

# Statewide Plan for Implementing Quality Improvement and Caseload Relief:

## Year Five Report

October 31, 2023



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## I. Introduction

The New York State Office of Indigent Legal Services (ILS), pursuant to Executive Law § 832(4), submits this status update report addressing the ongoing implementation of ILS' December 1, 2017 Statewide Plan for Quality Improvement (Quality Plan) and the Plan for Implementation of Caseload Standards in New York State (Caseload Plan).<sup>1</sup> We report jointly on implementation of the two plans since the primary goal of caseload relief is to improve the quality of representation provided to public defense clients and because quality improvement reforms are necessary for programs to meaningfully actualize the benefits of reduced caseloads.

In this report, we detail continued efforts to build sustainable public defense programs and meet the goals of Executive Law § 832(4)(b) and (c) by focusing on: (1) ensuring institutional public defense providers (i.e., a public defender's office, conflict defender's office, or legal aid society) have staffing necessary to achieve compliance with ILS caseload standards;<sup>2</sup> (2) building Assigned Counsel Programs' (ACPs) quality infrastructure; and (3) for both institutional public defense providers and ACPs, developing and implementing quality improvement initiatives. We also provide data public defense providers reported to ILS about calendar year 2022 caseloads, expenditures, and staffing. The data focuses on two measures to gauge the status of implementation of the *Hurrell-Harring* Settlement statewide (Statewide implementation): average weighted cases per attorney for institutional providers, and average spending per weighted case for ACPs. Finally, we examine the ongoing challenges to Statewide implementation and ILS' work with the counties and providers to address these challenges.

It is important to understand the context for evaluating caseload relief and quality improvement implementation. Since FY 2018-19, when the State initially appropriated one-fifth of the funding ILS estimated would be needed for Statewide implementation, ILS has worked with counties<sup>3</sup> to develop and implement plans to meet Executive Law § 832(4)'s goals. With each additional year of State funding during this five-year phase-in, counties and public defense providers collaborated with ILS to determine the most effective use of the funds to improve the quality of representation and reduce attorney caseloads. Each step necessarily involved refining the plans while simultaneously navigating county and State processes for plan implementation. During this period, the Covid-19 public health emergency disrupted normal operations and, though the public health emergency has receded, its long-lasting consequences continue to impact public defense providers. Also during this period, reforms to discovery and bail laws required public defense providers to significantly change long-held practices, including the need to spend more time on cases reviewing discovery.<sup>4</sup>

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<sup>1</sup> Both 2017 Plans (and subsequent annual status reports) are available at:

<https://www.ils.ny.gov/node/221/statewide-implementation-plans-and-reports>.

<sup>2</sup> See *A Determination of Caseload Standards pursuant to § IV of the Hurrell-Harring v. The State of New York Settlement* (December 8, 2016) ("ILS Caseload Standards Report"), available at:

<https://www.ils.ny.gov/files/Caseload%20Standards%20Report%20Final%20120816.pdf>.

<sup>3</sup> In this report, the term "counties" also includes New York City.

<sup>4</sup> See, e.g., *The Impact of Discovery Reform Implementation in New York*, Report of a Defense Attorney Survey Conducted Jointly by: Chief Defenders Association of New York, New York State Defenders Association, NYS Association of Criminal Defense Lawyers, NYS Office of Indigent Legal Services (March 28, 2022), available at: <https://www.ils.ny.gov/files/Discovery-Reform-Survey-Report-03.28.22.pdf>.

Examining the 2022 quantitative data and qualitative information in this context, a few points emerge. First, in 2022, public defense providers across the state continued to struggle with attorney recruitment and retention. Attorney staffing increased slightly outside of New York City, while New York City attorney staffing levels declined slightly in 2022, though they remained higher than in the years prior to Statewide implementation. While recruiting and retaining skilled attorneys has historically been an issue in underfunded public defense offices due to low salaries, lack of resources, and the undervaluing of the public defense function, one long-term impact of the Covid-19 pandemic is a decline in the number of attorneys interested in public defense work. As we explain in Section IV, public defender recruitment is a crisis significantly impacting public defense providers across the country. Second, the 2022 data shows caseloads continued to rise after sharply declining in 2020, though on a statewide level, caseloads have not reached pre-pandemic calendar year 2019 levels. Third, other external factors such as local bureaucratic processes and politics can slow the pace of implementation.

Still, despite the challenges, the infusion of State funding for public criminal defense reforms is meaningfully impacting programs – because of Statewide funding and reform, public criminal defense providers have increased resiliency and can more easily meet these ongoing challenges. Providers continue to make strides in improving the quality of representation including increasing the number of non-attorney professional support staff positions and the use of experts, such as investigators, interpreters, and social workers (“specialized services”). Public defense providers have also moved forward with other quality improvement initiatives: improving and increasing office space, building or bolstering office infrastructure, obtaining better technology for attorneys and staff, and creating policies and procedures to help attorneys easily access the supports State funding has made available. It is through this lens that we examine the continued impact of Executive Law § 832(4) on quality improvement and providers’ ability to achieve caseload standards compliance.

## **II. Building the Budgets and Plans: Caseload Compliance and Quality Improvement Initiatives**

A primary Statewide implementation objective is to build strong structural foundations to sustain the *Hurrell-Harring* Settlement reforms over time. ILS’ caseload standards are essential to this goal; they provide clear guidance on annual maximum attorney caseloads as well as the average attorney hours per case type to allow attorneys to spend the time and resources needed to provide quality representation. The ILS caseload standards also provide flexibility for public defense leaders to assign individual attorneys greater or fewer numbers of cases to promote the most effective representation of clients and use of office resources.

The Spangenberg Group’s 2006 final report *Status of Indigent Defense in New York: A Study for Chief Judge Kaye’s Commission on the Future of Indigent Defense Services* noted that “the system created in 1965 . . . produced a haphazard, patchwork composite of multiple plans . . . [and] the result is a fractured, inefficient, broken system.”<sup>5</sup> The infusion of State funding is

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<sup>5</sup> The Spangenberg Group, *Status of Indigent Defense in New York: A Study for Chief Judge Kaye’s Commission on the Future of Indigent Defense Services*, Final Report (June 16, 2006) (“The Spangenberg Report”); Commission of the Future of Indigent Defender Services, Final Report to the Chief Judge of the State of New York (2006) (Kaye Commission).

essential to fixing this broken system, but we learned in the five *Hurrell-Harring* Settlement counties that the road to quality improvement, caseload reduction, and long-term caseload standards compliance looks different in every county and for each public defense provider. This composite of different systems and cultures overlayed on a geographically and demographically diverse state continues to present challenges for Statewide implementation.

To realize Statewide implementation of the caseload relief and quality improvement reforms, ILS works directly with over 130 providers in 52 non-Settlement counties and New York City to develop comprehensive budgets that meet the specific needs and requirements of each program. ILS' approach to implementation is collaborative and provider-specific through the cultivation of strong working relationships with public defense leaders and county administrations, while maintaining a focus on the requirements of Executive Law § 832(4). This individualized, nuanced, and time-intensive budget development process evolved throughout the course of the five-year phase-in period.

In the first half of 2023, ILS finalized Year 4 and Year 5 budgets, thus fully populating the Statewide implementation contracts' (Statewide contracts) five-year budgets for all 52 non-Settlement counties and New York City. For most counties, the Statewide contracts were extended for one additional year (through March 31, 2024). Seven counties<sup>6</sup> and New York City<sup>7</sup> instead received new three-year Statewide contracts to accommodate their pace of implementation and spending. The data in this report reflects calendar year 2022, prior to the finalization of most of the five-year budgets.

### **Institutional Providers: Increasing the Number of Staff for Caseload Relief**

As the 2017 Caseload Plan made clear, increasing attorney and non-attorney staff to comply with ILS caseload standards at institutional providers is a priority of Executive Law § 832(4) implementation. Because of the nature of the five-year phase-in, the number of new attorney and non-attorney positions increased incrementally with each additional year of funding, with the Year 5 budgets developed to ensure that institutional providers' staffing levels will be sufficient for caseload standards compliance.

Projecting attorney and non-attorney staffing needs required ILS to work with each provider to ensure they could collect and report data on office caseloads by the ILS caseload standards' seven case types. In the initial stages of Statewide implementation many providers were unable to collect and report caseload data by these case types. To address this, we committed to building provider data collection and reporting capacity while also monitoring new case assignments annually to understand provider staffing (and continued funding) needs. This capacity building and staffing need analysis produced projected criminal attorney staffing numbers for each institutional provider, which we incorporated into the budget development process.

ILS also worked with each institutional provider to understand their overall staffing patterns including the existing number of county-funded and ILS-funded attorney positions and for each position, the time available for criminal representation ("criminal caseload capacity"). We

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<sup>6</sup> Clinton, Delaware, Dutchess, Hamilton, Lewis, Tioga, and Wyoming counties.

<sup>7</sup> New York City's contract was extended to June 30, 2023 and new three-year contracts began on July 1, 2023.

examined how many positions provide representation for clients only in criminal court cases, only in Family Court cases, and how many engage in both types of representation. For attorneys who represent clients in both criminal and Family Court matters, we asked what percentage of their time is devoted to criminal representation. ILS also explored how many attorneys have supervisory duties to account for time unavailable for client representation. This provided a detailed picture of the providers' criminal caseload capacity and informed the final years of the Statewide contract budget development to support caseload standards compliance. It also informed non-attorney staffing needs.

As explained in Section IV, although the Statewide contracts include funding for many new staff positions, because of systemic challenges we anticipate it will take time for providers to fill all budgeted positions. To obtain a better sense of hiring under the Statewide contract, we reviewed the June 2023 Performance Measures Progress Report (PMPR).<sup>8</sup> The PMPR data differs from the data in this report in two relevant ways. First, it covers a more recent time period: April 1, 2022 - March 31, 2023, as opposed to the calendar year 2022 data analyzed in this report. Second, the PMPR data focuses exclusively on hiring and utilization of resources funded by the Statewide contract, while this report analyzes data regarding providers' overall staffing, caseload, and expenditures from all funding sources and for both mandated criminal and Family Court representation. According to the more recent and Statewide contract-specific data in the June 2023 PMPR, providers reported that between April 1, 2022 and March 31, 2023, Statewide contract funding was used to hire a total of 129 new attorneys and 60 new non-attorney professional staff. The new non-attorney professional positions include administrative staff, social workers, and investigators who provide critical case and client support. Providers also reported increased spending on specialized and expert services. This suggests counties and providers are prioritizing filling the Statewide contract positions to meet the needs of their clients in criminal case matters. The PMPR data and the data in this report both show significant progress toward hiring non-attorney staff and effectively using Statewide contract funding for specialized services to improve the quality of representation. Put simply more clients are benefitting from the funding available for investigative, case management, social worker, and other critical case-related services.

### **Assigned Counsel Programs: Building a Quality Infrastructure**

As discussed in prior reports, ILS' *Standards for Establishing and Administering Assigned Counsel Programs* (ACP Standards) emphasize that quality improvement and caseload reduction for ACPs require a "well designed, properly maintained, and adequately funded" ACP infrastructure.<sup>9</sup> This includes an Assigned Counsel Administrator and program independent of other county functions (i.e., not embedded in a County Attorney's Office or other public defense provider office). Thus, in finalizing the five-year budgets, ILS focused on ensuring that counties have the funding to create an independent ACP with the infrastructure necessary to implement quality improvement measures and enable panel attorneys to spend adequate time on cases.

