisting the Administrator. There is no mechanism for screening attorneys who seek to receive cases. Judges assign attorneys from among about 20 on the list, who come from Tioga County, as well as two adjacent counties. The County needs to recruit more attorneys to serve as 18-B counsel.

Supervision and Mentoring

In the Public Defender's Office, supervision occurs informally by attorneys talking to each other about their cases, and a lack of supervision is not seen as a pressing issue by the Public Defender. Panel attorneys receive no supervision. Many are seasoned, but newer attorneys are being added to the list and could benefit from mentoring.

Training

The Public Defender's Office has a training budget that enables attorneys to attend CLE programs, but lacks funding for advanced or one-week training programs. No initial training is offered to attorneys on the assigned counsel panel. The Administrator for the assigned counsel cases circulates information regarding upcoming CLE events.

Legal Research

All attorneys at the Public Defender's Office have access to online legal research through ILS funding. Attorneys on the assigned counsel list are not provided with such resources.

Client Communication

The Public Defender stated that the Office requires an intake person to assist detained clients in completing eligibility applications and quickly connecting them with their assigned attorneys. Once a case is assigned, the attorney tries to see the client as soon as possible. Attorneys visit the jail six to 10 times per month. Panel attorneys are reimbursed for mileage, but not travel time.

Non-Attorney Professional Services (Experts, Investigators, Social Workers, Sentencing Advocates, Interpreters, and Other Necessary Services)

The Public Defender's Office has used a sentencing advocate and would like to retain their services more often, if permitted by increased funding. The Office has a limited budget line for investigators and expert witnesses. There is some self-censorship in the use of both types of professionals, as attorneys strive to stay within the budget. The Administrator of the assigned counsel panel has never seen a voucher for sentencing advocacy and very few requests for investigators and expert witnesses.

Technology/Other Resources

Both offices utilize a CMS.

Quality Improvement Needs

Upon consultation with providers and a review of information provided, ILS makes the following recommendations to improve the quality of mandated representation in Tioga County:

Public Defender

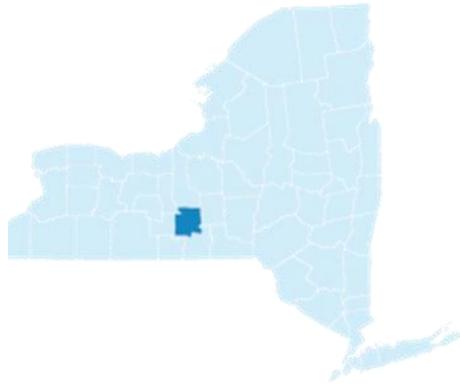
- Increase attorney staff, including appellate attorneys for litigation support.

- Enhance attorney salaries, providing for full-time positions and parity with the District Attorney's Office.
- Support additional administrative assistance.
- Increase funding for training and legal research, including electronic legal research resources.
- Increase funding for non-attorney professional services (experts, investigators, social workers, sentencing advocates, and interpreters).
- Support office technology upgrades, including a CMS.

Assigned Counsel

- Enhance the existing assigned counsel program.
- Support sufficient funding of the administrator position and hiring of administrative staff. Support office technology, including a CMS electronic voucher system.
- Support training opportunities.
- Fund adequate office space.
- Increase funding for non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).
- Reimburse attorneys for time and travel expenses to promote effective representation and client communication.
- Support the option for the County to pursue regionalization of the ACP services.

TOMPKINS COUNTY



County Overview

Tompkins County, situated in the Finger Lakes – Wine Country Region, covers 492 square miles and has a population of 101,564, with 20.5% of residents living below federal poverty levels. The median household income is \$52,624. The County consists of 14 Legislative Districts, governed by a Board of 12 Legislators, currently chaired by Michael E. Lane. The Supreme, County, Family, and Surrogate’s Courts are located in Ithaca. In addition, the County has a City Court in Ithaca and 11 Town and Village Courts.

Mandated Representation Overview

Mandated representation for criminal and Family Court cases is provided solely by the County’s Assigned Counsel Program, which is run by full-time Coordinator Julia Hughes and part-time Supervising Attorney Lance Salisbury.

Status of Quality

Staffing (Recruitment and Retention of Attorneys and Non-Attorneys)

In addition to the Coordinator and Supervising Attorney, the ACP employs a Grants and Training Coordinator and an administrative assistant. There are about 52 attorneys on the ACP panel. Most handle either Family Court or criminal defense; few take a mixed caseload. Recruitment has not been a problem.

Supervision and Mentoring

The Program Coordinator and Supervising Attorney stated that both of their positions should be full-time. They have found it difficult to monitor panel attorneys located in other counties, and thus supervisory staff is needed in each county. Under the ACP’s mentoring program, upon joining the Program, each new attorney is given a mentor. All panel members are required to serve as mentors. The Supervising Attorney carefully makes matches and follows up with both the mentor and the mentee. Mentors are paid through ILS funding. The ACP receives input from the judges about an attorney’s performance. If feedback from a judge or client is negative, the Supervising Attorney will speak with the attorney. He also reviews the quality of the attorney’s written work.

Training

The Administrators stated that the ACP has a training budget of approximately \$6,000. The Program does not have a specific initial training program but encourages new attorneys to observe criminal and Family Court proceedings and offers ongoing trainings. The Program needs funding to provide training in basic skills and how to use investigators.

Legal Research

The Administrator stated that the ACP needs to expand legal research resources. Cornell Law School and the County Courthouse provide attorneys access to legal research. Many panel attorneys are solo practitioners or practicing at small firms, and the cost of computerized research is prohibitive. The ACP lacks funding to help address this problem. The Program would like to be able to offer a package deal with a national provider of online legal research services.

Client Communication

The ACP requires client communication and monitors panel attorney compliance in various ways. The Supervising Attorney reviews vouchers to see if there are large gaps in communication. Further, he responds to client complaints. Most panel attorneys have meeting space for client conferences, and the ACP has a conference room that panel attorneys can use.

Non-Attorney Professional Services (Experts, Investigators, Social Workers, Sentencing Advocates, Interpreters, and Other Necessary Services)

With ILS funding, the ACP has used sentencing advocates. Panel attorneys rarely use social workers or investigators for misdemeanors or low-level felonies. Judges have observed a need for increased use of investigators for misdemeanors and low-level felonies. In complex felony cases, attorneys have regularly used available funding for investigators. The ACP Administrator states that the Program has sufficient funding for expert services, but attorneys handling misdemeanors and low-level felony cases generally do not use such services. Judges generally approve the use of investigators and experts.

Technology/Other Resources

The ACP is in the process of implementing a CMS and an electronic voucher system and seeks additional resources for the technology upgrade.

Quality Improvement Needs

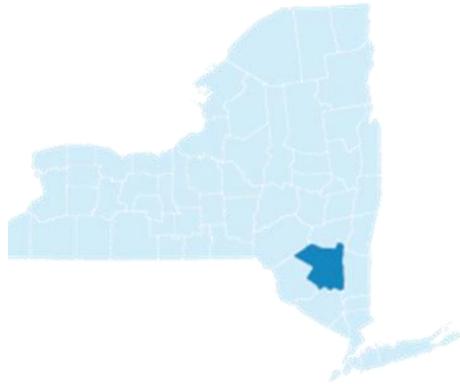
Upon consultation with providers and a review of information provided, ILS makes the following recommendations to improve the quality of mandated representation in Tompkins County:

Assigned Counsel

- Support upgrading the Supervising Attorney to full-time status.
- Support competitive salaries for both the Administrator and the Supervising Attorney.
- Fund administrative staffing to support the program.
- Increase funding for training opportunities to support panel attorneys.

- Enhance legal research resources, including electronic legal research resources.
- Fund office technology upgrades, including a CMS and electronic voucher system.
- Increase funding for non-attorney professional services (experts, investigators, social workers, sentencing advocates, and interpreters).

ULSTER COUNTY



County Overview

Ulster County, located in the Catskills Region, has an area of 1,161 square miles and a population of 182,493. About 12.8% of the population lives below federal poverty guideline levels, and the median household income is \$58,918. Ulster County is governed by a Legislature chaired by Kenneth J. Ronk, Jr. which consists of 23 districts. The Supreme, County, Family, and Surrogate's Courts are in the City of Kingston. The County plans to relocate the Family Court to the Town of Ulster. In addition, the County has one City Court and 22 Town and Village Courts.

Mandated Representation Overview

Mandated representation is provided by a Public Defender's Office, headed by Andrew Kossover, Esq. Assigned 18-B attorneys handle conflict cases, but there is no Assigned Counsel Program. The County has a contract with an attorney in Dutchess County to handle conflict assignments.

Status of Quality

Staffing (Recruitment and Retention of Attorneys and Non-Attorneys)

The Public Defender's Office has five full-time and nine part-time attorneys handling criminal defense, as well as two full-time and two part-time attorneys providing Family Court representation. One of the full-time attorneys handles appeals, and the Office does 440 motions on a case-by-case basis. Three full-time administrative personnel provide support, primarily in Family Court cases. The Office needs a grants manager and additional clerical staff for data entry.

The Public Defender reports that the Office needs additional attorneys and that space may become an issue. Recruitment may be an issue, since salaries are not competitive. The Public Defender's salary is less than 60% that of the District Attorney. Full-time attorney salaries range from \$65,000 to \$80,000. The County refuses to allow ILS grants to be used to enhance salaries. A favorable benefit package does help in retention of staff, but some experienced staff are expected to retire soon.

The County does not have an ACP. Attorneys write to individual judges asking to be placed on the list of attorneys willing to accept criminal and/or Family Court assignments; and judges also make requests of attorneys who happen to be in their courtrooms when assignment is needed. There are no criteria for inclusion on the list, no panel, and there is no central administration.

Supervision and Mentoring

While there is no formal supervision program, the Public Defender and his First Assistant respond daily to questions from staff about cases, and the attorneys are experienced and frequently strategize with each other about cases. There is no supervision of the attorneys who accept 18-B assignments.

Training

Most of the Public Defender training budget is currently utilized to send attorneys to state-wide trainings that are relatively close to the office. The Office is unable to send attorneys to out-of-state training programs and rarely does in-house trainings.

Legal Research

Attorneys at the Public Defender's Office have access to online legal research, but the Public Defender reports that the office needs access to additional databases.

Client Communication

Attorneys at the Public Defender's Office can receive reimbursement for mileage and access to cell phones to call clients.

Non-Attorney Professional Services (Experts, investigators, social workers, sentencing advocates, interpreters, and other necessary services)

The Public Defender reports that the budget for experts is inadequate, in part because the County Court Judge has a practice of rejecting plea offers in cases ripe for settlement, thus compelling the defense to take the cases to trial and retain forensic experts. The Office employs one part-time investigator and could use additional investigators to handle the current caseload. The Public Defender's Office has not used social workers or mitigation specialists because they have not had access to these services. A long-time, part-time advocate who assists clients with alternatives to incarceration should become a full-time employee and receive a raise. The 18-B attorneys on the assigned counsel list do not use non-attorney expert services.

Technology/Other Resources

The Public Defender's Office has a CMS for felony cases but lacks a computerized tracking system for misdemeanors and does not have reliable information on such cases. Instead, the office must rely on monthly reports submitted by attorneys.

Quality Improvement Needs

Upon consultation with providers and a review of information provided, ILS makes the following recommendations to improve the quality of mandated representation in Ulster County:

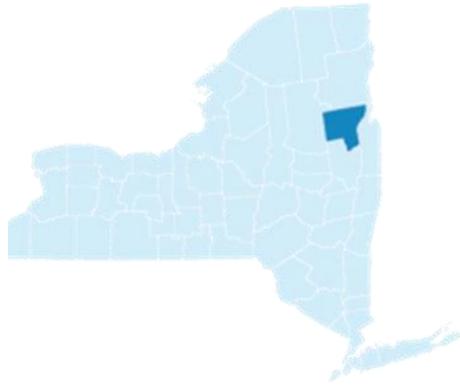
Public Defender's Office

- Increase attorney staff including appellate attorneys for litigation support.
- Increase attorney salaries to promote recruitment, retention and parity with the District Attorney's Office.
- Support funding for additional administrative staff.
- Fund the expansion of office space.
- Provide funding for training opportunities.
- Fund legal research, including electronic legal research resources.
- Enhance non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).
- Supporting office technology upgrades, including the CMS.

Assigned Counsel

- Support a formalized and upgraded assigned counsel program.
- Support the hiring of an administrator, supervising attorney, and sufficient administrative staff.
- Support office technology including a CMS and electronic voucher system.
- Support training opportunities.
- Increase funding for non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).
- Reimburse attorneys for time and travel expenses to promote effective representation and client communication.