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<sup>8</sup> ILS Performance Measures Annual Report, June 1, 2023, available at: [https://www.ils.ny.gov/files/Performance%20Measures%20Final%20Report\\_2023.pdf](https://www.ils.ny.gov/files/Performance%20Measures%20Final%20Report_2023.pdf).

<sup>9</sup> Available on ILS' website at, <https://www.ils.ny.gov/node/183/assigned-counsel-program-standards>.

In last year's report, we noted that out of the 52 non-Settlement counties outside New York City, only two counties (Delaware and Columbia) did not have funds allocated towards an ACP Administrator position in their Statewide budget. In Year 5, these funds were added. There are still several counties that house the ACP in other government offices, such as a County Attorney's Office or an institutional provider office. ILS is working with these counties to use the funding available to move to an independent ACP structure, prioritizing counties that currently house the ACP in a County Attorney's Office to create an independent ACP. Longer term, we will work with those counties that have a combined Conflict Defender and ACP to create an ACP independent of the Conflict Defender as, in some counties, combining these offices is an interim solution to not having enough panel attorneys to accept conflict cases.

In addition to Administrator positions, ACPs need staff and space to support efficient and effective program functioning. Statewide contract funds have proven instrumental in supporting ACPs' progress in this area. For instance, prior to Statewide implementation, Nassau County's ACP consisted of only an Administrator and a confidential secretary to oversee a panel of over 200 attorneys. Now, the Nassau County ACP has a Deputy Administrator and a Training Director, and the program is in the process of hiring additional administrative staff. Notably, within her first month of employment, the Deputy Administrator attended ILS' ACP Summit (described in more detail in Section IV) and immediately began to implement new initiatives, such as developing a mentor program and a second chair program. Their Training Director works with newer panel attorneys and provides case consultations. The ACP also recently began issuing a monthly newsletter to enhance panel communication and cultivate a culture of collaboration.

Similarly, as we noted in last year's report, Broome County hired a well-qualified, full-time Administrator to lead an independent Broome County ACP and transform the previously unmanaged program to a well-led program. Under the new Administrator's leadership, the ACP secured office space at the Binghamton Public Library, hired a full-time investigator and paralegal, and instituted policies for panel attorneys to utilize specialized services. The Broome County ACP is also collaborating with the Tioga County ACP to create the Broome/Tioga Resource Center, a space where attorneys from both programs can meet with clients, mentors, experts, and investigators.

Several ACPs have used Statewide contract funding to create office space where panel attorneys can meet with clients, brainstorm cases, and use ACP resources, such as printers or legal research. The Cortland County ACP used Statewide contract funding to secure office space and a conference room available to panel attorneys inside the county building. The Herkimer County ACP renovated and opened a Legal Resource Center where panel attorneys can meet with clients or work on cases. The Legal Resource Center has a computer available for attorney use, a copier, waiting room, and conference area. The Madison County ACP opened an office at a local community center with offices for ACP staff and a conference room for training and for panel attorneys to use for client meetings. Its location in the community center also facilitates client access to other community-based resources that are housed in the same building.



## Caseload Compliance: The Impact on Quality Representation

In addition to adding attorney positions to comply with ILS caseload standards, Statewide funding is also used for various quality improvement initiatives. Although there was not a meaningful increase in attorney staffing in 2022, as the data in Section III shows, overall expenditures increased. This suggests that provider offices and public defense attorneys are spending time and money on these quality improvement initiatives, such as using investigators, experts, and other specialized services, improving technology, and improving office space. This is consistent with what we learned in the June 2023 PMPR.

Notably, the seven counties (Clinton, Delaware, Dutchess, Hamilton, Lewis, Tioga, and Wyoming) that received a new Statewide contract in April 2023 have institutional providers who are in, or are very close to, ILS caseload standards compliance. The decrease in individual attorney caseloads resulting from an increase in the number of attorneys in the office ensured attorneys have the time needed to use the specialized services and training opportunities available via Statewide funding. Thus, the staffing and expenditure data show the connection between decreased caseloads and increased utilization of the quality improvement initiatives.

Last year, we highlighted that four counties used Statewide funding to create institutional public defender offices to strengthen public defense representation.<sup>10</sup> Two of those counties – Clinton and Hamilton – are among the seven noted above. The Clinton County Public Defender's Office now has a staff of eight attorneys with funding for one more attorney position, two part-time investigators, and six other professional support staff. They have created a welcoming, professional space where the Chief Public Defender posts motivational messages for the office and encourages teamwork and collaboration. They also have social work intern and law student intern programs to provide case support and recruit staff. The Clinton County Public Defender's Office recently reported not guilty verdicts for eight clients after trial. The Chief Public Defender indicated their ability to receive and review discovery for these cases was critical to providing quality representation, and the new Public Defender's Office structure gave them the tools and time to do so.

Hamilton County similarly attributes the creation of the Public Defender's Office to improved quality representation. Prior to the creation of the Public Defender position, public defense in Hamilton County was unmanaged and decentralized. Now, with an experienced criminal defense attorney leading the Office, attorneys are well-positioned to brainstorm issues and fully investigate and litigate their cases. The Chief Public Defender described a case involving an incarcerated client who was questioned by law enforcement without counsel, resulting in a subsequent criminal charge and violation of probation. The Public Defender's Office litigated this blatant violation of the client's right to counsel, resulting in the court dismissing the new

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<sup>10</sup> See *Statewide Plan for Implementing Quality Improvement and Caseload Relief: Year Four Report* (October 31, 2022) at 9, available at

<https://www.ils.ny.gov/files/Statewide%20Quality%20Improvement%20and%20Caseload%20Relief%20Report%202022.pdf>.

We note that since last year's report, the Oswego County Public Defender's Office has opened with a Chief Public Defender on staff as of March 2023, and several other positions filled. They continue to build staff capacity and assume primary responsibility for criminal case representation.



charges. The Chief Public Defender said this would have never occurred prior the creation of their office.

Having sufficient time to research, write and litigate motions is an important part of successful quality defense; failure to fully litigate cases was a deficiency identified in the *Hurrell-Harring* complaint. Executive Law § 832(4)(b) and (c)'s plans to decrease caseloads and enhance quality supports should also enable attorneys to focus on motion practice. This was apparent in Delaware County recently when the Chief Public Defender filed a motion with a well-argued memorandum of law challenging the constitutionality of the Penal Law statute under which the client was charged. The Chief Public Defender reported that he was able to research and write this more nuanced argument only because he had a fully staffed office giving him the time needed for this motion.

Executive Law § 832(4)(c)(i)(A) and (D) also require that attorneys "receive effective supervision and training. . . . [and] have the necessary qualifications and experience." With increased access to resources and newly augmented staffing, the Dutchess County Public Defender's Office has been able to focus on training. Last year, the office used Statewide contract funds to support the attendance of several Continuing Legal Education (CLE) and training programs. For example, a Senior Assistant Public Defender completed extensive DWI training and is now a certified expert in administering field sobriety tests. This attorney is now an office-wide resource for DWI cases. In total, Dutchess County reported that in 2022, ILS funding supported 79 attorney and four non-attorney attendees at 29 CLEs.

While these successes show that the public defense offices in or close to caseload standards compliance are also effectively utilizing the quality improvement resources available, it is important to note that the counties not yet in full caseload standards compliance are also moving forward with their quality initiatives. Some providers are focusing on enhancing their technology. For example, the Rensselaer County Public Defender's Office and the Broome County ACP used Statewide funding to purchase tablets for incarcerated clients to review their discovery materials. The Schenectady County Public Defender's Office recently moved into new office space and is using Statewide funding to upgrade the available technology. The office now has a large monitor to review evidence and enhance conference call capabilities. The Cortland County ACP updated their application for financial eligibility for assigned counsel to make it available electronically. They created a QR code that clients can scan to access the application and complete on their phone. The ACP can also text the application.

Many defense offices are also using non-attorney positions in creative ways to provide clients and attorney staff with support. For example, the Cortland County ACP employs a case manager who sends people the electronic application for assignment of counsel and helps them complete it. Many institutional providers, such as the St. Lawrence County Public Defender's Office and the Cortland County Public Defender's Office, have an investigator review discovery with incarcerated clients, which allows clients to review discovery sooner and lessens the assigned attorney's workload. The Greene County Public Defender's Office hired a mitigation specialist who assists in connecting clients with mental health treatment where appropriate. In one case, the mitigation specialist helped a client get into a treatment facility, thereby avoiding a probation violation.

The Niagara County Public Defender’s Office hired a client program coordinator who is working under the supervision of the office attorneys to help connect clients to needed services and provide care packages to meet clients’ basic needs. The Public Defender’s Office reports positive results, and many clients are now receiving services instead of a jail sentence. They also report that with increased attorney staffing – with Statewide implementation the Office transitioned from a staff of 22 part-time attorneys and no full-time attorneys to a staff of 21 full-time attorneys and four part-time attorneys – they can now fully litigate cases. Increased attorney time has also allowed the Office to connect with the public defense community across the state and draw upon the expertise of attorneys in other counties to effectively identify and litigate issues. Most recently, for example, Niagara County Public Defender’s Office attorneys tapped into the expertise of the Domestic Violence Survivors Justice Act (DVSJA) working group, a group of attorneys and non-attorneys from across the state with expertise in DVSJA implementation and litigation, to effectively represent a client who may be eligible for DVSJA relief.

Overall, providers across New York State continue to make great strides in enacting quality improvement initiatives. As discussed in Section IV, there are challenges to meeting these goals, but ILS is committed to working with counties and providers towards continued progress.

### **III. Caseload Standard Compliance: The Quantitative Data**

In this section, we examine data provided to ILS from institutional providers and ACPs to understand general trends in caseloads, staffing, and expenditures. As in prior years, this report analyzes changes over time and distinguishes institutional providers, ACPs, non-Settlement counties outside New York City, and New York City data where appropriate and useful. The information below relies on data collected annually by ILS, incorporating the 2022 caseload, staffing, and expenditure data reported to ILS via the ILS-195 report.

#### **Providers of Mandated Representation**

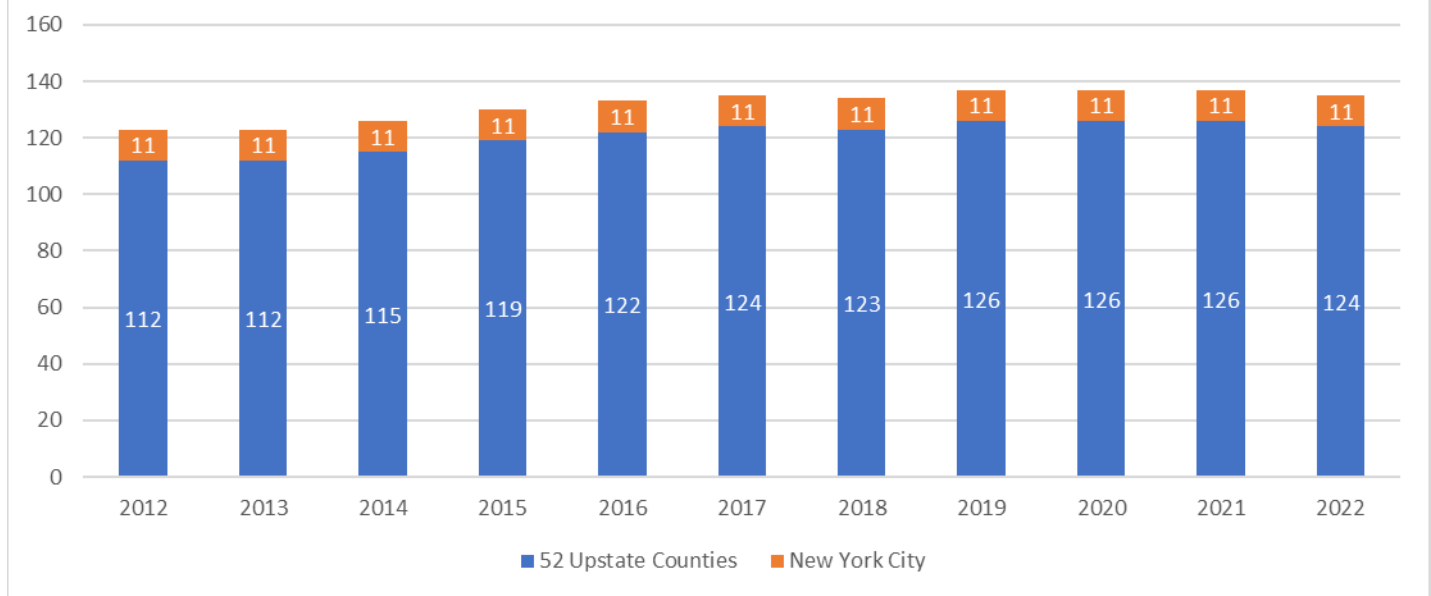
ILS requested data from the 156 public defense providers across the state and received data from 153 providers.<sup>11</sup> With the exceptions we identify below, we omit from this report data relating to the 11 providers in the five *Hurrell-Harring* Settlement counties and the 10 providers engaged solely in Family Court representation. Thus, our dataset is comprised of 132 providers of mandated representation.

As reflected in Figure 1 below, the number of providers has fluctuated throughout the years. In 2022, there were 135 providers of mandated criminal representation in the 52 non-Settlement counties and New York City. Details of the changes throughout the years are found in Appendix A.

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<sup>11</sup>Greene County ACP, Montgomery County ACP, and Rensselaer County ACP did not complete and submit an ILS-195 to ILS.

Figure 1:  
Number of Mandated Criminal Defense Representation Providers by Year



## Caseload Information

To examine caseload trends over time, we present the data in two ways. First, we examine trial level, appellate, parole, and post-disposition caseloads from 2020 through 2022. We review these three years together because 2020 was the first year ILS collected information from all providers in accordance with the seven case types enumerated in the ILS caseload standards. Second, because Covid-19 has had such a significant impact on caseloads, we also present caseload information for a longer period – from 2012-2022 for counties outside of New York City, and from 2017-2022 for New York City – to understand long-term trends. Because caseload data from 2020 and after was reported using the new case types delineated in the ILS caseload standards, ILS converted 2020-2022 caseload data into the categories previously used in 2012-2019. This conversion process is detailed in Appendix B.

We present data for providers outside New York City (excluding the *Hurrell-Harring* Settlement counties) and New York City providers separately.<sup>12</sup> Finally, the data below is provided in the aggregate to gauge trends in Statewide provider caseloads overall. For a breakdown of the number of cases per case category handled by each public defense provider in 2022, please see Appendix C (for institutional providers) and Appendix D (for ACPs).

### *Providers Outside New York City (excluding Hurrell-Harring Settlement counties)*<sup>13</sup>

<sup>12</sup> We do so because the total number of cases handled by the New York City providers is nearly as high as the total number of cases handled by the providers in the rest of the state.

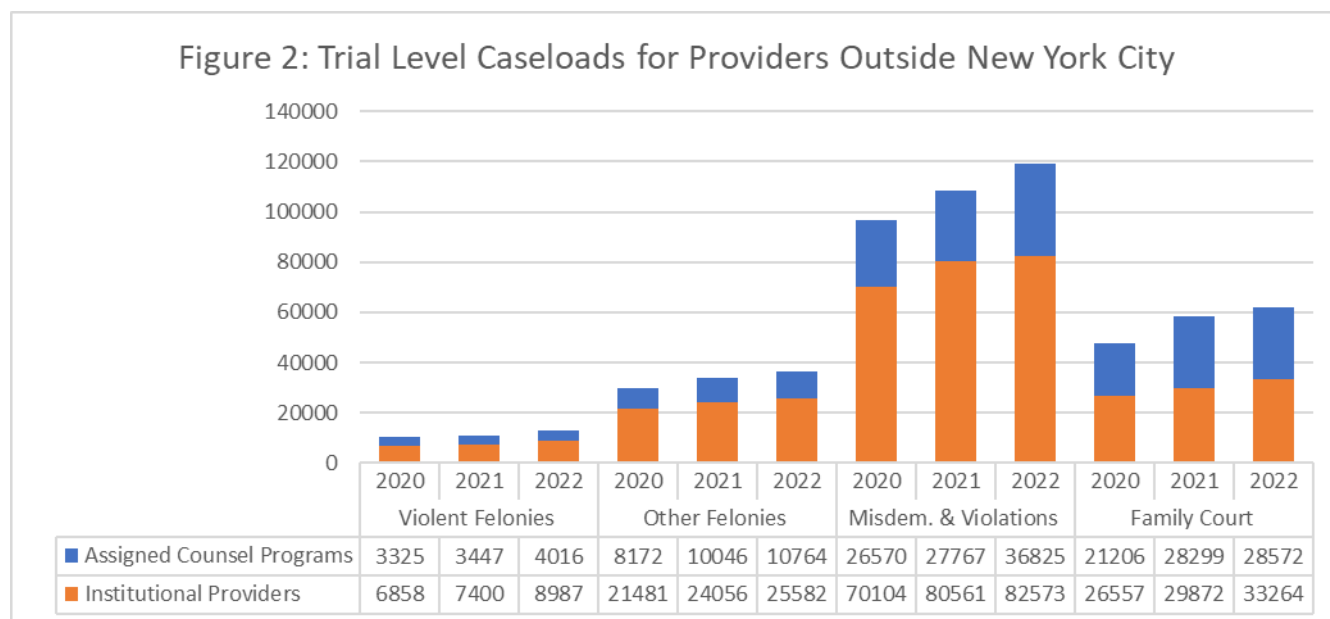
<sup>13</sup> Please note that the Statewide implementation of the *Hurrell-Harring* Settlement reforms only concerns mandated criminal representation. Therefore, providers engaging solely in Family Court representation are not included in this report.

## 1. 2020-2022 Caseload Data Presented by ILS Case Type<sup>14</sup>

### Trial Level Cases

Prior to 2020, ILS collected data from providers by the more general case types (homicides and felonies; misdemeanors and violations; Family Court trial level; and appeals). As indicated above, it was not until 2020 that ILS began collecting criminal caseload data in accordance with the more discriminating ILS caseload standards case types (violent felonies, other felonies, misdemeanors and violations, post-disposition, parole violations, appeal of a guilty plea, and appeal of a verdict). This section evaluates the caseload data for 2020-2022 for all mandated providers outside of New York City (excluding the *Hurrell-Harring* Settlement counties) by the ILS caseload standards case types.

Figure 2 presents trial level caseloads distinguishing between institutional providers and assigned counsel programs.

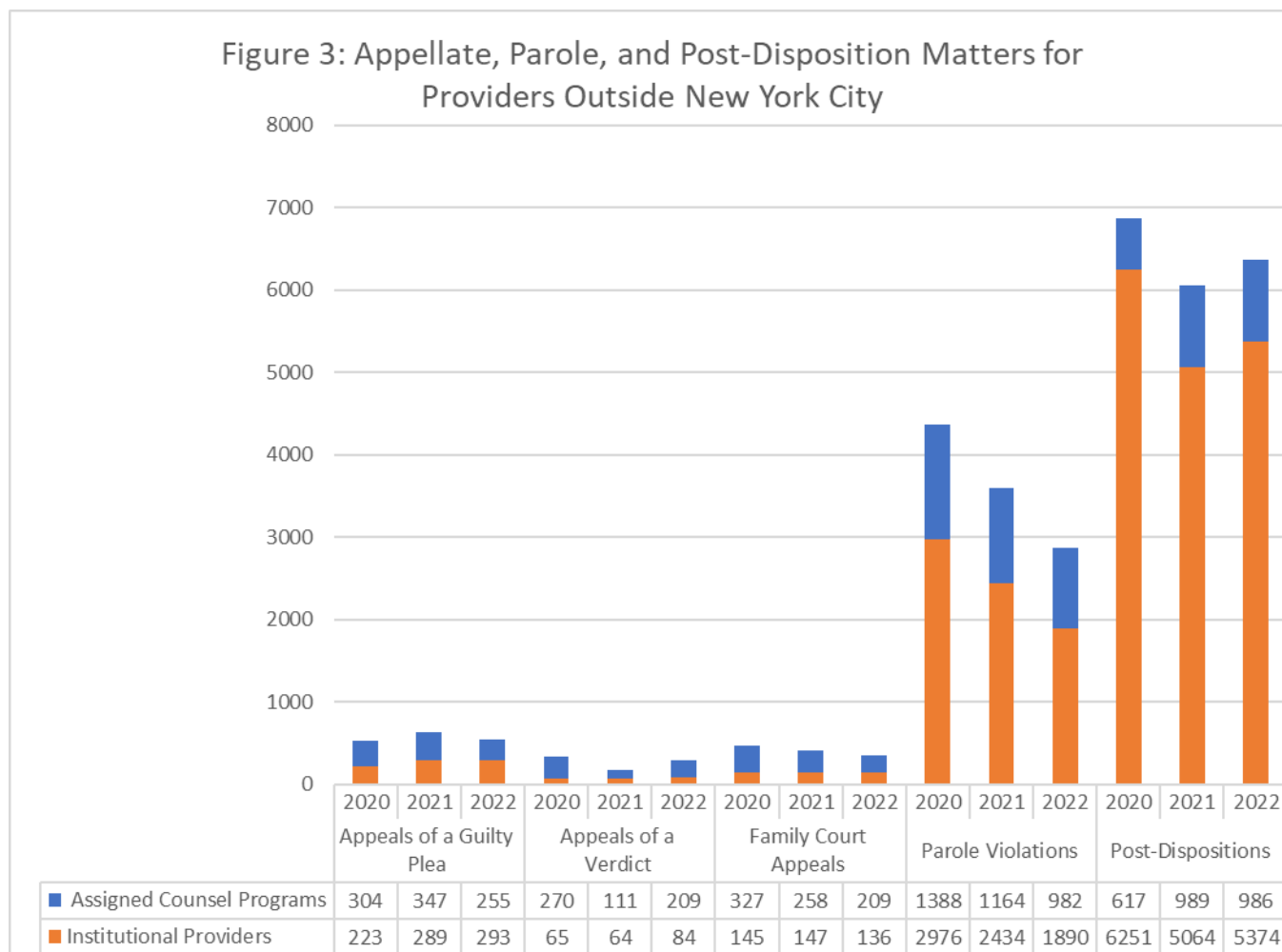


- The number of trial level cases in 2022 increased from previous years in all categories.
- In 2022, as in previous years, trial level cases consisted mostly of misdemeanor and violation cases (51.8% of all trial level cases where representation was provided by public defense providers outside New York City).
- Family Court trial level cases made up 26.8% of all trial level cases for the public defense providers outside New York City.

<sup>14</sup> The three assigned counsel programs which did not provide annual data (i.e., Greene County ACP, Montgomery County ACP, and Rensselaer County ACP) are not included in this analysis.