WARREN COUNTY



County Overview

Warren County, located in eastern New York in the Adirondack Mountains, has an area of 932 square miles and a population of 65,707. About 12.0% of the population lives below federal poverty levels, and the median household income is \$56,798. Warren County is governed by a Board of Supervisors chaired by Ronald Conover which consists of 12 districts. The Supreme, County, Family, and Surrogate's Courts are in the Town of Lake George. There are also 11 Town Courts and one City Court in the County.

Mandated Representation Overview

Mandated representation is provided by a Public Defender's Office, headed by Marcy Flores, Esq., and a basic Assigned Counsel Program (ACP), administered by Joy LaFountain.

Status of Quality

Staffing (Recruitment and Retention of Attorneys and Non-Attorneys)

The Public Defender's Office has three full-time criminal attorneys, five part-time mixed practice attorneys, and two secretaries. Most criminal cases involve possession or sale of controlled substance. The Office faces excessive caseloads and retention issues, with the First Assistant leaving due to attorney burnout. Yet, at the same time, the Office has faced pressure from the County to reduce the attorney staff by one position as a cost-saving measure. Further, although newer attorneys receive a "reasonable" starting salary, there is a disparity between defender and prosecutor salaries. Additionally, the office handles parole revocation hearings that add to caseload pressures. The Public Defender suggested that given the similar make-up of surrounding counties, regionalization of parole cases may be warranted.

The ACP is staffed by the Administrator and a part-time clerical assistant. About 25 attorneys, most with 10 to 25 years' experience, receive 18-B assignments. Half of the attorneys handle both criminal and Family Court cases, and the others accept only criminal assignments. To be admitted, attorneys must submit a resume and be a member of the local bar association. The ACP has contracted with the Legal Aid Society of Northeastern New York as a conflict defender for Family Court matters. The County's appeals are assigned to the Rural Law Center of New York pursuant to a contract with the County, except for conflict cases, which are assigned to panel attorneys.

Supervision and Mentoring

The Public Defender and her First Assistant act as supervising attorneys, while each also carry a full caseload. The Public Defender strives to meet biweekly with Assistant Public Defenders to discuss their cases and performance. She also tries to observe newer attorneys in court, and she assigns them to more complex cases when they are ready. The ACP does not supervise panel attorneys. The Administrator has urged the County to provide an Attorney Supervisor to monitor attorney performance and would like to institute a mentoring program.

Training

Neither the Public Defender's Office nor the ACP have a training budget. New hires at the Public Defender's Office do attend a weeklong trial training program, and attorneys have received trainings on handling arraignments. Local training programs that are free or carry a minimal fee are available to panel attorneys.

Legal Research

The Public Defender's Office has online legal research access for each attorney and some legal books. The ACP does see some entries for legal research on the vouchers submitted by panel attorneys.

Client Communication

The Public Defender's Office accepts collect calls from jails and generally returns client phone calls within one day, but heavy caseloads impact client communication. The ACP attempts to match mentally ill clients with attorneys who possess the necessary experience to communicate with the clients. The County reimburses attorneys for travel time and mileage.

Non-Attorney Professional Services (Experts, investigators, social workers, sentencing advocates, interpreters, and other necessary services)

The Public Defender's Office has approximately a \$5,000 budget for experts, which will be completely exhausted this year by one complicated case involving mental health issues. No money is available for ballistics, DNA or fingerprint experts. The Office employs a part-time investigator who serves Family Court subpoenas and occasionally interviews witnesses. A social worker to assist with sentencing advocacy is needed. Attorneys rarely submit sentencing memoranda. ACP panel attorneys do sometimes use experts and investigators, but do not use sentencing advocates.

Technology/Other Resources

The Public Defender's Office uses a CMS, which requires an update. The office only has two administrative support staff for all the attorneys, all data entry needs, grants management, and client assistance. Thus, additional support staff is necessary. The ACP does not have an electronic voucher system and needs an upgrade of its CMS. Even at current staffing levels, both the Public Defender and the ACP face a pressing need to expand their office space, with multiple persons sharing small offices. Three of the attorneys in the Public Defender's Office do not have an office where they can talk to clients.

Quality Improvement Needs

Upon consultation with providers and a review of information provided, ILS makes the following recommendations to improve the quality of mandated representation in Warren County:

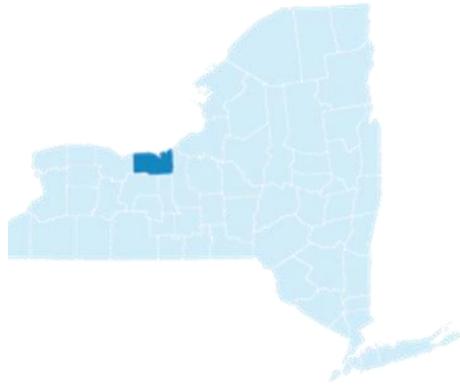
Public Defender's Office

- Increase attorney staff including appellate attorneys for litigation support.
- Increase attorney salaries to retain staff and achieve parity with prosecutors.
- Increase administrative support.
- Expand office space.
- Provide funding for training.
- Increase funding for non-attorney professional services.
- Explore regionalizing parole cases.
- Upgrade technology, including the CMS.

Assigned Counsel

- Enhance the existing assigned counsel program.
- Support the hiring of a supervising attorney and sufficient administrative staff.
- Support office technology, including a CMS and electronic voucher system.
- Support training opportunities.
- Fund adequate office space.
- Increase funding for non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).
- Reimburse attorneys for time and travel expenses to promote effective representation and client communication.
- Support the option for the County to pursue regionalization of the assigned counsel program services.

WAYNE COUNTY



County Overview

Wayne County, located in Finger Lakes – Wine Country Region, covers 1,384 square miles and has a population of 93,772. About 12.7% of its residents below the federal poverty guidelines, and the median household income is \$50,798. Wayne County is governed by a Board of Supervisors chaired by Steven Leroy which consists of 15 districts. Supreme, County, Family, and Surrogate’s Courts are found in Lyons. The County also has 19 Town and Village Courts.

Mandated Representation Overview

Mandated criminal representation is provided by the Public Defender’s Office, led by James Kernan, Esq. which handles exclusively criminal matters, and an Assigned Counsel Program, which takes criminal cases in which the Public Defender’s Office has a conflict, as well as Family Court cases. Bruce Chambers, Esq. administers the Program.

Status of Quality

Staffing (Recruitment and Retention of Attorneys and Non-Attorneys)

The Public Defender’s Office has three full-time and six half-time attorneys, as well as three administrative staff. Two attorneys handle 70 parole revocation assignments annually. The Public Defender reports that the Office needs to move to a full-time model to address current caseloads. However, the office does not have much room to expand. Attracting attorneys has been a challenge, due to low starting salaries ranging between \$58,000 and \$60,000. The Office handles appeals from local court to County Court. Using a budget line of approximately \$6,000, the Office retains attorneys to do 10 to 12 appeals per year, including SORA appeals and 440s. The Public Defender would like the County to establish a regional appellate office. The Administrator for the assigned counsel list is paid \$75 per hour with a yearly cap of \$14,000 and uses his own law firm for administrative support. The 14 attorneys on the assigned counsel list handle 300 cases a year. There is a concern about attorneys’ abilities to effectively handle serious felonies. The Program has difficulty recruiting new attorneys and must look outside the County. Many attorneys stop taking 18-B cases because of the low rates, the voucher process or retirement. One possible alternate approach is creation of a Conflict Defender’s Office.

Supervision and Mentoring

The Public Defender cannot properly supervise new staff, given the high caseloads. Attorneys on the assigned counsel list receive no supervision or mentoring.

Training

The Public Defender's Office has enough County funding for training to allow a few attorneys to attend a statewide trial training; and an ILS Distribution permitted attorneys to attend national conferences. Additional staff will require increased funding. Three 18-B attorneys previously attended a statewide trial training program with County funding, but for 2017, there is no budget for training. No training requirements are imposed on assigned counsel.

Legal Research

The Public Defender's Office has inadequate access to computerized legal research resources. Attorneys on the assigned counsel list do not receive any legal research resources, which is a disincentive to participation as 18-B counsel.

Client Communication

The Public Defender's Office has confidential communication space, and clients may call the Office from the jail for free. The County also provides a TracFone to the First Assistant along with a small stipend. All other attorneys use their personal cell phones. Attorneys on the assigned counsel list are reimbursed for some expenses related to travel to visit with clients.

Non-Attorney Professional Services (Experts, investigators, social workers, sentencing advocates, interpreters, and other necessary services)

The Public Defender's Office fears that it may not be able to retain a recently hired social worker/sentencing specialist, due to a low salary. The Office is facing an increasing need to retain experts for sex offender risk evaluations, which cost \$2,500 to \$3,000 per quality evaluation and are often vital to achieving a reasonable negotiated resolution. The Office has one full-time investigator but needs more such resources. The Office reports that it has approximately a \$20,000 budget line for expert assistance and requests for transcripts and interpreters. Expert expenditures have significantly exceeded this amount in recent years. There has been an increase in DWAI drug cases necessitating use of toxicologists. Assigned counsel generally do not use social workers, sentencing advocates, or investigators. Panel attorneys only sporadically utilize an investigator, and it is not clear how often experts are used.

Technology/Other Resources

The Public Defender's Office uses a CMS. A different CMS is used for assigned counsel cases.

Quality Improvement Needs

Upon consultation with providers and a review of information provided, ILS makes the following recommendations to improve the quality of mandated representation in Wayne County:

Public Defender's Office

- Increase attorney staff including appellate attorneys for litigation support.
- Fund the increase of administrative staff.
- Support the conversion of attorney positions to full-time.
- Support the increase in attorney salaries to recruit and retain experienced staff.
- Support the enhancement of non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).
- Fund training opportunities.
- Fund legal research, including electronic legal research resources.
- Support office technology upgrades, including a CMS.

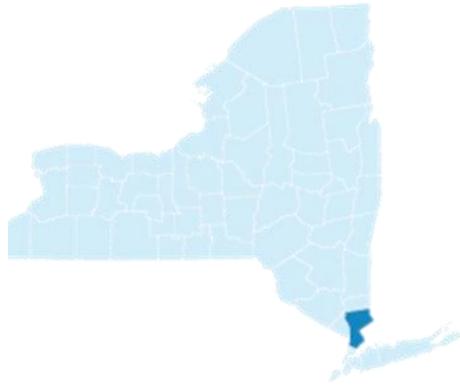
Conflict Defender's Office

- Support of the establishment of a Conflict Defender's Office should be considered and resourced with a supervising attorney, adequate office space, non-attorney professional services, administrative support and office technology, including a CMS.

Assigned Counsel

- Support a formalized and upgraded assigned counsel program.
- Support sufficient funding of the administrator position and hiring of administrative staff.
- Support office technology, including a CMS and electronic voucher system.
- Support training opportunities.
- Fund adequate office space.
- Increase funding for non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).
- Reimburse attorneys for time and travel expenses to promote effective representation and client communication.
- Support the option for the County to pursue regionalization of the assigned counsel program services.

WESTCHESTER COUNTY



County Overview

Westchester County, located in southern New York in the Hudson Valley, has an area of 450 square miles and a population of 968,802. About 9.6% of the population lives below federal poverty guideline levels, and the median household income is \$83,958. Westchester County is governed by a Legislature chaired by Michael B. Kaplowitz which consists of 17 districts. The Supreme, County, and Surrogate's Courts are located in White Plains. The Family Court has three locations. There are six City Courts and 35 Town and Village Courts.

Mandated Representation Overview

Mandated representation is provided by the Legal Aid Society of Westchester County (LAS), headed by Executive Director Claire Degnan, Esq., and an Assigned Counsel Program, led by Karen Needleman, Esq.

Status of Quality

Staffing (Recruitment and Retention of Attorneys and Non-Attorneys)

The LAS has 36 full-time criminal attorneys and 16 full-time administrative/clerical staff. The Office does not have any concerns with recruitment, but has experienced significant turnover, in part because of salary considerations. There is no parity with prosecutor salaries; and young attorneys have massive amounts of student debt. Administrative support staff are inadequate, and two to three additional paralegals and a clerical assistant are needed.

The ACP has an Administrator, Staff Attorney, and three data entry clerks. With 400 panel attorneys, the County's ACP is one of the larger assigned counsel programs, but it faces many challenges and problems. The local bar association manages the attorney application and review process, but any local attorney can be named to the panel. Attorneys are assigned to cases by individual judges. The LAS manages the ACP budget and reviews and processes vouchers. The ACP provides representation in criminal matters, but most felonies are handled by the LAS. In addition, panel attorneys are assigned to Family Court cases, as well as criminal appeals from local courts and criminal and Family Court appeals to the Appellate Division – Second Department. Expanded funding is needed for 440 motions. An ACP Resource Center (ACRC), established using ILS distributions, is housed at the LAS. The large open room needs to be redesigned to accommodate additional personnel and provide for confidential communications.