## Appellate, Parole, and Post-Disposition Cases

Figure 3 presents appellate, parole, and post-disposition caseloads in the five ILS caseload standards case types for all providers outside New York City (excluding *Hurrell-Harring* Settlement counties). Caseloads are presented by case type and distinguish between institutional providers and assigned counsel programs.



- The total number of appeals of a guilty plea slightly increased between 2020 and 2022 for providers of outside New York City. Yet, the total number of appeals of a verdict and Family Court appeals declined during the same timeframe.
- As in previous years, appeals of guilty pleas continued to make up the majority of appellate cases (46.2% of all cases at the appellate level).
- In 2022, the number of parole violation cases continued to decrease. This could be due to a variety of factors, including fewer individuals being sentenced to prison during the Covid-19 pandemic and the “Less is More” parole reform that was enacted in March 2022.

- As in previous years, post-disposition cases made up the majority of parole violation and post-disposition caseloads (68.8%).

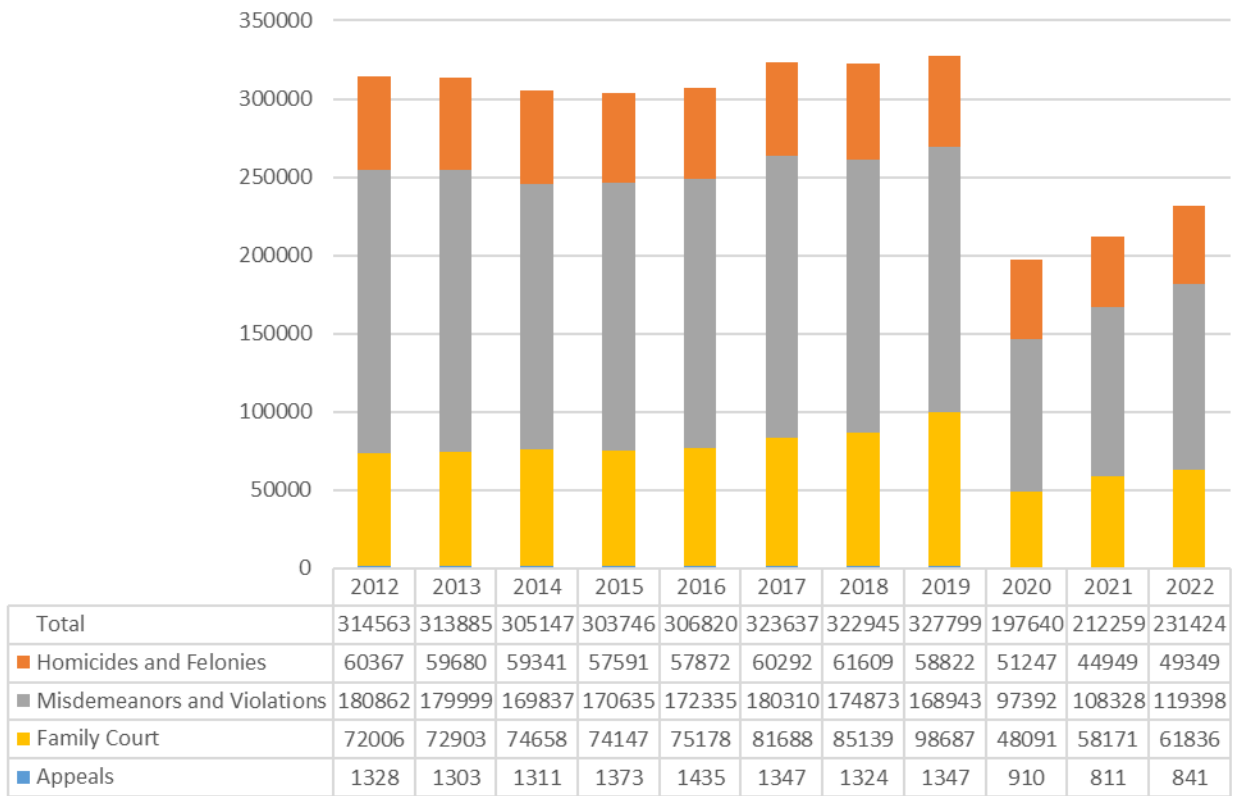
## 2. Historical Caseload Trends: Examining 2012-2022 Caseload Data by More General Case Types

As stated above, starting in 2012, ILS collected caseload data from providers based on more general case types, and we have used this data to monitor annual fluctuations in caseloads. Section 2 continues this historical overview by examining the total caseloads for public defense providers outside of New York City (excluding *Hurrell-Harring* Settlement counties) by the more general case types, distinguishing between institutional provider and assigned counsel program caseloads.

### Total Caseloads – All Providers

Figure 4 presents total caseloads for all providers outside New York City (excluding *Hurrell-Harring* counties) over the past 11 years. Caseloads are presented by case type.

Figure 4:  
Total Caseloads for All Providers Outside New York City  
2012-2022



- Between 2012 and 2019 the total caseload handled by all providers of mandated criminal representation in the 52 counties was fairly consistent.
- There was a significant decrease (39.7%) in the number of total cases from in 2020, the year that the Covid-19 pandemic started, compared to 2019.
- Between 2020 and 2022, caseloads increased by 17.1%. Even with this increase, the 2022 caseloads did not reach pre-pandemic levels.

As discussed in prior reports, the decrease in 2020 was attributable to the Covid-19 pandemic, as stay-at-home orders and business closures drove down the number of arrests and court adjournments drove down new case assignments. In 2021, Covid-19 precautions relaxed, courts resumed more in-person appearances, and caseloads increased. Notably, in 2021, overall crime rates stayed relatively stable as compared to 2020, though there was an increase in violent crime and motor vehicle theft.<sup>15</sup> With that in mind, it is unsurprising that caseloads increased in 2021 and 2022. As we monitor caseloads over time, we will be better positioned to assess if provider caseloads continue to remain lower than in 2019, and if so, possible explanations other than the pandemic.<sup>16</sup>

### **Total Caseloads – Institutional Providers**<sup>17</sup>

Figure 5 presents total caseloads for all institutional providers outside New York City (excluding *Hurrell-Harring* Settlement counties) over the past 11 years. Caseloads are presented by case type.

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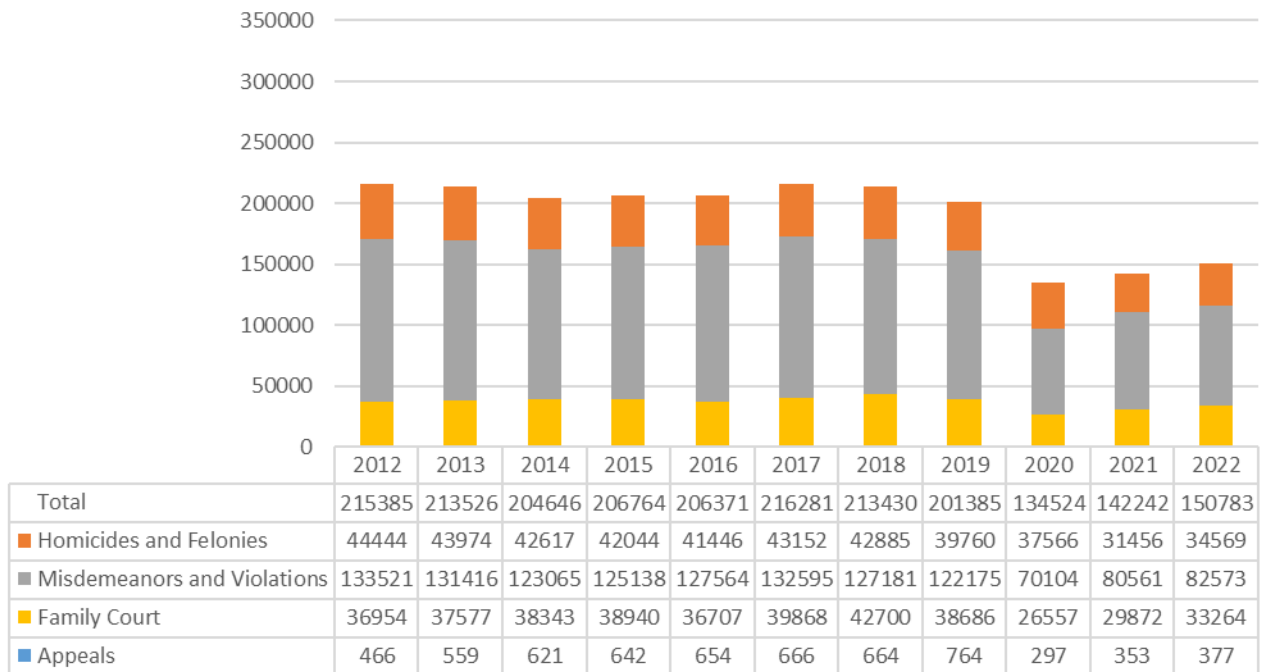
<sup>15</sup> See data from the Division of Criminal Justice Services (DCJS), available here: <https://www.criminaljustice.ny.gov/crimnet/ojsa/stats.htm>.

<sup>16</sup> Possible other reasons include criminal legal system reform measures, such as the 2020 enactment of the Marijuana and Taxation Act (S854A/A1248A) which legalized the possession of marijuana for recreational use, and the 2019 enactment of the Drivers' License Reform Act, which limited the circumstances in which a person's driver's license could be suspended, thereby potentially diminishing the frequency of arrests for driving without a valid drivers' license.

<sup>17</sup> Note that Cayuga, Herkimer, Madison, Oswego, Schoharie, and Tompkins counties did not have an institutional provider in 2022.



Figure 5:  
Total Caseloads for Institutional Providers Outside New York City  
2012-2022



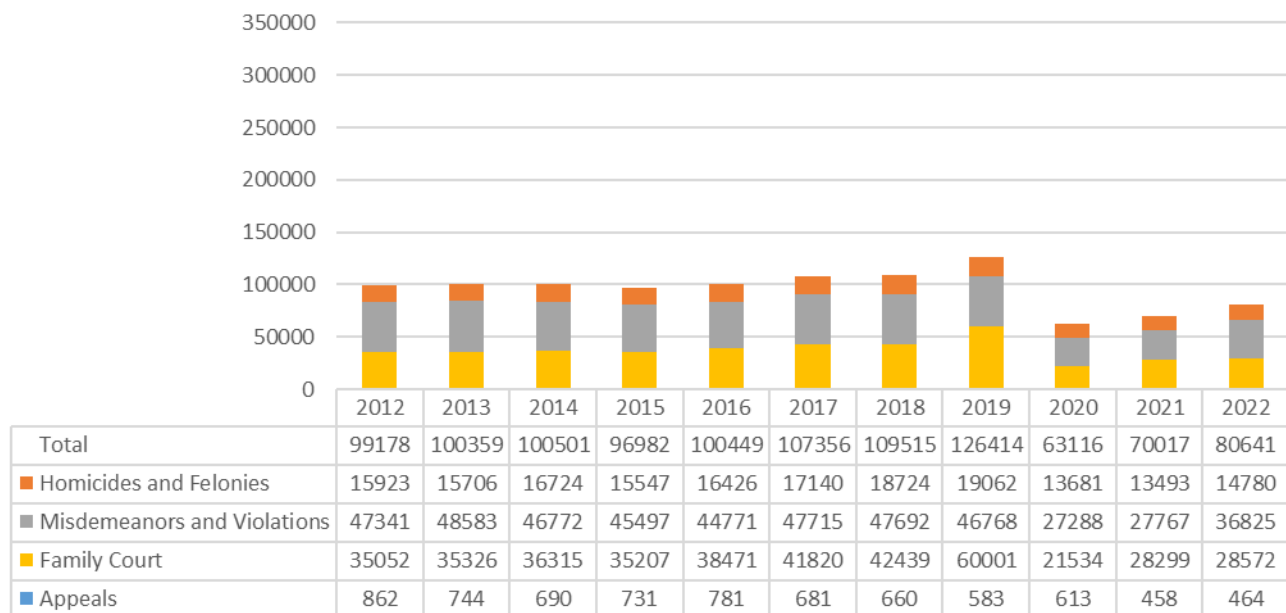
- Figure 5 shows that between 2012-2019, caseloads were relatively consistent, but decreased substantially between 2019 and 2020 (by 33.2%).
- Between 2020 and 2022, caseloads increased by 12.1%, but the 2022 caseloads are still lower than pre-pandemic caseloads.
- Like previous years, in 2022, institutional providers provided representation in about two-thirds of all cases.
- In 2022, misdemeanors and violations made up approximately half the total caseload (54.8%) followed by homicides and felonies (22.9%) and Family Court Cases (22.1%).<sup>18</sup>

<sup>18</sup> Note that this figure does not include the eight providers outside of New York City that exclusively provide Family Court Representation.