Supervision and Mentoring

Five LAS attorneys serve in a supervisory capacity: two division chiefs, two regional chiefs, and an appeals chief. In addition, supervisors each carry a caseload. The need for supervision is significant, given the large number of young attorneys. ACP panel members are unsupervised. A Supervising Attorney is to be devoted solely to supervising a pilot mentoring program and assisting the Administrator with administrative duties. A new mentoring program was established with the assistance of ILS, the National Legal Aid and Defender Association, and the local bar association. The Program began in October 2017 with an intensive training program for mentors and mentees.

Training

Enhanced training programs, including a curriculum for new attorneys, are needed for both the LAS and the ACP. The LAS will pay for attorneys to attend local CLE programs, and the appellate chief provides monthly trainings on substantive topics. However, there is no initial training program for new LAS attorneys. Neither the ACP Resource Center nor the bar association seem to have primary responsibility for establishing ACP training programs, and this situation impedes the implementation of quality improvement measures.

Legal Research

Both the LAS and the ACP have adequate legal research resources. A LAS appellate attorney can also consult with trial attorneys at that Office.

Client Communication

The LAS has a formal policy requiring timely interviews with, and return phone calls to, clients, as well as semi-monthly jail visits. The ACP does not have a formal policy regarding client communications, and detained clients cannot call attorneys for free.

Non-Attorney Professional Services (Experts, investigators, social workers, sentencing advocates, interpreters, and other necessary services)

The LAS has an expert budget which reportedly is not always adequate. The Office employs five full-time investigators. The LAS has four full-time social workers but stated that it needs more, given the expansion of specialty court representation, anticipated issues with “Raise the Age” clients, and goal to provide more holistic representation. For ACP attorneys, non-attorney professional services for investigations are provided by the Assigned Counsel Resource Center. Generally, panel attorneys have not engaged sentencing advocates or social workers to assist in representing clients.

Technology/Other Resources

The LAS uses an electronic CMS. The Office needs a new phone system. The ACP does not use the same CMS to avoid a conflict of interest with LAS. The Program has plans to implement an electronic vouchering system to replace a cumbersome paper system.

Quality Improvement Needs

Upon consultation with providers and a review of information provided, ILS makes the following recommendations to improve the quality of mandated representation in Westchester County:

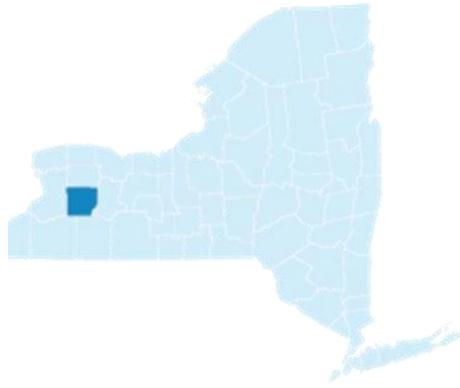
Legal Aid Society

- Increase attorney staff including appellate attorneys for litigation support.
- Enhance attorney salaries to address parity with the District Attorney's office.
- Support additional administrative staff.
- Support the hiring of a training director.
- Enhance non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).
- Support office technology upgrades, including the CMS.

Assigned Counsel

- Support enhancement of the assigned counsel program.
- Support increase in attorney staffing to include a training director and supervising attorney.
- Support non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).
- Provide support to enhance training opportunities.
- Provide additional funding to expand attorney mentoring program.
- Support adequate office space, administrative staff, and upgrade office technology, including a CMS and electronic voucher system.
- Provide funding to reimburse attorneys for time and travel expenses to promote effective client communication.
- Support salary enhancements to retain and recruit staff.
- Support the development of an independent Assigned Counsel Resource Center.

WYOMING COUNTY



County Overview

Wyoming County, located in the Greater Niagara Region in Western New York, has an area of 596 square miles and a population of 42,155. About 11.8% of the population lives below federal poverty guideline levels, and the median household income is \$52,564. Wyoming County is governed by a Board of Supervisors chaired by A.D. Berwanger which consists of 16 districts. The Supreme, County, Family, and Surrogate's Courts are located in the Village of Warsaw. In addition, there are 21 Town and Village Courts.

Mandated Representation Overview

Mandated representation is provided by the Public Defender's Office, headed by Norman Effman, Esq. and an Assigned Counsel Program, administered by James M. Wujcik, Esq.

Status of Quality

Staffing (Recruitment and Retention of Attorneys and Non-Attorneys)

The Public Defender's Office is a relatively small office, consisting of four attorneys, including Chief Public Defender Effman. They handle criminal cases, as well as a large volume of Family Court matters. Drug cases, sex offenses, charges of driving while intoxicated (DWI), and prison-related offenses predominate the criminal practice. Appeals—most of which consist of challenges to guilty pleas—are also handled by the Office. The Public Defender would like to establish an appellate unit to handle these appeals. Additionally, parole revocation cases are handled by the Office. Given the Office's proximity to a state prison, they have developed an expertise in all level of parole issues. Because of the lack of trained attorneys in the region, the Public Defender and other Chief Defenders in the Eighth Judicial District have discussed potentially regionalizing parole cases. Staff retention has been a problem, as the introduction of counsel at arraignment has spread staff too thin. Additional attorneys and increased use of 18-B attorneys are needed to address the problem. The Office has sufficient administrative staff at current attorney levels. Effman is also Director of the Attica Legal Aid Bureau (LAB), located in the same building as the Public Defender's Office. The LAB receives state funding to represent clients in parole matters. An Administrator assists in the processing of 18-B vouchers. In felony cases, the County Court judge monitors the selection of appropriate 18-B attorneys.

Supervision and Mentoring

The Public Defender informally supervises the other three attorneys, as needed. Assigned 18-B counsel are unsupervised.

Training

The Public Defender's Office does not have sufficient funding for attorneys to attend statewide training programs and should offer training on parole issues, DWI charges, and other matters that frequently arise. No organized system for training panel attorneys exists in the County. No training program is offered to 18-B attorneys.

Legal Research

The appellate experience at the Public Defender's Office is useful regarding legal research needs of trial attorneys. Legal research by 18-B attorneys is neither monitored nor supported.

Client Communication

The Public Defender's Office requires attorneys to keep clients up-to-date on case status, and clients detained at local jails generally have free telephone access to their attorneys. Client communication by 18-B attorneys is neither monitored nor supported, except to the extent that local judges complain about individual attorneys.

Non-Attorney Professional Services (Experts, investigators, social workers, sentencing advocates, interpreters, and other necessary services)

The Public Defender's Office has sufficient funding for expert witnesses. Using ILS funding, the Office hired an investigator, who performs a broad range of duties. The County has an active treatment court, and the Office needs its own social worker, rather than relying on the treatment court provider. There is a need for social workers or sentencing advocates. No non-attorney professional services are provided to assigned attorneys.

Technology/Other Resources

The Public Defender uses an electronic CMS. Managing various ILS grants is a challenge, and the office needs a grants manager. There is no CMS for cases handled by 18-B attorneys.

Quality Improvement Needs

Upon consultation with providers and a review of information provided, ILS makes the following recommendations to improve the quality of mandated representation in Wyoming County:

Public Defender's Office

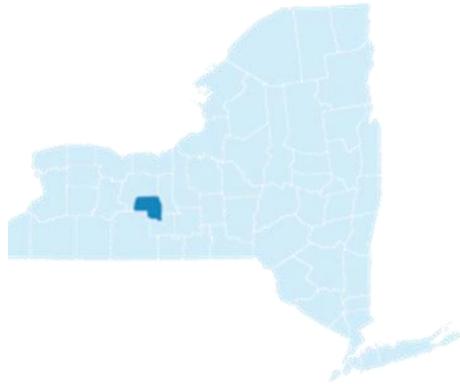
- Increase attorney staff including appellate attorneys for litigation support.
- Support the hiring of administrative and office management support.
- Increase funding for training opportunities.
- Enhance non-attorney professional services (such as expert, investigator, social worker/sentencing advocacy and interpreter services).

- Support upgrades of office technology, including the CMS.
- Provide support for regionalization of resources such as appeals and parole-related litigation.

Assigned Counsel

- Support a formalized and upgraded assigned counsel program.
- Support the hiring of an administrator, supervising attorney, and sufficient administrative staff.
- Support office technology, including a CMS and electronic voucher system.
- Support training opportunities.
- Increase funding for non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).
- Reimburse attorneys for time and travel expenses to promote effective representation and client communication.

YATES COUNTY



County Overview

Yates County, found in the Finger Lakes – Wine Country Region, covers 338 square miles and has a population of 25,156. About 14.4% of residents live below federal poverty levels, and the median household income is \$49,510. Yates County is governed by a Legislature chaired by Timothy Dennis which consists of 14 districts. Supreme, County, Family, and Surrogate’s Courts are located in the Village of Penn Yann. In addition, the County has 11 Town and Village Courts.

Mandated Representation Overview

Mandated representation is provided primarily by the Public Defender’s Office, overseen by Edward Brockman, Esq. in both criminal and Family Court cases. If the Public Defender has a conflict, then the case is assigned to the Conflict Defender, Tiffany Sorgen, Esq. If both Defender Offices have a conflict, the case is assigned to an 18-B attorney on an assigned counsel list, run by part-time Administrator Dianne Lovejoy, Esq.

Status of Quality

Staffing (Recruitment and Retention of Attorneys and Non-Attorneys)

The Public Defender’s Office has three part-time attorneys, all of whom handle a mixed caseload and maintain private practices, as well as two administrative staff. The Conflict Defender works part-time. There are no other attorneys in the Office, and the Conflict Defender receives only a modest stipend for administrative support. Greater funding for administrative staff is needed. The County will not allow either Defender to work full-time. Both Defender Offices find recruitment difficult, given the lack of attorneys in the County, low salaries, and inadequate resources. The ACP Administrator receives an annual stipend of \$6,500, which must cover all expenses. Most attorneys on the list are from Ontario County. There are about 20 attorneys on the list, very few of whom accept serious felony cases. The attorneys do appeals, as well as trial cases. The Conflict Defender sends cases to the ACP Administrator, not only due to conflicts, but also due to excessive caseload.

Supervision and Mentoring

The Public Defender’s Office provides informal supervision. The Public Defender talks to one of his assistant defenders daily and other attorneys two or three times a week. ACP attorneys are not supervised.

Training

An ILS grant funds training for the Public Defender's Office and made it possible for attorneys to attend a statewide training and a couple of other CLE programs. The Conflict Defender reports that she has a \$250 training budget, and there is no training budget for assigned counsel.

Legal Research

The Public Defender has minimal funding for legal research, while the Conflict Defender and assigned counsel have no legal research resources.

Client Communication

Attorneys from the Public Defender's Office have space at the courthouse for confidential communications with clients and also have a special line to the jail. An Office policy calls for attorneys to promptly visit detained clients at the jail, which has confidential meeting space. The Conflict Defender's primary obstacles to client communication are the lack of confidential meeting space provided by the County and her heavy caseload. She often sees clients at her private office. The Administrator of the 18-B list tries to assign attorneys from other counties near where the client lives and has received few complaints about contact from attorneys.

Non-attorney Professional Services (Experts, investigators, social workers, sentencing advocates, interpreters, and other necessary services)

The Public Defender's Office has no funding for a sentencing advocate or social worker but would like to be able to use such resources. Sentencing memoranda would be helpful, especially in the felony drug cases and other drug-related cases. A part-time investigator works for the Office on an hourly basis. The budget of approximately \$3,000 a year is due to ILS grant money. The Office stated that it needs additional funding, as well as trainings about how attorneys should utilize investigators. The Office has no budget for experts and must apply to the court. Consulting experts are reportedly needed for drug and DWI cases. The Conflict Defender has no funding for any non-attorney professional services. She must apply to the court for an order, and often the funding is capped. There is no budget for non-attorney professional services for assigned counsel. Investigators are rarely used, and then only in major felony cases. The administrator reported that a budget line for interpreters would encourage attorneys to use them.

Technology/Other Resources

The Public Defender's Office uses a CMS. Attorneys do not use this resource as a true CMS, and they maintain the files at their private offices, even after cases are closed. The Conflict Defender uses her own CMS. The ACP Administrator also uses an electronic CMS to track conflicts but has a paper voucher system. The County has not provided the Conflict Defender or ACP Administrator with printers.

Quality Improvement Needs

Upon consultation with providers and a review of information provided, ILS makes the following recommendations to improve the quality of mandated representation in Yates County:

Public Defender's Office

- Increase attorney staff including appellate attorneys for litigation support.
- Support converting attorney positions in the Public Defender's Office to full-time positions.
- Support an increase in salaries to address retention of staff.
- Support adequate office space.
- Fund additional administrative staff.
- Increase the training budget.
- Enhance legal research capabilities, including electronic legal research resources.
- Provide funding for non-attorney professional services (including experts, investigators, social workers, sentencing advocacy, and interpreter services).
- Support upgrading office technology, including any needed for its CMS.

Conflict Defender's Office

- Increase attorney staff including appellate attorneys for litigation support.
- Support converting the Conflict Defender position to full-time.
- Support providing a competitive salary for the Conflict Defender to address parity with the District Attorney's Office.
- Support adequate office space to ensure confidential client communications.
- Support providing administrative staff.
- Fund a training budget.
- Fund legal research, including electronic legal research resources.
- Fund non-attorney professional services (including experts, investigators, social workers, sentencing advocacy, and interpreter services).
- Support upgrades in office technology, including a CMS.

Assigned Counsel

- Enhance the existing assigned counsel program.
- Support sufficient funding of the administrator position and hiring of administrative staff. Support office technology including a CMS and electronic voucher system.
- Support training opportunities.
- Fund adequate office space.
- Increase funding for non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).
- Reimburse attorneys for time and travel expenses to promote effective representation and client communication.
- Support the option for the County to pursue regionalization of the assigned counsel program services.

APPENDICES

- A: List of mandated representation providers.
- B: Chapter 59 of the Laws of 2017, Part VVV, §§ 11-13 (effective July 1, 2017).
- C: Quality Improvement Needs Assessment Survey instrument and brief methodological overview.
- D: List of May 2, 2017 meeting participants.
- E: List of Statewide Implementation meetings with counties.
- F: Survey responses addressing training needs.
- G: Survey responses addressing client communication.

APPENDIX A

MANDATED REPRESENTATION PROVIDERS

Providers of mandated representation in criminal cases in New York (excludes those in the five *Hurrell-Harring* counties, certain appellate defenders, and those who provide representation in family cases only).

Locality	Name of the provider	Type
Albany	Albany County Assigned Counsel Plan	Assigned Counsel
	Albany County Alternate Public Defender	Conflict Defender/Alternate Defender
	Albany County Public Defender	Public Defender
Allegany	Allegany County Assigned Counsel Plan for Indigent Persons	Assigned Counsel
	Allegany-Cattaraugus Legal Services, Inc.	Conflict Defender/Alternate Defender
	Allegany County Public Defender	Public Defender
Broome	Broome County Assigned Counsel	Assigned Counsel
	Broome County Public Defender	Public Defender
Cattaraugus	Cattaraugus County Assigned Counsel Plan	Assigned Counsel
	Cattaraugus County Public Defender	Public Defender
Cayuga	Cayuga County Assigned Counsel for the Indigent Program	Assigned Counsel
Chautauqua	Chautauqua County Assigned Counsel	Assigned Counsel
	Chautauqua County Public Defender	Public Defender
Chemung	Chemung County Assigned Counsel	Assigned Counsel
	Chemung County Public Advocate	Conflict Defender/Alternate Defender
	Chemung County Public Defender	Public Defender
Chenango	Chenango County Assigned Counsel Plan	Assigned Counsel
	Chenango County Public Defender	Public Defender
Clinton	Clinton County Assigned Counsel Program	Assigned Counsel
Columbia	Columbia County Assigned Counsel	Assigned Counsel
	Columbia County Public Defender	Public Defender
	Columbia County Conflict Defender	Private attorney ¹³
	Columbia County First Alternate Conflict Defender	Private attorney
	Columbia County Second Alternate Conflict Defender	Private attorney
Cortland	Cortland County Assigned Counsel Plan	Assigned Counsel

¹³ Privately-contracted providers of mandated representation.

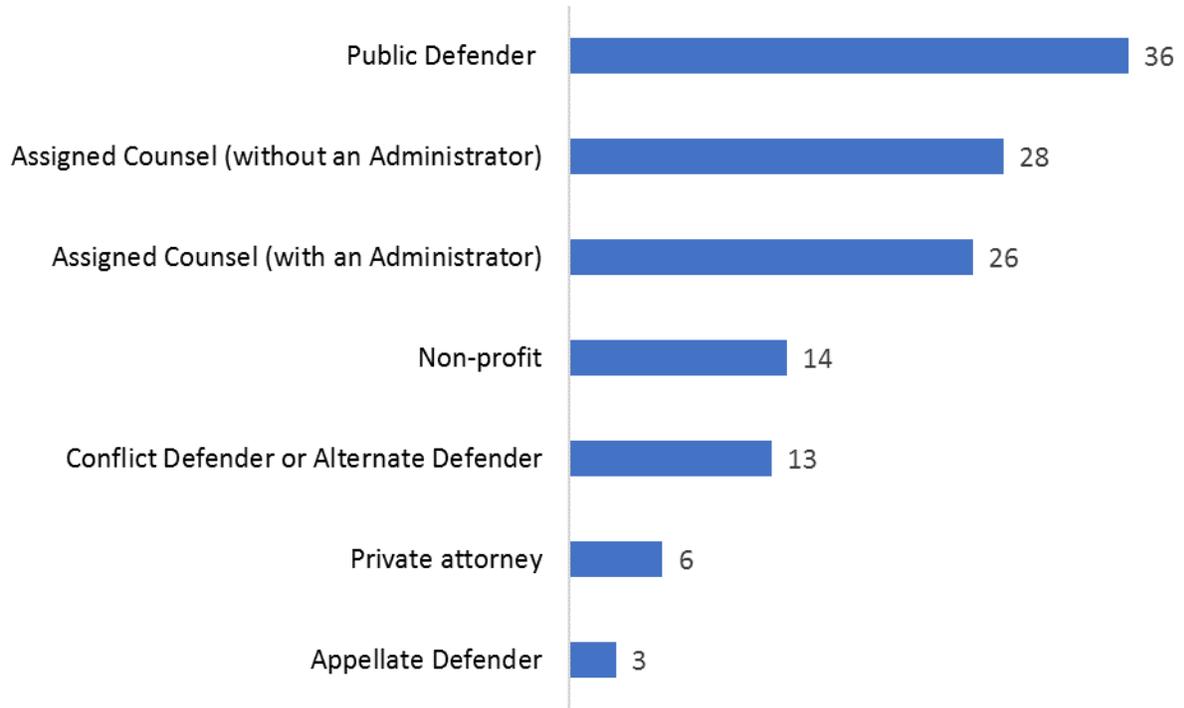
Locality	Name of the provider	Type
	Cortland County Public Defender Office	Public Defender
Delaware	Delaware County Assigned Counsel Plan	Assigned Counsel
Dutchess	Dutchess County Assigned Counsel	Assigned Counsel
	Dutchess County Public Defender	Public Defender
Erie	Erie County Bar Association Aid to Indigent Prisoners Society, Inc.	Assigned Counsel
	Legal Aid Bureau of Buffalo, Inc.	Non-profit ¹⁴
Essex	Essex County Assigned Counsel	Assigned Counsel
	Essex County Public Defender	Public Defender
Franklin	Franklin County Assigned Counsel Plan	Assigned Counsel
	Franklin County Conflict Defender	Conflict Defender/Alternate Defender
	Franklin County Public Defender	Public Defender
	Franklin County Alternate Conflict Defender	Private attorney
Fulton	Fulton County Assigned Counsel	Assigned Counsel
	Fulton County Public Defender	Public Defender
Genesee	Genesee County Assigned Counsel	Assigned Counsel
	Genesee County Public Defender	Public Defender
Greene	Greene County Assigned Counsel	Assigned Counsel
	Greene County Public Defender	Public Defender
Hamilton	Hamilton County Assigned Counsel	Assigned Counsel
Herkimer	Herkimer County Assigned Counsel Program	Assigned Counsel
Jefferson	Jefferson County Assigned Counsel	Assigned Counsel
	Jefferson County Public Defender	Public Defender
Lewis	Lewis County Assigned Counsel	Assigned Counsel
	Lewis County Conflict Defender	Private attorney
	Lewis Defenders, PLLC	Private attorney
Livingston	Livingston County Assigned Counsel	Assigned Counsel
	Livingston County Conflict Defender	Conflict Defender/Alternate Defender
	Livingston County Public Defender	Public Defender
Madison	Madison County Assigned Counsel Plan	Assigned Counsel
	Madison County Public Defender	Non-profit
Monroe	Monroe County Assigned Counsel	Assigned Counsel
	Monroe County Conflict Defender	Conflict Defender/Alternate Defender
	Monroe County Public Defender	Public Defender
Montgomery	Montgomery Assigned Counsel	Assigned Counsel
	Montgomery County Public Defender	Public Defender

¹⁴ Non-profit institutional providers of mandated representation, such as legal aid societies and other defender services.

Locality	Name of the provider	Type
Nassau	Nassau County Assigned Counsel Defender Plan	Assigned Counsel
	Legal Aid Society of Nassau County	Non-profit
New York City	Assigned Counsel Plan, Appellate Division, First Department	Assigned Counsel
	Assigned Counsel Plan, Appellate Division, Second Department	Assigned Counsel
	Center for Appellate Litigation	Appellate Defender
	Office of the Appellate Defender	Appellate Defender
	Appellate Advocates	Appellate Defender
	Brooklyn Defender Services	Non-profit
	Bronx Defenders	Non-profit
	The Legal Aid Society	Non-profit
	Neighborhood Defender Service of Harlem	Non-profit
	New York County Defender Services	Non-profit
	Queens Law Associates	Non-profit
Niagara	Niagara County Assigned Counsel	Assigned Counsel
	Niagara County Conflict Defender	Conflict Defender/Alternate Defender
	Niagara County Public Defender	Public Defender
Oneida	Oneida County Supplemental Assigned Counsel Program	Assigned Counsel
	Oneida County Public Defender – Criminal Division	Public Defender
Orange	Orange County Assigned Counsel Plan	Assigned Counsel
	The Legal Aid Society of Orange County, Inc.	Non-profit
Orleans	Orleans County Assigned Counsel Plan	Assigned Counsel
	Orleans County Public Defender	Public Defender
Oswego	Oswego County Assigned Counsel Plan	Assigned Counsel
Otsego	Otsego Assigned Counsel	Assigned Counsel
	Otsego County Public Defender	Public Defender
Putnam	Putnam County Assigned Counsel	Assigned Counsel
	Putnam County Legal Aid Society, Inc.	Non-profit
Rensselaer	Rensselaer County Assigned Counsel Plan	Assigned Counsel
	Rensselaer County Conflict Defender	Conflict Defender/Alternate Defender
	Rensselaer County Public Defender	Public Defender
Rockland	Rockland County Assigned Counsel Plan	Assigned Counsel
	Rockland County Public Defender	Public Defender
Saint Lawrence	St. Lawrence County Assigned Counsel Program	Assigned Counsel

Locality	Name of the provider	Type
	St. Lawrence County Conflict Defender	Conflict Defender/Alternate Defender
	St. Lawrence County Public Defender	Public Defender
Saratoga	Saratoga County Assigned Counsel	Assigned Counsel
	Saratoga County Conflict Defender	Conflict Defender/Alternate Defender
	Saratoga County Public Defender	Public Defender
Schenectady	Schenectady County Assigned Counsel Plan	Assigned Counsel
	Schenectady County Conflict Defender	Conflict Defender/Alternate Defender
	Schenectady County Public Defender	Public Defender
Schoharie	Schoharie County Assigned Counsel Plan	Assigned Counsel
Seneca	Seneca County Assigned Counsel	Assigned Counsel
	Seneca County Public Defender	Public Defender
Steuben	Steuben Assigned Counsel Plan	Assigned Counsel
	Steuben County Conflict Defender	Conflict Defender/Alternate Defender
	Steuben County Public Defender	Public Defender
Sullivan	Sullivan County Assigned Counsel	Assigned Counsel
	Sullivan County Conflict Legal Aid Bureau	Non-profit
	Sullivan Legal Aid Panel, Inc.	Non-profit
Tioga	Tioga County Assigned Counsel Plan	Assigned Counsel
	Tioga County Public Defender	Public Defender
Tompkins	Tompkins County Assigned Counsel Program	Assigned Counsel
Ulster	Ulster County Assigned Counsel	Assigned Counsel
	Ulster County Public Defender	Public Defender
Warren	Warren County Assigned Counsel Plan	Assigned Counsel
	Warren County Public Defender	Public Defender
Wayne	Wayne County Assigned Counsel Program	Assigned Counsel
	Wayne County Public Defender	Public Defender
Westchester	Westchester County Assigned Counsel Plan	Assigned Counsel
	Legal Aid Society of Westchester County	Non-profit
Wyoming	Wyoming County Assigned Counsel Plan	Assigned Counsel
	Wyoming County Public Defender	Public Defender
Yates	Yates County Assigned Counsel Program	Assigned Counsel
	Yates County Conflict Defender	Conflict Defender/Alternate Defender
	Yates County Public Defender	Public Defender

Total number of providers = 126



APPENDIX B

Chapter 59 of the Laws of 2017, Part VVV, §11-13

§ 11. Section 722-e of the county law, as added by chapter 878 of the laws of 1965, is amended to read as follows:

§ 722-e. Expenses. All expenses for providing counsel and services other than counsel hereunder shall be a county charge or in the case of a county wholly located within a city a city charge to be paid out of an appropriation for such purposes. Provided, however, that any such additional expenses incurred for the provision of counsel and services as a result of the implementation of a plan established pursuant to subdivision four of section eight hundred thirty-two of the executive law, including any interim steps taken to implement such plan, shall be reimbursed by the state to the county or city providing such services. Such plans shall be submitted by the office of indigent legal services to the director of the division of budget for review and approval. However, the director's approval shall be limited solely to the plan's projected fiscal impact of the required appropriation for the implementation of such plan, and his or her approval shall not be unreasonably withheld. The state shall appropriate funds sufficient to provide for the reimbursement required by this section.