## **Total Caseloads – Assigned Counsel Programs<sup>19</sup>**

Figure 6 presents total caseloads for all assigned counsel programs outside New York City (excluding *Hurrell-Harring* Settlement counties) over the past 11 years. Caseloads are presented by case type.

Figure 6:  
Total Caseloads for Assigned Counsel Programs Outside New York City  
2012-2022



- Figure 6 shows relatively consistent caseloads between 2012 and 2019 and then a substantial decrease (50.1%) in the number of total cases between 2019 and 2020.
- Between 2020 and 2022, caseloads increased by 27.8%, but the 2022 caseloads are still lower than pre-pandemic caseloads.
- Consistent with previous years, in 2022, ACPs provided representation in about one-third of all cases.
- Also consistent with historical data, ACP caseloads consisted of a substantially larger proportion of Family Court cases (35.4% for ACPs vs 22.1% for institutional providers) and appeals (0.6% for ACPs vs 0.3% for institutional providers).

<sup>19</sup> Note that all counties must have an assigned counsel program to handle conflicts.

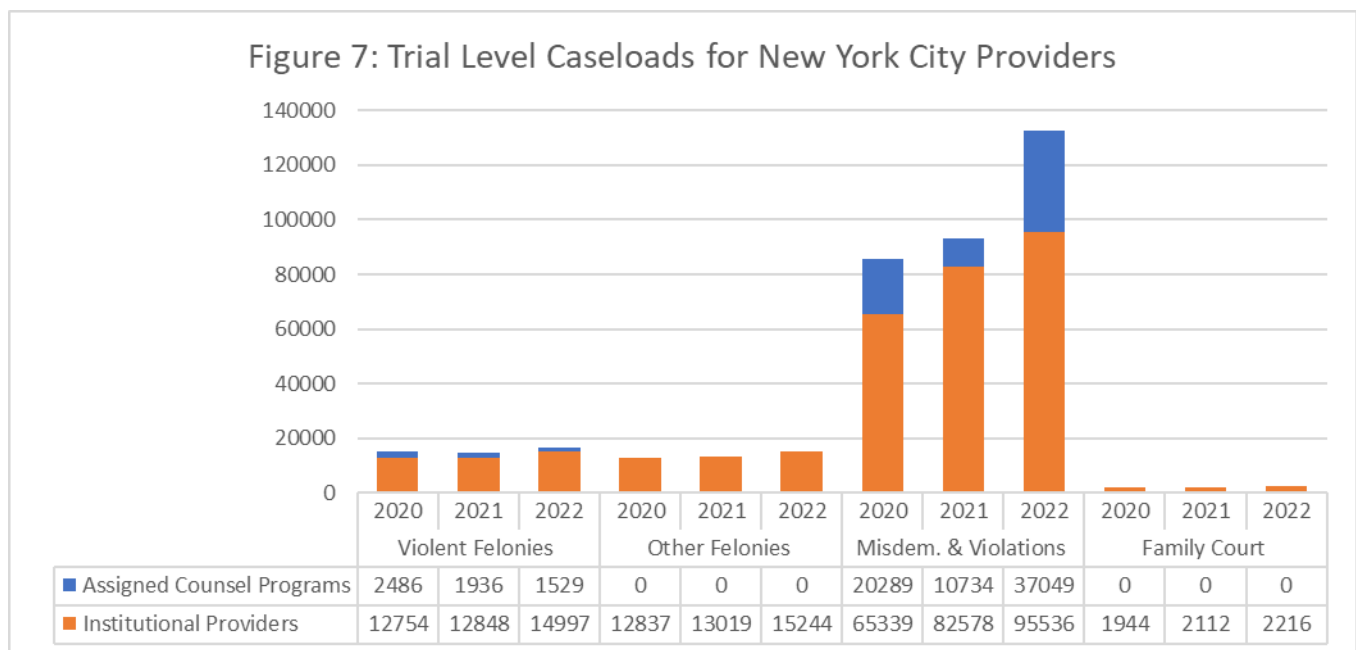
## New York City Providers

### 1. 2020-2022 Caseload Data Presented by ILS Case Type<sup>20</sup>

#### Trial Level Cases<sup>21</sup>

As of 2017, ILS was collecting caseload data for NYC, but until 2020, we collected it by the more general case types that included Family Court cases. In 2020, as with providers outside of New York City, ILS began collecting criminal caseload data by the more discriminating ILS caseload standards case types. This section evaluates this data for New York City providers.

Figure 7 presents trial level caseloads for New York City Providers distinguishing between institutional providers and assigned counsel programs.



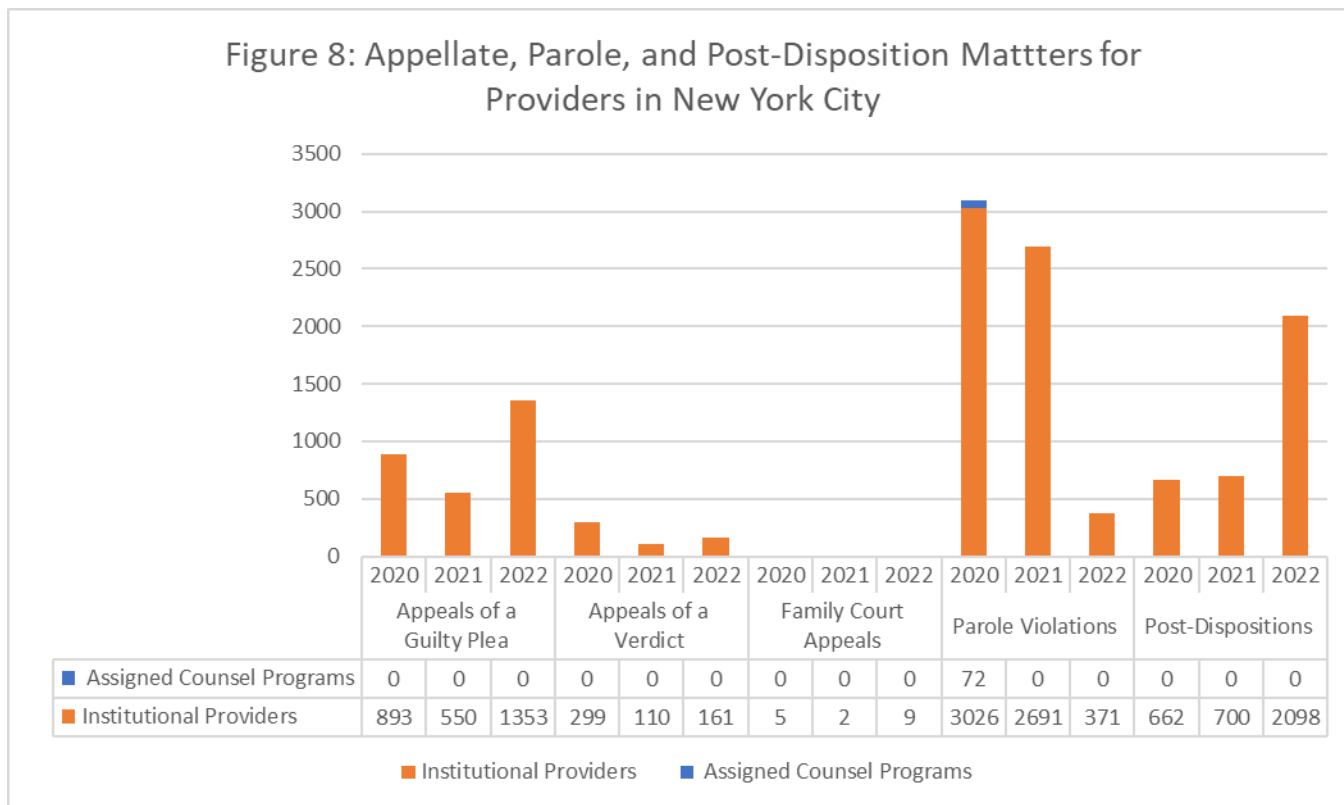
- The number of trial level cases in 2022 increased from previous years in all case types.
- In 2022, as in previous years, trial level cases consisted mostly of misdemeanor and violation cases (79.6% of all trial level cases where representation was provided by providers of mandated criminal representation in New York City).

<sup>20</sup> Please note that New York City has one institutional provider which focuses exclusively on Family Court representation as well as the Appellate Divisions which assign mandated Family Court cases to assigned counsel attorneys pursuant to County Law § 722. These providers and their caseloads are not included here as this report only includes providers of mandated criminal representation.

<sup>21</sup> Please note that the database for the ACPs in New York City does not yet distinguish between violent felonies and other felonies. Since most of the ACP felony cases are violent felonies, all felonies in 2020, 2021, and 2022 are reported as violent felonies by these two ACPs.

## Appellate, Parole, and Post-Disposition Cases

Figure 8 presents appellate, parole, and post-disposition caseloads for all New York City providers. Caseloads are presented by case type.



- The assigned counsel programs in New York City did not handle any appellate, parole, or post-disposition cases in 2021 and 2022.
- Between 2021 and 2022, there was a significant decrease in parole violation cases (a 86.2% decrease). This could be due to a variety of factors, including less individuals being sentenced to prison during the Covid-19 pandemic and the “Less is More” parole reform that was enacted in March 2022.
- In 2022, the number of post-disposition cases exceeded the number of parole violation cases for the first time since ILS started tracking this data.