§ 12. Section 832 of the executive law is amended by adding a new subdivision 4 to read as follows:

4. Additional duties and responsibilities. The office shall, in consultation with the indigent legal services board established pursuant to section eight hundred thirty-three of this article, have the following duties and responsibilities, and any plan developed pursuant to this subdivision shall be submitted by the office to the director of the division of budget for review and approval, provided, however that the director's approval shall be limited solely to the plan's projected fiscal impact of the required appropriation for the implementation of such plan and his or her approval shall not be unreasonably withheld:

(a) Counsel at arraignment. Develop and implement a written plan to ensure that each criminal defendant who is eligible for publicly funded legal representation is represented by counsel in person at his or her arraignment; provided, however, that a timely arraignment with counsel shall not be delayed pending a determination of a defendant's eligibility.

(i) For the purposes of the plan developed pursuant to this subdivision, the term "arraignment" shall mean 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).

(ii) The written plan developed pursuant to this subdivision shall be completed by December first, two thousand seventeen and shall include interim steps for each county and the city of New York for achieving compliance with the plan.

(iii) Each county and the city of New York shall, in consultation with the office, undertake good faith efforts to implement the plan and such plan shall be fully implemented and adhered to in each county and the city of New York by April first, two thousand twenty-three. Pursuant to section seven hundred twenty-two-e of the county law, the state shall reimburse each county and the city of New York for any costs incurred as a result of implementing such plan.

(iv) The office shall, on an ongoing basis, monitor and periodically report on the implementation of, and compliance with, the plan in each county and the city of New York.

(b) Caseload relief. Develop and implement a written plan that establishes numerical caseload/workload standards for each provider of constitutionally mandated publicly funded representation in criminal cases for people who are unable to afford counsel.

(i) Such standards shall apply to all providers whether public defender, legal aid society, assigned counsel program or conflict defender in each county and the city of New York.

(ii) The written plan developed pursuant to this subdivision shall be completed by December first, two thousand seventeen and shall include interim steps for each county and the city of New York for achieving compliance with the plan. Such plan shall include the number of attorneys, investigators and other non-attorney staff and the amount of in-kind resources necessary for each provider of mandated representation to implement such plan.

(iii) Each county and the city of New York shall, in consultation with the office, undertake good faith efforts to implement the caseload/workload standards and such standards shall be fully implemented and adhered to in each county and the city of New York by April first, two thousand twenty-three. Pursuant to section seven hundred twenty-two-e of the county law, the state shall reimburse each county and the city of New York for any costs incurred as a result of implementing such plan.

(iv) The office shall, on an ongoing basis, monitor and periodically report on the implementation of, and compliance with, the plan in each county and the city of New York.

(c) Initiatives to improve the quality of indigent defense. (i) Develop and implement a written plan to improve the quality of constitutionally mandated publicly funded representation in criminal cases for people who are unable to afford counsel and ensure that attorneys providing such representation: (A) receive effective supervision and training; (B) have access to and appropriately utilize investigators, interpreters and expert witnesses on behalf of clients; (C) communicate effectively with their clients; (D) have the necessary qualifications and experience; and (E) in the case of assigned counsel attorneys, are assigned to cases in accordance with article eighteen-b of the county law and in a manner that accounts for the attorney's level of experience and caseload/workload.

(ii) The office shall, on an ongoing basis, monitor and periodically report on the implementation of, and compliance with, the plan in each county and the city of New York.

(iii) The written plan developed pursuant to this subdivision shall be completed by December first, two thousand seventeen and shall include interim steps for each county and the city of New York for achieving compliance with the plan.

(iv) Each county and the city of New York shall, in consultation with the office, undertake good faith efforts to implement the initiatives to improve the quality of indigent defense and such initiatives shall be fully implemented and adhered to in each county and the city of New York by April first, two thousand twenty-three. Pursuant to section seven hundred twenty-two-e of the county law, the state shall reimburse each county and the city of New York for any costs incurred as a result of implementing such plan.

(d) Appropriation of funds. In no event shall a county and a city of New York be obligated to undertake any steps to implement the written plans under paragraphs (a), (b) and (c) of this subdivision until funds have been appropriated by the state for such purpose.

§ 13. This act shall take effect immediately; provided, however, that sections one and two of this act shall take effect April 1, 2018 and shall apply to confessions, admissions or statements made on or after such effective date; provided, further sections three through ten of this act shall take effect July 1, 2017.

APPENDIX C

ILS' Quality Improvement - Needs Assessment Survey: Brief Methodological Overview and Instrument

OVERVIEW: ILS sent a needs assessment survey to all providers of representation and county government personnel across New York in early 2017. As of 11/26/17, a total of 130 surveys had been received, of which 127 were submitted electronically and 3 were completed by hand and faxed/mailed to ILS. After excluding blank submissions and responses from individuals in the *Hurrell-Harring* counties, and collating data where one individual submitted multiple responses, a dataset of ninety-five valid responses from providers/programs in 51 counties and in NYC was constructed (data was sought from 126 providers). The survey instrument is included below.

Introduction

Under the recently enacted FY2017-18 state budget, the Office of Indigent Legal Services (ILS) has the responsibility to develop plans to help providers of indigent legal services across the state obtain the resources needed to improve the quality of representation they provide. This survey is designed to help us identify how we can do that.

We are asking that directors of every program providing indigent legal services in criminal cases in the state - whether a public defender office, conflict defender office, legal aid society, assigned counsel program, or something else - complete this survey. It asks what you think your program's greatest needs are, requests relevant factual information about your program related to those needs, and how you think those needs can be addressed.

The survey has up to 25 questions depending on the route you take. It has many opportunities to type comments and we encourage you to write as much as you want. We have found it typically takes people less than 30 minutes to complete. No questions are required, but more full answers will allow us to make a more comprehensive assessment.

This survey is only the first step in the planning process. If at any time you have questions about this process or the needs your county or program has, please contact us at surveys@ils.ny.gov. There is no need to email the survey itself to us however: it will be automatically transmitted as soon as you enter your information.

Please note that unless otherwise specified, the survey refers to mandated representation in criminal cases, both pre- and post-conviction, under Article 18-b of the County Law. We request that you respond to the survey by May 26, 2017.

Indigent Legal Services Provider Needs Assessment

Your information

1. Please enter the following details about yourself

Name

Title

Name of program

Name of county

Email Address

Phone Number(s)

Contact person

2. ILS plans to organize meetings with counties and providers as a follow-up to this survey. If possible, please identify a point person in your county who should be contacted to organize such meetings.

Name	<input type="text"/>
Title	<input type="text"/>
Street address 1	<input type="text"/>
Street address 2	<input type="text"/>
City/Town	<input type="text"/>
ZIP/Postal Code	<input type="text"/>
Email Address	<input type="text"/>
Phone Number(s)	<input type="text"/>

Program type

3. My program is best described as...

- A public defender office
- A conflict defender office
- A legal aid society
- An assigned counsel program
- Something else. *Please explain in comment box below.*

Type here to add any additional details you think we should know.

Indigent Legal Services Provider Needs Assessment

Program priorities

4. In your judgment, how great is the need in your program in the following areas?

	Very great need	Fairly great need	Moderate need	Fairly low need	Low or no need	N/A
Increase the number of attorneys on staff in the program	<input type="radio"/>					
Increase the number of non-attorneys on staff in the program	<input type="radio"/>					
Improve physical office space or other facilities (e.g. technology, security, furniture)	<input type="radio"/>					
Improve ability to attract and recruit new attorneys to the program	<input type="radio"/>					
Improve ability to retain attorneys in the program long-term	<input type="radio"/>					
Enhance supervision and support to attorneys	<input type="radio"/>					
Enhance training for attorneys	<input type="radio"/>					
Increase access to legal research resources	<input type="radio"/>					
Increase access to social worker/sentencing advocates	<input type="radio"/>					
Increase access to investigators	<input type="radio"/>					
Increase access to interpreters	<input type="radio"/>					
Increase access to other expert witnesses	<input type="radio"/>					
Improve attorney-client communication	<input type="radio"/>					
Improve case management system or other information/data systems	<input type="radio"/>					
Increase attorney salaries	<input type="radio"/>					
Obtain parity with prosecuting attorneys as to attorney salaries	<input type="radio"/>					
Obtain parity with prosecuting attorney office in resources other than attorney salaries	<input type="radio"/>					
Improve program's ability to make independent hiring decisions	<input type="radio"/>					
Improve resources for parole representation	<input type="radio"/>					
Improve resources for appellate and/or post-conviction representation	<input type="radio"/>					

	Very great need	Fairly great need	Moderate need	Fairly low need	Low or no need	N/A
Improve resources for family court representation	<input type="radio"/>					
Type here to add any additional details you think we should know, including any other areas of need not listed.						
<div style="border: 1px solid black; height: 100px;"></div>						

Staffing levels

5. Please indicate how many people you have working in your program as follows:

	Full-time	Part-time
Attorneys working exclusively on criminal cases (pre-and post conviction, including parole, criminal appeals, probation revocation, and immigration advice)	<input type="text"/>	<input type="text"/>
Attorneys working exclusively on non-criminal cases (e.g. family court, surrogate's court, and other civil legal services funded under County Law 18-b)	<input type="text"/>	<input type="text"/>
Attorneys with a mixed criminal/non-criminal caseload	<input type="text"/>	<input type="text"/>
Investigators (total for criminal and non-criminal cases)	<input type="text"/>	<input type="text"/>
Paralegals (total for criminal and non-criminal cases)	<input type="text"/>	<input type="text"/>
Social workers (total for criminal and non-criminal cases)	<input type="text"/>	<input type="text"/>
Administrative and/or clerical staff (total for criminal and non-criminal cases)	<input type="text"/>	<input type="text"/>
Others (total for criminal and non-criminal cases)	<input type="text"/>	<input type="text"/>

Type here to add any additional details you think we should know:

Organizational chart

6. Do you have an organizational chart for your program that you can share with us? If so, please upload it here.

Click Choose File and upload a file from your computer. If you change your mind, you can click Remove File to clear your response, or Replace File to change the file.

Choose File

No file chosen

Attorney experience and retention

7. Approximately how many attorneys in each category does your program have right now, and how many in each have left in the past year?

	Number in the program right now	Number that have left in the last year
Less than 3 years of experience in criminal practice	<input type="text"/>	<input type="text"/>
4-7 years of experience in criminal practice	<input type="text"/>	<input type="text"/>
8-11 years of experience in criminal practice	<input type="text"/>	<input type="text"/>
12-15 years of experience in criminal practice	<input type="text"/>	<input type="text"/>
Over 16 years of experience in criminal practice	<input type="text"/>	<input type="text"/>

Type here to add any additional details you think we should know.

Supervision

8. Do attorneys in your program have formal supervisors? (A "supervisor" is any person whose formal job responsibilities include monitoring other attorney's work.)

- Yes. *If yes, please indicate how many formal supervisors you have in the comment box below.*
- No
- N/A

Type here to add any additional details you think we should know.

Supervision

9. Are attorneys formally required to meet with a supervisor on a regular basis?

- Yes, at least weekly
- Yes, less frequently than weekly but at least monthly
- Yes, less frequently than monthly but at least quarterly
- Yes, less frequently than quarterly
- No
- N/A
- I don't know

Type here to add any additional details you think we should know.

Supervision

10. Do any of the following apply to supervisors? (Check all that apply)

- Supervisors have a reduced caseload, or no caseload
- Supervisors receive training in management or supervision skills
- Supervisors have administrative assistance

Type here to add any additional details you think we should know.

Training

11. Do you see a need to improve any of the following?

	Very great need	Fairly great need	Moderate need	Fairly low need	Low or no need	This training is not available
Initial training program for new attorneys in the program	<input type="radio"/>					
Training to develop trial advocacy skills	<input type="radio"/>					
Training to develop substantive knowledge in forensic science	<input type="radio"/>					
Training to develop substantive knowledge in other specific areas. <i>Please explain in the comment box below</i>	<input type="radio"/>					
Second chair program (in second chair programs newer attorneys serve as co-counsel with more experienced colleagues)	<input type="radio"/>					
Other training. <i>Please explain in comment box below.</i>	<input type="radio"/>					

Type here to add any additional details you think we should know.

Training

12. Does your program provide financial support for attorney attendance at training programs?

- Yes
- No
- N/A
- I don't know

Type here to add any additional details you think we should know.

Professional organizations

13. Does your program provide financial support for attorney membership in professional organizations?

- Yes
- No
- N/A
- I don't know

Type here to add any additional details you think we should know.

Client communication

14. Are detained clients able to call their attorneys for free (e.g. via a toll-free phone number or video conferencing facility, or by your program accepting collect calls)?

- Always
- Usually (around 75% of the time)
- Sometimes (around 50% of the time)
- Rarely (around 25% of the time)
- Seldom or never
- N/A
- I don't know

Type here to add any additional details you think we should know.

Client communication

15. Does your program provide or subsidize attorney cell phones or other devices to aid client communication?

- Yes
- No
- N/A
- I don't know

Type here to add any additional details you think we should know.

Client communication

16. Do you have any formal policy or policies regarding client communication (e.g. how frequent it should be, what should be communicated)?

- Yes. *Please explain the policy/policies in the box below.*
- No
- N/A
- I don't know

Type here to add any additional details you think we should know.

Confidential meeting places

17. Do attorneys in your program typically have spaces available to engage in confidential communications with a client in the following locations?

	Always	Usually (around 75% of the time)	Sometimes (around 50% of the time)	Rarely (around 25% of the time)	Seldom or never	N/A	I don't know
Court	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Jail	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Your program's office(s)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Attorney's private office(s)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Type here to add any additional details you think we should know.

Attorney assignments

18. Does your program determine which specific attorney is assigned to which case?

- Yes
- No
- N/A
- I don't know

Type here to add any additional details you think we should know.

Assigned counsel program requirements

19. Does your program require any of the following? (Check all that apply)

- A written application to join the program
- An in person interview to join the program
- Periodic review of membership of the program (sometimes called 're-certification')
- None of the above

Type here to add any additional details you think we should know.

Electronic recording of information

20. Does your program use a computer system to record information about your cases? (Check all that apply)

- Yes - we use the NYSDA Public Defender Case Management System
- Yes - we use a different case management system. *Please identify which system/software in the text box below.*
- Yes - we use an electronic vouchering system. *Please identify which system/software in the text box below.*
- Yes - we use something else (e.g. spreadsheets). *Please identify which system/software in the text box below.*
- No
- N/A
- I don't know

Type here to add any additional details you think we should know.

Electronic recording of information

21. Do you record information about every single case assigned to your program in your computer system?

- Yes
- No
- N/A
- I don't know

Type here to add any additional details you think we should know.

Electronic recording of information

22. Do you record the following features of each case in your computer system?

	In all cases	In some cases	Not recorded	N/A	I don't know
Case type (e.g. felony, misdemeanor, appeal etc.)	<input type="radio"/>				
Any motions filed	<input type="radio"/>				
Any court appearances	<input type="radio"/>				
Any client communication	<input type="radio"/>				
Case disposition	<input type="radio"/>				

Type here to add any additional details you think we should know:

Electronic recording of information

23. Who is responsible for recording information about cases in your computer system? (Check all that apply)

- Attorneys in each case
- Administrative staff
- Others
- N/A
- I don't know

Type here to add any additional details you think we should know.

Electronic recording of information

24. Do you use your computer system to do any of the following? (Check all that apply)

- Generate annual UCS-195 report
- Report to other county agencies and/or county government
- Report to ILS
- Report to funding entities
- Any other reporting
- N/A
- I don't know

Type here to add any additional details you think we should know.

Final question!

25. Last, what recommendations, if any, would you offer for improving the quality of mandated representation in your county or within your program?

APPENDIX D

NEW YORK STATE OFFICE OF INDIGENT LEGAL SERVICES PLANNING FOR STATEWIDE IMPLEMENTATION MAY 2, 2017 MEETING LIST OF PARTICIPANTS

MEETING ATTENDEE/TITLE	COUNTY	IN PERSON	REMOTE
Stephen W. Herrick, Esq., Public Defender	Albany	X	
Terence Kindlon, Esq., Public Defender Office, Chief Assistant	Albany	X	
Jane Pearson Curtis, Albany County Public Defender, Office Manager	Albany	X	
Charlie O'Brien, Esq., New York State Defender's Association (NYSDA), Managing Attorney	Albany	X	
Susan Bryant, Esq., NYSDA Special Counsel Association	Albany	X	
Lucas Rogers, Senior Policy Analyst	Albany	X	
Dan Silvan, Esq., New York State Assembly, Assistant Secretary for Program and Policy	Albany	X	
Assembly Member Patricia Fahy, New York State Assembly (District 109)	Albany	X	
Maria LoGiudice, Esq., New York State Senate	Albany		
Colleen Glavin, Esq., New York State Senate	Albany	X	
Barbara J. Kelley, Esq., Public Defender	Allegany	X	
Jay Wilber, Esq., Public Defender	Broome	X	
Mark S. Williams, Esq., Public Defender	Cattaraugus	X	
Lloyd E. Hoskins, Assigned Counsel Administrator	Cayuga		X
Nathaniel L. Barone, II, Esq., Public Defender	Chautauqua	X	
John Brennan, Esq., Public Advocate	Chemung	X	
Karri Beckwith, Esq., Assigned County Administrator	Chenango		X
Justin R. Meyer, Esq., Administrative Assigned Counsel	Clinton		X
Michael Zurlo, County Administrator	Clinton		X
Robert Linville, Esq., Public Defender	Columbia	X	
Lenore LeFevre, Assigned Counsel Administrator	Cortland		X
Keith Dayton, Esq., Public Defender	Cortland		X
Thomas Angell, Esq., Public Defender	Dutchess	X	
Robert N. Convissar, Esq., Chief Defender - Assigned Counsel Administrator	Erie	X	
David Schopp, Esq., Chief Executive Officer of the Legal Aid Bureau of Buffalo, Inc.	Erie	X	

MEETING ATTENDEE/TITLE	COUNTY	IN PERSON	REMOTE
Jeremy Toth, Esq., Second Assistant County Attorney of Erie County	Erie		X
Scott Bylewski, Deputy Director of Budget & Management	Erie		X
Daniel L Palmer, County Manager	Essex		X
Jill Dyer-Jock, Assigned Counsel Coordinator	Franklin		X
James G. McAuliffe, Jr., Esq., Public Defender/Assigned Counsel Administrator	Fulton	X	
Jay A Gsell, County Manager	Genesee		X
Jerry Ader, Esq., Public Defender	Genesee		X
Angelo F. Scaturro, Esq., Public Defender	Greene	X	
Jim Wallace, County Administrator	Herkimer		X
Robert Malone, Esq., County Attorney	Herkimer		X
Honorable Sheila DiTullio	ILS Board Member		X
Julie M. Hutchins, Esq., Public Defender	Jefferson	X	
Laurel McCarthy, Esq., Public Defender Office, Assistant Chief	Jefferson	X	
Marcea Clark Tetamore, Esq., Public Defender	Livingston	X	
Hayden Dadd, Esq., Conflict Defender	Livingston	X	
Shannon Hillier, Esq., County Attorney	Livingston		X
Jeffrey Aumell, Esq., First Assistant. County Attorney	Madison		X
Tina Wayland-Smith, Esq., County Attorney	Madison		X
Christopher Thorpe, Esq., Public Defender Office, Deputy Director	Madison		X
Timothy P. Donaher, Esq., Public Defender	Monroe	X	
Mark Funk, Conflict Defender and Assigned Counsel Administrator	Monroe	X	
William Martuscello, Esq., Public Defender	Montgomery		X
N. Scott Banks, Esq., Attorney in Chief Legal Aid Society of Nassau County	Nassau	X	
Wm. Keith McNall, Chairman, Niagara County Legislature	Niagara	--	--
Kathleen A. Kugler, Esq., Conflict Defender and Assigned Counsel Administrator	Niagara		X
David Farrugia, Esq., Public Defender	Niagara		X
Michael Alperstein, NYS, First Department, Appellate Division Assigned Counsel Administrator	NYC		X
Barbara A. DiFiore, NYS Second Department, Appellate Division, Assigned Counsel Administrator, (Kings, Queens and Richmond)	NYC		X
Alice Fontier, Esq., Managing Director of The Bronx Defenders	NYC - Bronx	X	

MEETING ATTENDEE/TITLE	COUNTY	IN PERSON	REMOTE
Matt Knecht, Esq., Neighborhood Defender Service of Harlem, Managing Attorney, Criminal Defense Practice,	NYC - Harlem	X	
Lisa Schreibersdorf, Esq., Executive Director, Brooklyn Defender Services	NYC - Kings	X	
Seymour James, Jr., Esq., Attorney-in-Chief, Legal Aid Society	NYC - LAS		X
Scott Mathews-Novelli, NYC Mayor's Office for Criminal Justice, Contract Analyst	NYC - NYC		X
Jamison Blair, NYC Mayor's Office for Criminal Justice, Agency Chief Contracting Officer	NYC - NYC		X
Justine Luongo, Esq., Attorney-in-Chief, Criminal Defense Practice, Legal Aid Society	NYC - NYC	X	
Kai Garilip, Assistant Court Analyst, OCA Division of Professional Court Services	NYC – Office of Court Administration	X	
Mary L. Witting, Prn Budget Analyst, Division of Financial Management	NYC – Office of Court Administration	X	
Robert Perry, Legislative Director, New York State Civil Liberties Union	NYCLU	X	
Robert Barbato, New York State Division of Budget, Chief Budget Examiner	NYS DOB	X	
Dean DeFruscio, New York State Division of Budget, Principal Budget Examiner	NYS DOB	X	
Cillian Flavin, New York State Division of Budget, Associate Budget Examiner	NYS DOB	X	
Alison Verdini, New York State Division of Budget, Senior Budget Examiner	NYS DOB	X	
Nicole Richmond, New York State Division of Budget, Senior Budget Examiner	NYS DOB	X	
Patrick Cummings, Esq., Counsel for New York State Association of Counties	NYSAC	X	
Ron Kennedy, Esq., Director of New York State Bar Association (NYSBA), Government Relations	NYSBA	X	
Sharon Stern Gerstman, Esq., NYSBA President-Elect	NYSBA	X	
Ken Strutin, NYSDA Director of Legal Information Services	NYSDA		X
Jacob Drum, Esq., Staff Attorney, NYSDA	NYSDA		X
Al O'Connor, Esq., NYSDA, Litigation Counsel	NYSDA	X	
Lucy McCarthy, Esq., NYSDA, Family Court Staff Attorney	NYSDA	X	