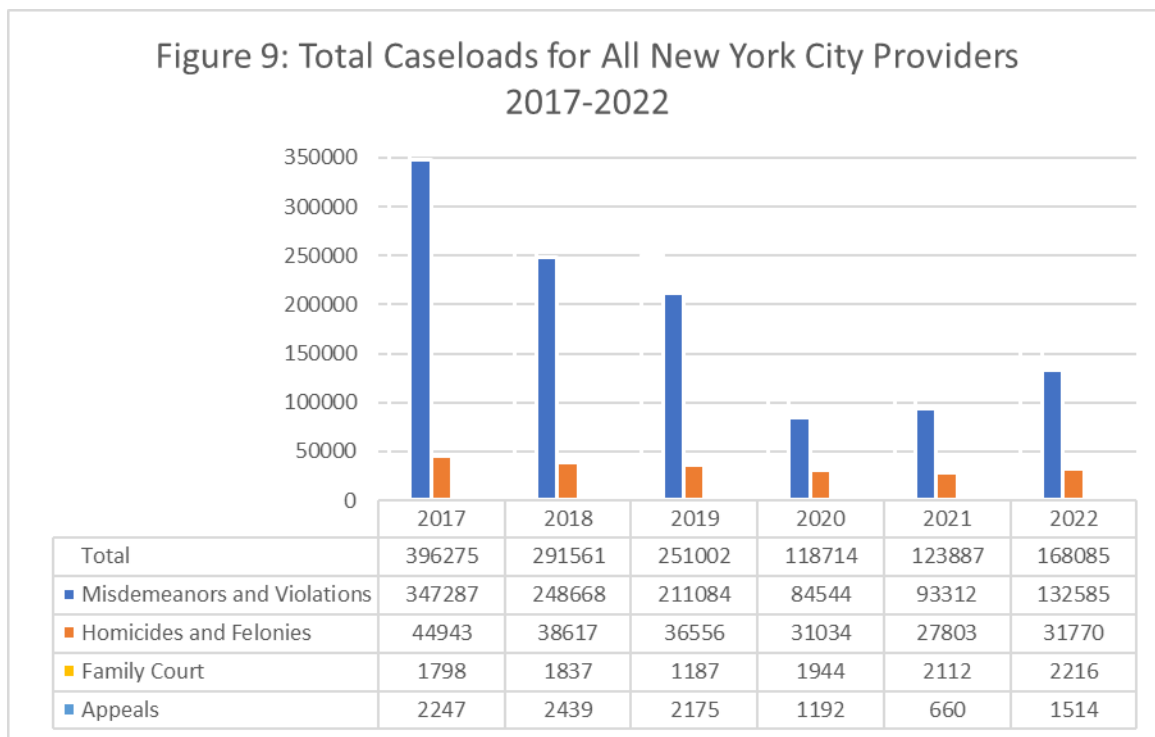
## **2. Historical Caseload Trends: Examining 2017-2022 Caseload Data by More General Case Types**

As stated above, as of 2017, ILS was collecting caseload data from New York City providers, though until 2020, we collected it by the more general case types. We present the caseload data below by the more general case types because it is a good picture of mandated defense provider caseloads prior to and since the Covid-19 pandemic that also includes the Family Court cases the

mandated defense providers handle. In the section below we examine the total caseloads for New York City providers, distinguishing between institutional providers and assigned counsel programs.

### **Total Caseloads – All Providers**

Figure 9 presents total caseloads for all providers New York City providers since 2017. Caseloads are broken down by case type.



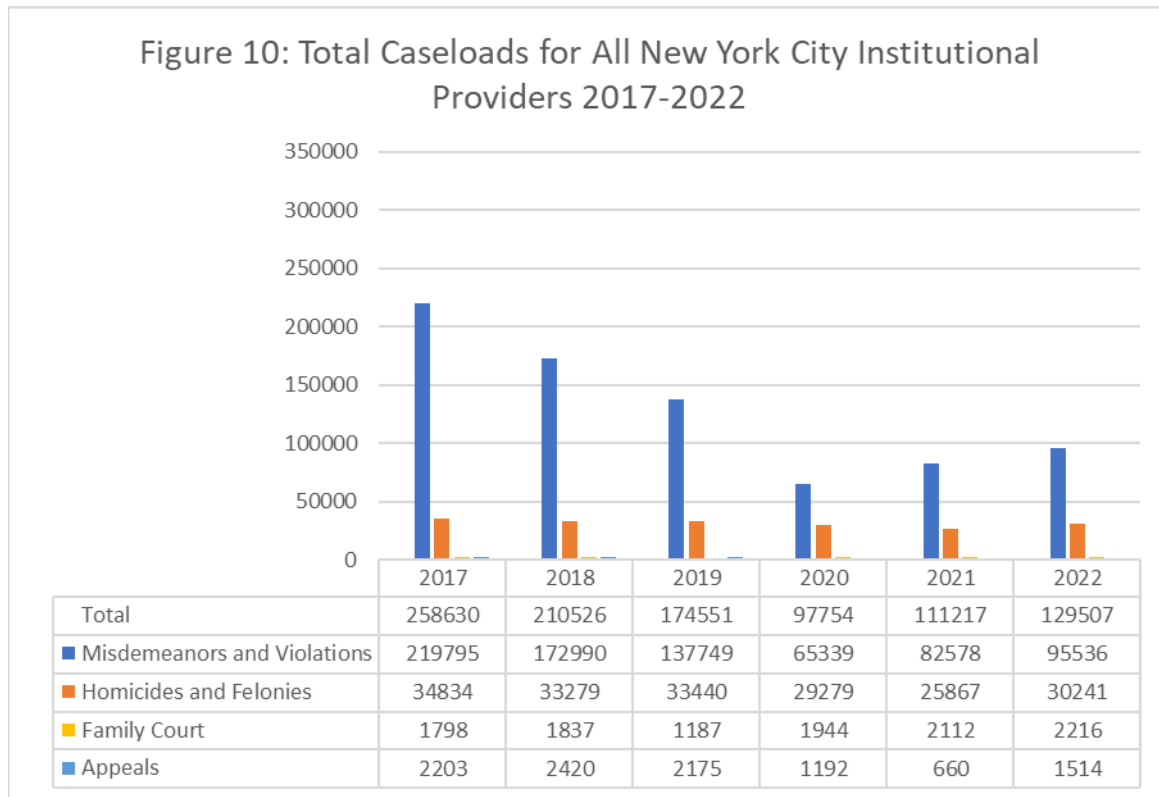
- Between 2017 and 2019, caseloads were trending downward for New York City providers, but between 2019 and 2020, when the Covid-19 pandemic started, there was a significant decrease (52.7%) in the number of total cases. However, while 2022 caseloads are still lower than pre-pandemic, caseloads are trending upwards, and between 2020 and 2022, caseloads increased by 41.6%.
- Significantly, the number of Family Court cases where representation was provided by providers of mandated criminal representation in New York City<sup>22</sup> has nearly doubled since 2019 and exceeds pre-pandemic levels.<sup>23</sup>

<sup>22</sup> Not including providers engaging solely in Family Court representation.

<sup>23</sup> It is important to note that the Family Court numbers refer to institutional provider representation only. The New York City ACPs do not provide representation on Family Court cases or appeals.

## **Total Caseloads – Institutional Providers**

Figure 10 presents total caseloads for all New York City institutional providers since 2017. Caseloads are presented by case type.

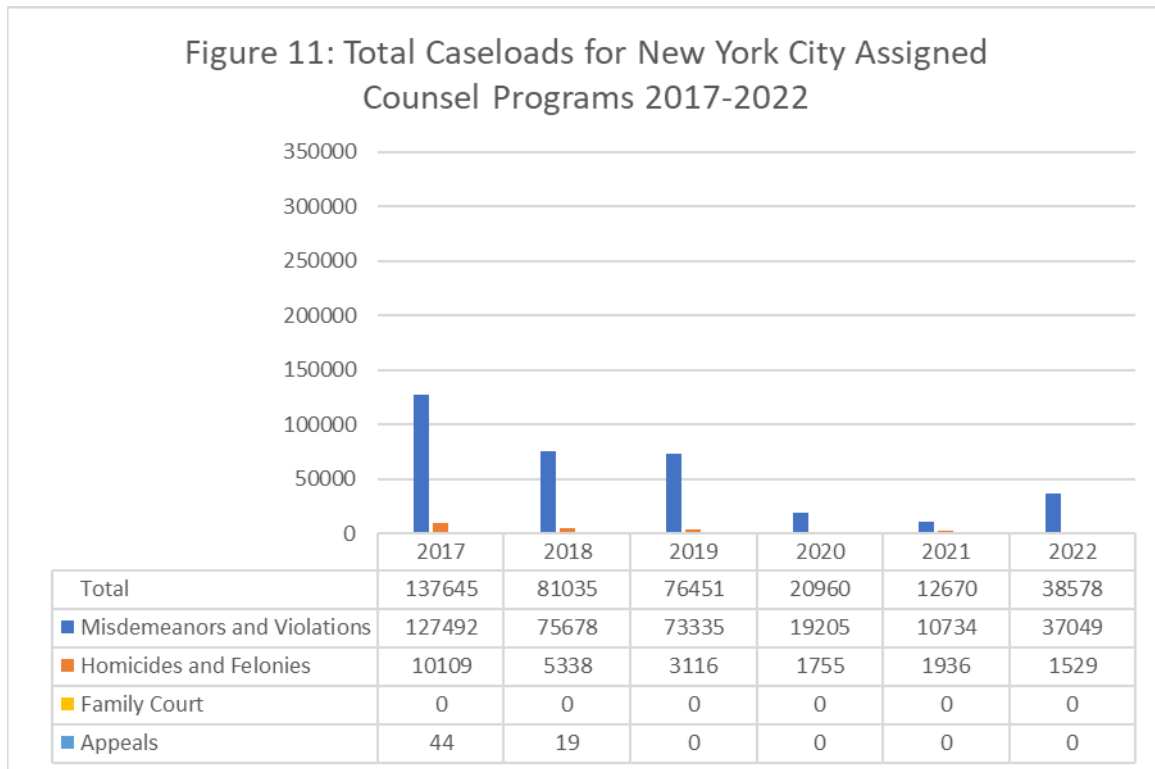


- Between 2017 and 2019, caseloads were trending downward for institutional providers, and between 2019 and 2020, when the Covid-19 pandemic occurred, there was a significant decrease (44.0%) in the number of total institutional provider cases. However, while 2022 caseloads are still lower than pre-pandemic levels, the caseloads are trending upwards, and between 2020 and 2022, caseload increased by 32.5%.
- Interestingly, between 2019 and 2020, misdemeanors and violations cases decreased significantly – nearly 50%. The number of homicide and felony cases, however, decreased only slightly. In 2022, the number of homicide and felony cases was nearly back to pre-pandemic levels.
- In 2022, institutional providers provided representation in approximately three-quarters of the cases in New York City. Misdemeanors and violations make up 73.8% of the total caseload, followed by homicides and felonies (23.4%), Family Court cases<sup>24</sup> (1.7%) and appeals (1.2%).

<sup>24</sup> Again, the two providers in NYC that engage solely in Family Court representation are not included in these numbers.

## **Total Caseloads – Assigned Counsel Programs**

Figure 11 presents total caseloads for both New York City assigned counsel programs since 2017. Caseloads are presented by case type.



- Between 2017 and 2019, New York City ACP caseloads were trending downward, particularly for misdemeanors and violations. Between 2019 and 2020, with the onset of the Covid-19 pandemic, we see an even larger decrease (72.6%) in the number of total cases.
- However, while caseloads are still lower than pre-pandemic levels, the data shows that caseloads are trending upwards. In 2022, caseloads increased by 84.1% since 2020.
- In 2022, ACPs provided representation on approximately one-quarter of the total volume of cases in New York City. Misdemeanors and violations make up 96.0% of the total caseload, followed by homicides and felonies (4.0%). The New York City ACPs do not provide representation on Family Court cases or appeals.