MEETING ATTENDEE/TITLE	COUNTY	IN PERSON	REMOTE
Ziadanne Lewis, Esq., NYSDA, Staff Attorney	NYSDA	X	
Jacob Drum, Esq., NYSDA, Staff Attorney	NYSDA	X	
Patrick Marthage, Esq., Public Defender, Appellate Counsel	Oneida	X	
Kimberly S. Flint, Esq., Assigned Counsel Administrator	Oneida		X
Frank J. Nebush, Jr., Esq., Public Defender	Oneida	X	
Linda Gehron, Esq., Onondaga President and Chief Executive Officer, Hiscock Legal Aid, Inc.	Onondaga	X	
Kathleen M. Dougherty, Executive Director	Onondaga	X	
David Savlov, Deputy Director	Onondaga	X	
Mary Gates, Director of Finance	Ontario		X
Leanne Lapp, Esq., Public Defender	Ontario	X	
Andrea Schoeneman, Esq., Conflict Defender	Ontario	X	
Kathleen Meyers, Fiscal Manager	Ontario		X
Sanford Church, Esq., Public Defender	Orleans	X	
Nathan Pace, Esq., Public Defender Office, Assistant Public Defender	Orleans	X	
Bruce Maxson, Esq., Public Defender	Otsego	X	
MaryEllen Odell, County Executive	Putnam		X
David Squirrel, Esq., Chief Attorney, Putnam County Legal Aid Society	Putnam	X	
Jennifer S. Bumgarner, Esq., County Attorney	Putnam		X
Sandra Fusco, Deputy Commissioner of Putnam County	Putnam		X
John C. Turi, Esq., Public Defender	Rensselaer	X	
Sandra McCarthy, Esq., Conflict Defender	Rensselaer	X	
Stephen A. Pechenik, Esq., County Attorney	Rensselaer	X	
Oscar L. Schreiber, Esq., Public Defender	Saratoga	X	
Michael J. Mirras, Esq., Public Defender	Seneca		X
Amy Dona, Esq., Conflict Defender	St. Lawrence		X
Steven Ballan, Esq., Public Defender	St. Lawrence	X	
Caitlin Hill, Public Defender Office, Legal Secretary	St. Lawrence	X	
Philip J. Roche, Esq., Public Defender	Steuben		X
Daniel Russo, Esq., Assigned Counsel Administrator	Suffolk		X
Dennis Brown, Esq., County Attorney	Suffolk	UNABLE TO PARTICIPATE	--
Laurette Mulry, Esq., Executive Director, Legal Aid Society of Suffolk County, Inc.	Suffolk		X
Sabato Caponi, Esq., Supervising Attorney, Legal Aid Society of Suffolk County, Inc.	Suffolk	X	X

MEETING ATTENDEE/TITLE	COUNTY	IN PERSON	REMOTE
Joshua Potosek, County Manager	Sullivan	X	
Julia Hughes, Assigned Counsel Program Coordinator	Tompkins		X
Andrew Kossover, Esq., Public Defender	Ulster		X
Marcy Flores, Esq., Public Defender	Warren	X	
JoAnn McKinstry, Assistant County Administrator	Warren		X
James Kernan, Esq., Public Defender	Wayne		X
Andrew Correia, Esq., Public Defender Office, First Assistant Public Defender	Wayne		X
Clare J. Degan, Esq., Executive Director, Legal Aid Society of Westchester	Westchester	X	
Karen R. Needleman, Esq., Chief Administrator Assigned Counsel Plan of Westchester County	Westchester	X	
Edward Wassermann, Esq.	WGS,NYCLU	X	
Norman Effman, Esq., Public Defender	Wyoming	X	
Leah Nowotarski, Esq., Public Defender Office, Assistant Public Defender	Wyoming		X
Dianne S. Lovejoy, Esq., Assigned Counsel Administrator	Yates		X

APPENDIX E

STATEWIDE IMPLEMENTATION MEETINGS WITH COUNTIES

DATE	COUNTY	ILS ATTENDEES	COUNTY PARTICIPANTS
August 30, 2017	Albany	Joe Wierschem, Joanne Macri, Matt Alpern, Amanda Oren, and Bill Leahy	Public Defender Steven Herrick, Public Defender Legal Secretary Jane Pearson Curtis, Conflict Defender Sherrie Brooks, Assistant Conflict Defender Matt Hauf, and Assigned Counsel Administrator Larry Rosen.
August 30, 2017	Allegany	Joanne Macri, Matt Alpern, and Amanda Oren	Public Defender Barbara Kelly, Assigned Counsel Administrator Ed Pekarek, Conflict Defender Annette Harding, County Attorney Thomas Minor, Assistant County Attorney Carissa Knapp, and County Treasurer Terri Ross
September 27, 2017	Broome	Joe Wierschem, Joanne Macri, Matt Alpern, Amanda Oren, Cynthia Feathers, and Bill Leahy	Public Defender Jay Wilber, First Assistant Public Defender Mike Baker, County Budget Director Jerry Knebel, Director of Personnel Tom Behan, Risk Manager Tom Dellapenna, County Attorney Bob Behnke, Comptroller Alex McLaughlin, and Legislative Analyst Chris Dziedzic
October 2, 2017	Broome	Joanne Macri and Matt Alpern	First Assistant Public Defender Mike Baker and Comptroller Alex McLaughlin
August 9, 2017	Cattaraugus	Joe Wierschem, Joanne Macri, Matt Alpern, and Amanda Oren.	Public Defender Mark Williams, First Assistant Public Defender Darryl Blum, Public Defender Investigator Philip Gates, Public Defender Secretary Amy Benner, County Attorney Eric Firkle, Deputy County Administrator Kelly Reed, Chairperson of the Cattaraugus County Legislature Paula Stockman, Assigned Counsel Program Paralegal Tammy Williams, Assistant Town Clerk Shane Gould

DATE	COUNTY	ILS ATTENDEES	COUNTY PARTICIPANTS
June 1, 2017	Cayuga	Joe Wierschem, Joanne Macri, and Matt Alpern	Assigned Counsel Administrator Lloyd Hoskins.
August 2, 2017	Chautauqua	Joanne Macri and Matt Alpern	Public Defender Ned Barone
September 7, 2017	Chemung	Joe Wierschem, Joanne Macri, Matt Alpern, Amanda Oren, and Cynthia Feathers.	Public Defender Scott Fiero and Conflict Defender John Brennan
August 10, 2017	Chenango	Joanne Macri, Matt Alpern, and Amanda Oren	Public Defender John Cameron and Assigned Counsel Administrator Karri Beckwith
August 3, 2017	Clinton	Joe Wierschem, Joanne Macri, and Matt Alpern	Assigned Counsel Administrator Justin Meyers, Clinton County Administrator Michael Zurlo, and Chairperson of the Clinton County Legislature's Public Safety Committee Simon Conroy
September 26, 2017	Columbia	Joanne Macri, Matt Alpern, and Amanda Oren	Public Defender Robert Linville
September 13, 2017	Cortland	Joanne Macri, Matt Alpern, Amanda Oren, and Cynthia Feathers.	Public Defender Keith Dayton
October 18, 2017	Delaware	Bill Leahy, Joanne Macri, Amanda Oren, Giza Lopes, and Andrew Davies	Amy Merklen, County Attorney, Christa Schafer, Clerk of the County Legislature
June 7, 2017	Dutchess	Joe Wierschem, Joanne Macri, and Matt Alpern	Public Defender Tom Angell

DATE	COUNTY	ILS ATTENDEES	COUNTY PARTICIPANTS
June 21, 2017	Erie	Joe Wierschem, Joanne Macri, and Matt Alpern	Assigned Counsel Administrator Robert Convissar and Legal Aid Society Chief David Schopp
May 31, 2017	Essex	Joe Wierschem, Joanne Macri, and Matt Alpern	Public Defender Brandon Boutelle and County Attorney Dan Manning.
September 6, 2017	Franklin	Joe Wierschem, Joanne Macri, Matt Alpern, Amanda Oren, and Cynthia Feathers	Public Defender Tom Soucia and Assigned Counsel Administrator Jill Dyer-Jock
June 22, 2017	Fulton	Joe Wierschem, Joanne Macri, and Matt Alpern	Fulton County Public Defender Gerard McCauliffe
September 15, 2017	Genesee	Joe Wierschem, Joanne Macri, Amanda Oren, and Cynthia Feathers	Public Defender Jerry Ader
October 3, 2017	Greene	Joanne Macri, Matt Alpern and Amanda Oren	Public Defender Angelo Scatturo
October 25, 2017	Hamilton	Joanne Macri and Amanda Oren	Mr. Bill Farber, Hamilton County Board of Supervisors chairman
September 7, 2017	Herkimer	Joe Wierschem, Joanne Macri, Matt Alpern, Amanda Oren, and Cynthia Feathers	Assigned Counsel Administrator Keith Bowers and County Attorney Robert Malone.
September 12, 2017	Jefferson	Joe Wierschem, Joanne Macri, Matt Alpern, and Amanda Oren	Public Defender Julie Hutchins

DATE	COUNTY	ILS ATTENDEES	COUNTY PARTICIPANTS
October 4, 2017	Lewis	Joanne Macri and Matt Alpern	Public Defender Mike Young, Assistant Public Defender Lydia Young, and Conflict Defender Tim McClusky
August 16, 2017	Livingston	Joanne Macri and Amanda Oren	Public Defender Marcea Clark-Tetamore and Conflict Defender Hayden Dadd
September 21, 2017	Madison	Joanne Macri, Amanda Oren, and Matt Alpern	Public Defender Paul Hadley and Assigned Counsel Administrator Jeffrey Aumell
July 18, 2017	Monroe	Joe Wierschem, Joanne Macri, and Matt Alpern. New York State Department of Budget Analysts Cillian Flavin and Alison Verdini also attended the meeting.	Public Defender Tim Donaher and Conflict Defender/Assigned Counsel Administrator Mark Funk
September 20, 2017	Montgomery	Joanne Macri, Amanda Oren, Cynthia Feathers, and Matt Alpern	Public Defender Bill Martescello
August 22, 2017	Nassau	Joe Wierschem, Joanne Macri, Matt Alpern, and Amanda Oren	Legal Aid Society Executive Director Scott Banks, LAS County Court Bureau Chief Rick Ellman and Assigned Counsel Administrator Bob Nigro
November 2, 2017	New York City ACP (1st Dept.)	Joanne Macri and Amanda Oren	Assigned Counsel Administrator Michael Alperstein and Scott Matthew-Novelli from the Mayor's Office of Criminal Justice (MOCJ).
October 31, 2017	New York City ACP (2 nd Dept.)	Joe Wierschem, Joanne Macri, Matt Alpern, and Amanda Oren.	Assigned Counsel Administrator Barbara DiFiore

DATE	COUNTY	ILS ATTENDEES	COUNTY PARTICIPANTS
November 1, 2017	New York City (Bronx Defenders)	Joanne Macri, Matt Alpern, and Amanda Oren	Acting Executive Director Justine Olderman, Criminal Defense Practice Director Alice Fontier and Scott Matthews-Novelli (MOCJ)
November 2, 2017	New York City (Brooklyn Defender Service)	Joe Wierschem, Joanne Macri, Matt Alpern, and Amanda Oren	Executive Director Lisa Schreibersdorf and Scott Matthews-Novelli (MOCJ)
October 31, 2017	New York City (Legal Aid Society)	Joe Wierschem, Joanne Macri, Matt Alpern, and Amanda Oren	Attorney-in-Charge of the Criminal Defense Practice Justine Luongo and Scott Matthews-Novelli (MOCJ)
November 1, 2017	New York City (Neighborhood Defender Services)	Joe Wierschem, Joanne Macri, Matt Alpern, and Amanda Oren	Executive Director Rick Jones, Chief Operating Officer Mike Smith, and Managing Attorney of the Criminal Practice Matt Knecht
November 1, 2017	New York City (New York County Defender Services)	Joanne Macri, Matt Alpern and Amanda Oren.	Executive Director Stan Germán and Supervising Attorney/Legal Director Kevin O'Connell and Scott Matthew-Novelli (MOCJ)
November 2, 2017	New York City (Queens Law Associates)	Joanne Macri, Matt Alpern, and Amanda Oren	Executive Director Joseph Vaccarino
October 26, 2017	New York City (Office of Appellate Advocates)	Joe Wierschem, Joanne Macri, Matt Alpern, and Cynthia Feathers.	Attorney-in-Charge Paul "Skip" Laisure and Scott Mathews-Novelli (MOCJ)
October 27, 2017	New York City (Center for Appellate Litigation)	Joanne Macri and Cynthia Feathers	Attorney-in-Charge Robert Dean