## **Staffing**

In addition to collecting information on caseloads, ILS also collects from providers information about attorney and non-attorney staff. To achieve caseload standards compliance and provide quality representation, institutional providers must have enough attorneys on staff and sufficient

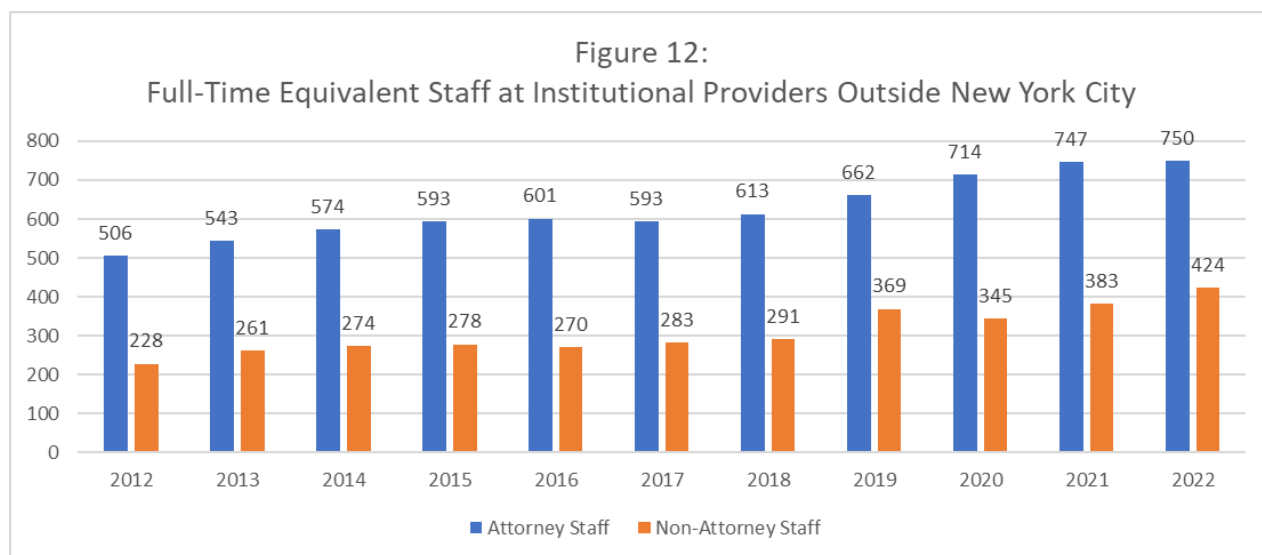


access to non-attorney experts (such as investigators, case managers, etc.) and administrative staff.

The data on staffing below reflects the total institutional provider staffing, i.e., all positions regardless of funding stream for both criminal and Family Court representation. It shows historical trends in institutional provider staffing across the state. The data distinguishes between providers outside New York City and New York City providers.<sup>25</sup>

### ***Institutional Providers Outside New York City (excluding Hurrell-Harring Settlement counties)***

Figure 12 shows the number of full-time equivalent (FTE) attorney and non-attorney staff at institutional providers outside New York City from 2012-2022.



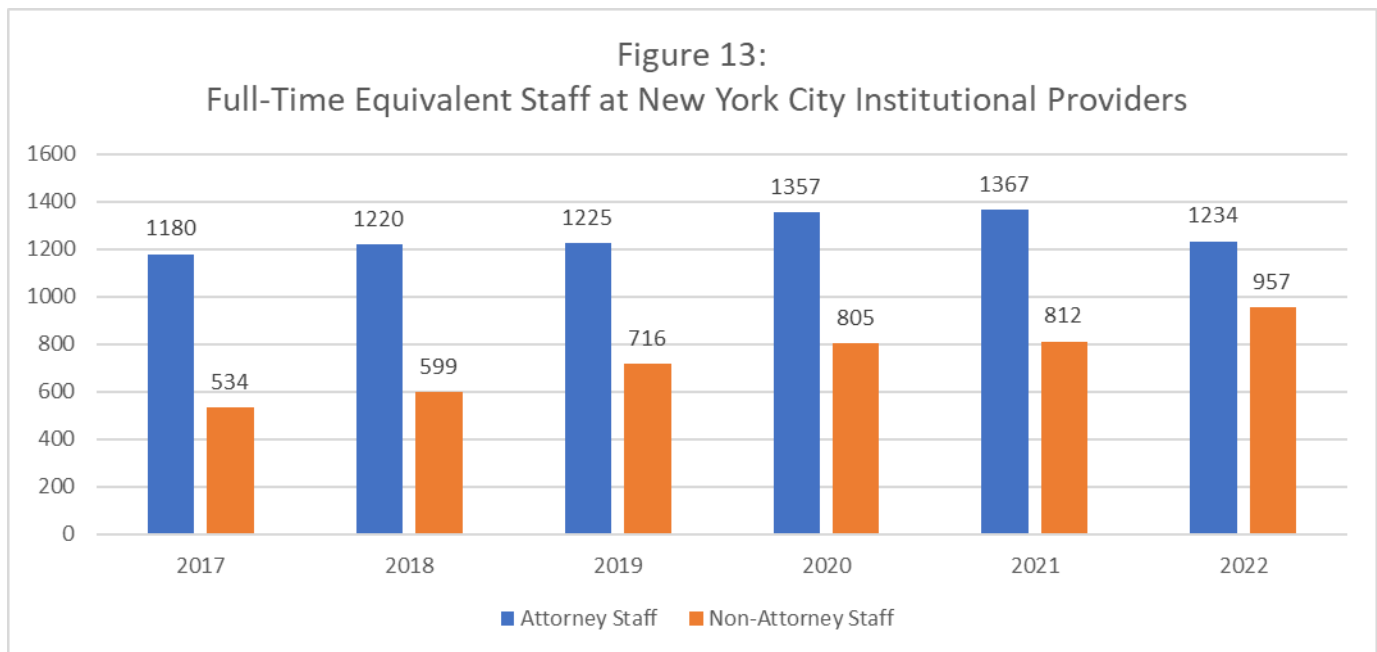
- The number of attorneys on staff at institutional providers outside New York City has increased substantially over time. In 2012, there were 506 FTE attorneys on staff. In 2022, that number has increased by 48.2% to 750 FTEs.
- The number of non-attorney staff has also substantially increased over time. In 2012, there were 228 FTE non-attorney FTEs on staff. In 2022, that number increased by 86.0% to 424 FTEs. Notably, since 2020, institutional providers added 79 non-attorney FTEs to their staff.
- In 2022, the number of attorneys FTEs on staff increased slightly by three, while the number of non-attorney positions increased markedly – by 41. Given the significant

<sup>25</sup> Please note that Appendix C also includes attorney and non-attorney staffing numbers for 2022, but that these are different from the staffing numbers reported in Figure 12. Figure 12 reports the 2022 attorney and non-attorney staffing numbers (in FTE) for those representing or working on criminal *and* Family Court cases all added up together, whereas Appendix C solely focuses on the attorney and non-attorney staffing numbers (in FTE) *dedicated to criminal cases only*. This information excludes *Hurrell-Harring* Settlement counties.

recruitment and retention issues providers faced in 2022, the slight increase in attorney staffing is not a surprise. The marked increase in non-attorney positions shows ongoing progress toward Statewide implementation.

### *New York City Institutional Providers*

Figure 13 shows the number of full-time equivalent (FTE) attorney and non-attorney staff at New York City institutional providers from 2017-2022.



- The staffing trends of New York City providers are similar to that of the providers outside of New York City with one notable difference – the decrease in the number of attorney staff in 2022. Until 2022, the number of both attorney and non-attorney staff increased steadily each year. The increase in non-attorney positions is most noticeable: in 2017, there were 534 non-attorney FTEs on staff, and by 2022, this had grown to 957 FTEs, an increase of 79.2%. But in 2022, while the number of non-attorney positions continued to increase, there was a decrease in the number of attorney positions.
- In last year’s report, we noted that staff compensation for New York City institutional providers is not competitive, and we predicted that attorney recruitment and attrition will worsen if steps are not taken to ensure competitive wages. The 2022 caseload data supports this prediction. Recent media reports indicate that the problem has continued to fester in 2023.<sup>26</sup>

<sup>26</sup> See Bromwich, Jonah, Hundreds Have Left N.Y. Public Defender Offices Over Low Pay, June 9, 2022 <https://www.nytimes.com/2022/06/09/nyregion/nyc-public-defenders-pay.html>. This article describes the recruitment and retention problems New York City public defense providers are experiencing.

- ILS is collaborating with the New York State Defenders Association (NYSDA), the Chief Defender Association of New York (CDANY), mandated providers, and county officials to address the attorney recruitment and retention challenges providers across the state. We are also focusing on those providers that have had better success in recruiting and retaining attorneys, identifying the strategies they are using, and determining if these strategies can be replicated by other providers. Of course, the problem will persist until the compensation for public defense attorneys is more competitive, particularly in New York City.

## Expenditures

ILS also collects annual information related to provider expenditures. An increase in spending over time is one indicator of implementation progress and improved quality of representation. We examine expenditures in three ways. First, we look at total expenditures on mandated representation, including *Hurrell-Harring* Settlement providers and providers of Family Court representation.<sup>27</sup> We present this data to illustrate overall mandated defense spending trends over the past 11 years in counties outside of New York City. Second, we examine expenditures by providers outside New York City (excluding *Hurrell-Harring* Settlement providers) and New York City provider expenditures to understand the impact of Statewide implementation funding.

All the expenditures presented in the following figures include those on: (1) personnel services (i.e., salaries, wages, and fringe benefits for attorneys, investigators, social workers and other staff members employed by the provider); and (2) all other than personnel services, which include both contract services (i.e., expenditures for attorneys and non-attorney professionals *not* employed by but *on contract with* the provider), and any other expenditures attendant to mandated representation (e.g., rent, equipment, supplies, etc.). These figures include all expenditures, regardless of revenue source, and thus reflect a combination of State and local funding.