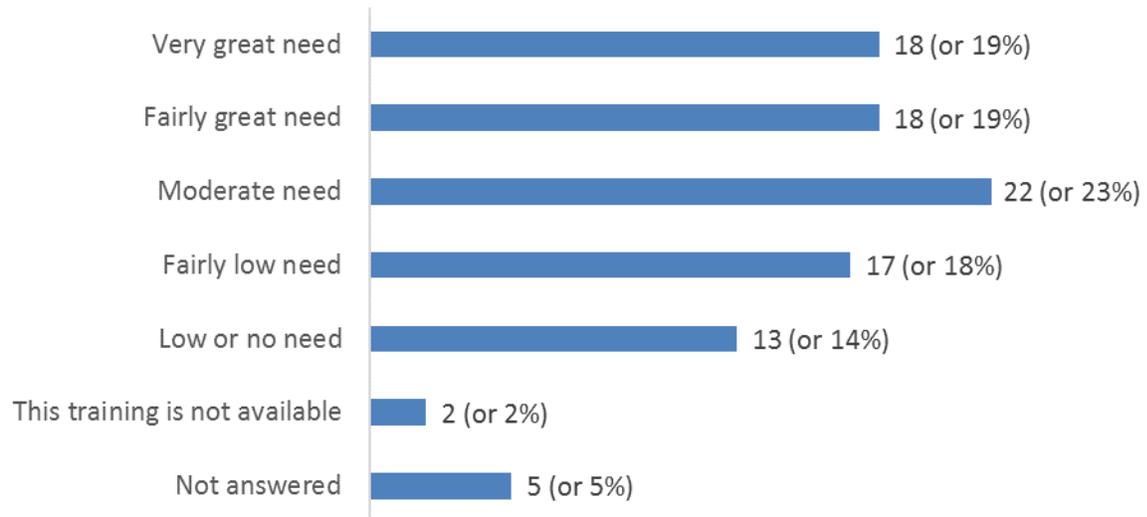
DATE	COUNTY	ILS ATTENDEES	COUNTY PARTICIPANTS
October 27, 2017	New York City (Office of Appellate Defender)	Joanne Macri, Matt Alpern, and Cynthia Feathers.	Attorney-in-Charge Christina Swarns and Scott Mathews-Novelli (MOCJ)
July 19, 2017	Niagara	Joe Wierschem, Joanne Macri, Matt Alpern, and Bill Leahy	Public Defender David Farrugia and Administrative Assistant Pam Nimitz, Conflict Defender/Assigned Counsel Administrator Kathleen Kugler and Administrative Assistant Jean Caligiuri, and County Legislator David Godfrey, Chairperson of the Legislature's Community Safety and Security Committee
May 31, 2017	Oneida	Joe Wierschem, Joanne Macri, and Matt Alpern	Public Defender Frank Nebush, Civil Division Public Defender Frank Furno, Assigned Counsel Program Administrators Mike Arcuri and Kim Strong Flynt, and County Budget Officer Tom Keeler
September 20, 2017	Orange	Joe Wierschem, Joanne Macri, Amanda Oren, Cynthia Feathers, and Matt Alpern	Legal Aid Society Chief Attorney Gary Abramson
August 4, 2017	Orleans	Joe Wierschem, Joanne Macri, and Matt Alpern	Public Defender Sanford Church, Assigned Counsel Administrator Jeffrey Martin and Orleans County Chief Administrative Officer Chuck Nesbitt
July 21, 2017	Oswego	Joe Wierschem, Joanne Macri, and Matt Alpern	Assigned Counsel Administrator Sara Davis
June 7, 2017	Otsego	Joe Wierschem, Joanne Macri, and Matt Alpern	Public Defender Bruce Maxson and County Attorney Ellen Coccoma
September 22, 2017	Putnam	Joanne Macri, Matt Alpern, and Amanda Oren	Legal Aid Society Chief Attorney David Squirrell and Acting Director of the Putnam County Department of Planning, Development, and Public Transportation Sandra Fusco

DATE	COUNTY	ILS ATTENDEES	COUNTY PARTICIPANTS
October 4, 2017	Rensselaer	Joanne Macri, Matt Alpern and Amanda Oren	Public Defender John Turi, Conflict Defender Sandra McCarthy, and County Attorney/Assigned Counsel Administrator Stephen Pechenik
October 11, 2017	Rockland	Joanne Macri, Matt Alpern, and Amanda Oren	Public Defender James Licata and Assigned Counsel Administrator Keith Branfotel
September 15, 2017	Saratoga	Joe Wierschem, Joanne Macri, Amanda Oren and Cynthia Feathers	Matt Vietch, County Supervisor for Saratoga Springs, Oscar Schreiber, Public Defender, and Kyran Nigro, Conflict Defender
October 5, 2017	Schenectady	Joanne Macri, Matt Alpern, and Amanda Oren	Public Defender Steve Signore, Conflict Defender Tracey Chance, and Assigned Counsel Administrator Frank Salmone
June 7, 2017	Schoharie	Joe Wierschem, Joanne Macri, and Matt Alpern.	Assigned Counsel Administrator Suzanne Graulich and Assistant County Administrator Fonda Chronis
August 24, 2017	Seneca	Joe Wierschem, Joanne Macri, Matt Alpern, and Amanda Oren	Public Defender Mike Mirras and County Manager John Sheppard
August 9, 2017	St. Lawrence	Joe Wierschem, Joanne Macri, Matt Alpern, and Amanda Oren	Public Defender Steve Ballan, Assistant Public Defender James McGahan, Public Defender Legal Secretary Cathleen Harland, Conflict Defender Amy Dona, Assigned Counsel Administrator Scott Goldie, and Office of Indigent Defense Legal Secretary Faith Demers-St. Hilaire
September 19, 2017	Steuben	Joe Wierschem, Joanne Macri, Amanda Oren, Cynthia Feathers, and Matt Alpern	Public Defender Phil Roche, First Assistant Public Defender Sean Sorrow, and Deputy County Attorney Mitch Alger

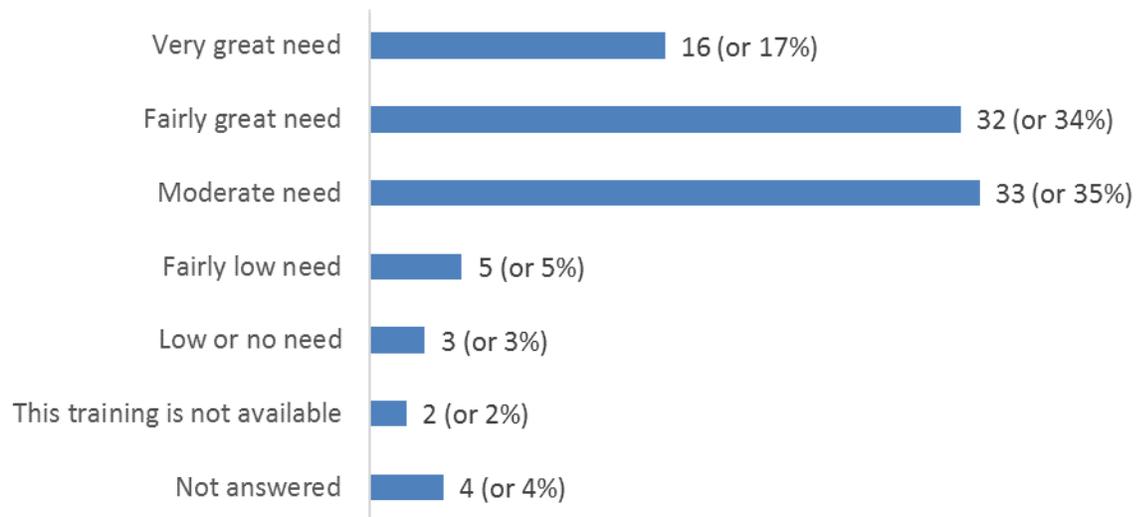
DATE	COUNTY	ILS ATTENDEES	COUNTY PARTICIPANTS
September 29, 2017	Sullivan	Joanne Macri, Matt Alpern, and Amanda Oren	Legal Aid Panel Director Tim Havas and Conflict Defender Joel Proyect
August 2, 2017	Tioga	Joe Wierschem, Joanne Macri, and Matt Alpern	Public Defender George Awad, Assistant Public Defender Tom Klein, Assigned Counsel Administrator Irene Graven, and County Attorney Peter DeWind
June 29, 2017	Tompkins	Joe Wierschem, Joanne Macri, and Matt Alpern	Assigned Counsel Program Supervising Attorney Lance Salisbury and Program Coordinator Julia Hughes
September 28, 2017	Ulster	Joe Wierschem, Joanne Macri, Matt Alpern, and Amanda Oren	Public Defender Andrew Kossover
June 28, 2017	Warren	Joe Wierschem, Joanne Macri, and Matt Alpern	Public Defender Marcy Flores and Assigned Counsel Administrator Joy LaFountain.
August 31, 2017	Wayne	Joanne Macri, Matt Alpern, and Amanda Oren	Public Defender Jim Kernan, First Assistant Public Defender Andy Correia, and Assigned Counsel Administrator Bruce Chambers
July 19, 2017	Westchester	Joe Wierschem, Joanne Macri, and Matt Alpern	Legal Aid Society Executive Director Claire Degnan and Assigned Counsel Administrator Karen Needleman
June 7, 2017	Wyoming	Joe Wierschem, Joanne Macri, and Matt Alpern	Public Defender Norm Effman and County Budget Analyst Janice Cook
August 16, 2017	Yates	Joanne Macri and Amanda Oren	Public Defender Ed Brockman, Assigned Counsel Administrator Dianne Lovejoy, and Conflict Defender Tiffany Sorgen

APPENDIX F

Survey question - “Do you see a need to improve: initial training program for new attorneys in the program?” (Percentages are out of 95 total responses.)

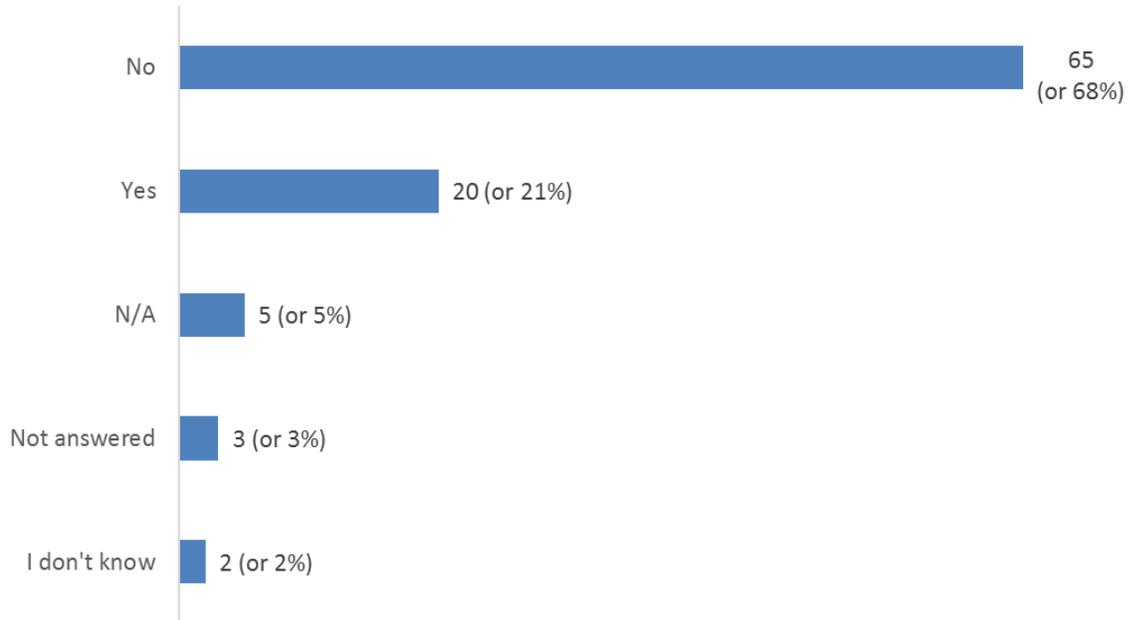


Survey question - “Do you see a need to improve: training to develop substantive knowledge in forensic sciences” (Percentages are out of 95 total responses.)



APPENDIX G

Survey question - “Does your program provide or subsidize attorney cell phones or other devices to aid client communication?” (Percentages are out of 95 total responses and may not add to 100 due to rounding.)



GLOSSARY OF TERMS

18-B	New York County Law Article 18-B
440 motion	References a post-conviction motion pursuant to New York Criminal Procedure Law Article 440
ACP	Assigned Counsel Program. The administration of protocols and policies for assigning attorneys to individuals entitled to mandated representation wherein the services of private counsel are rotated and coordinated by an administrator, and such administrator may be compensated for such service pursuant to County Law § 722 (3).
CMS	Case Management System
ILS	New York State Office of Indigent Legal Services
ILS Caseload Standards	A Determination of Caseload Standards pursuant to §IV of the <i>Hurrell-Harring v. The State of New York</i> Settlement (2016)
ILS Eligibility Standards	Criteria and Procedures for Determining Assigned Counsel Eligibility (2016)
NYS DEC	New York State Department of Environmental Conservation
NYSP	New York State Police
Non-attorney professionals	Expert witnesses, investigators, social workers, sentencing advocates, interpreters, etc.
OCA	New York State Office of Court Administration
SORA	Sex Offender Registration Act
SUNY	State University of New York