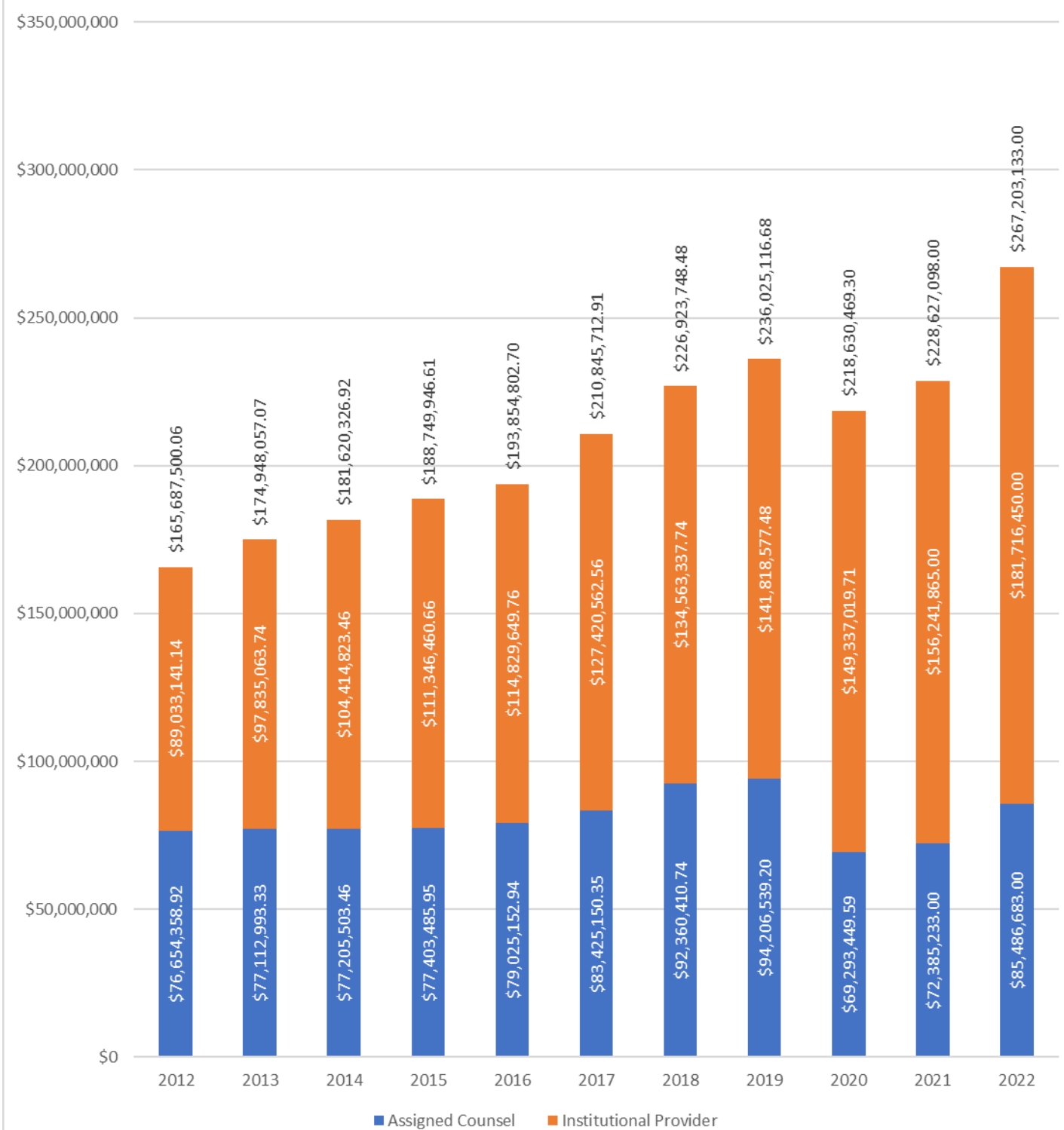
### *Total Statewide Spending Outside of New York City*

Figure 14 presents total spending on mandated representation in all counties except New York City. This information includes data from the *Hurrell-Harring* Settlement providers and providers of Family Court representation.

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<sup>27</sup> For New York City, ILS does not receive data from the institutional providers (such as the Center for Family Representation) that provide representation in Family Court cases, but not criminal court cases. Nor do we receive data about 18-B Family Court representation.

Figure 14: Total Statewide Expenditures Excluding New York City

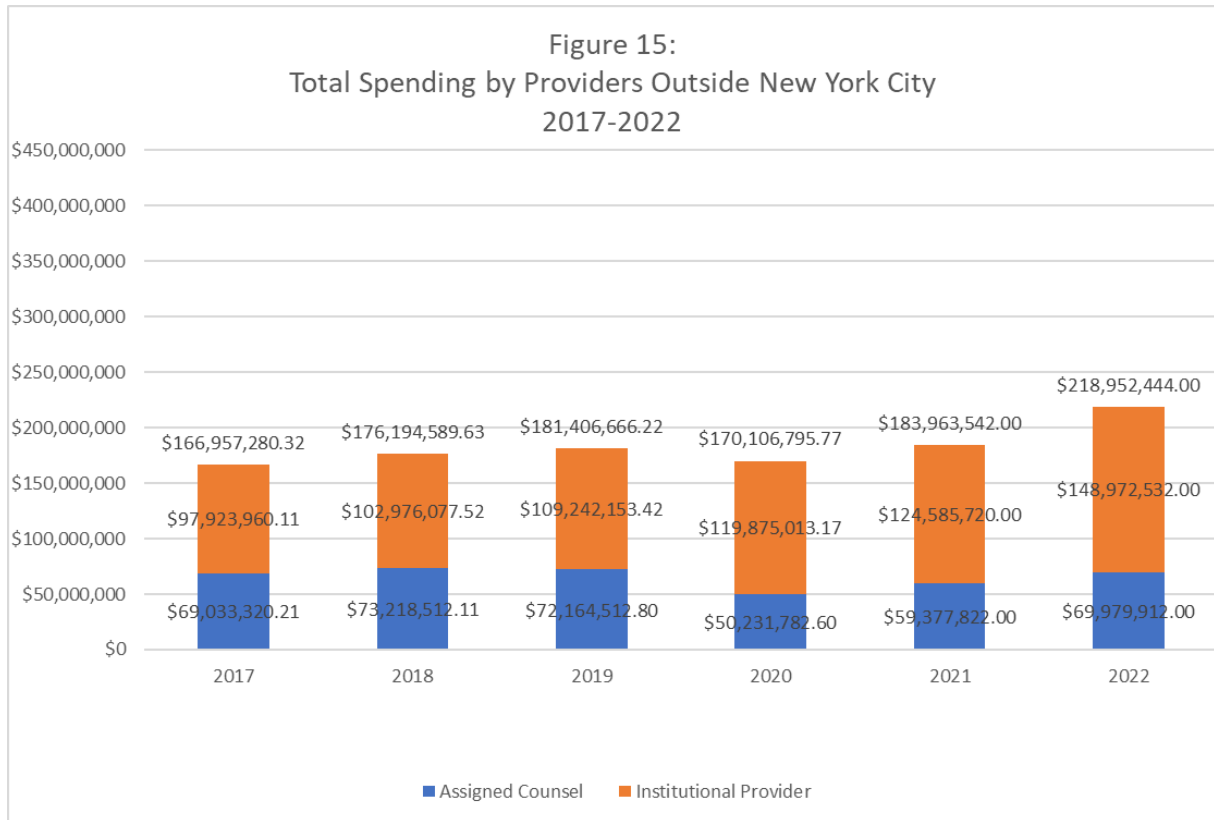


- Over the past 11 years, total expenditures consistently increased each year, until 2020, when the Covid-19 pandemic was at its height. In 2021, expenditures began to increase again. The expenditures in 2022 are higher than pre-pandemic expenditures.
- Notably, institutional provider spending substantially increased from about \$89.0 million in 2012 to about \$181.7 million in 2022, an increase of 104.2%.
- ACP spending outside of New York City does not mirror the institutional provider gains. Although total ACP spending increased from 2012 to 2019, it significantly decreased in 2020, from about \$94.2 million in 2019 to about \$69.3 million in 2020. From 2020 to 2022, total spending by ACPs increased to almost \$85.5 million, an increase of 23.4%. Still, this is still about \$9 million lower than the pre-pandemic year of 2019.

The differences between institutional providers and ACPs regarding increased expenditures are not surprising. Until just this year, ACP hourly wages had remained stagnant since 2004, and over time there were fewer attorneys willing to take assigned cases. This resulted in many ACP attorneys taking more cases than they should, and not spending enough time or resources on cases. Since Statewide implementation, there has been some marginal increase in average spending per weighted criminal case (see below), but as of 2022, the ACPs were still in crisis. Additionally, as we have stated in previous reports, the significant decrease in ACP expenditures in 2020 was expected, given the Covid-19 pandemic, and the mechanics of the ACP payment and vouchering process. ACP attorneys typically do not submit vouchers for payment until the end of a case, so there is a delay between the time representation is provided (and costs incurred) and the actual expenditure. During the peak of the pandemic, with case dispositions delayed, it made sense that voucher expenditures also declined. It is anticipated that with the ACP hourly rate increase that went into effect in April 2023, ACP expenditures will increase.

#### *Expenditures by Providers Outside New York City (excluding Hurrell-Harring Settlement providers)*

Figure 15 presents the total spending by the providers outside New York City, excluding *Hurrell-Harring* Settlement providers.

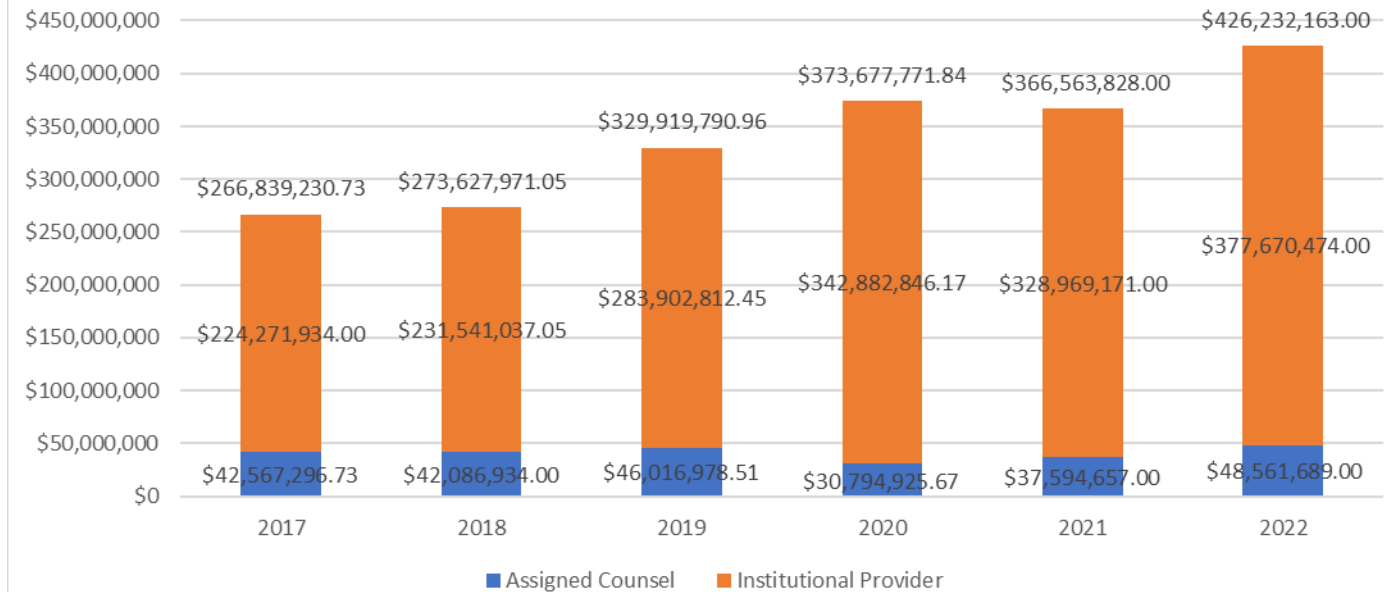


- Total spending consistently increased from 2017 to 2022, except for a slight decrease in 2020.
- Institutional provider spending significantly increased, from about \$97.9 million in 2017, to about \$149.0 million in 2022, an increase of 52.2%.
- ACP spending significantly decreased in 2020, from about \$72.2 million in 2019 to about \$50.2 million in 2020. From 2020 to 2022, total spending by ACPs increased by 39.4% to almost \$70.0 million. However, this is still about \$2.1 million less than the pre-pandemic year of 2019.

### *Expenditures for New York City Providers*

Figure 16 presents the total spending by the New York City providers.

Figure 16:  
Total Spending by New York City Providers  
2017-2022



- Total spending in New York City increased substantially from about \$267 million for all providers in 2017 to almost \$426.2 million in 2022.
- Institutional provider expenditures have significantly increased, from \$342.9 million in 2020 to \$377.7 million in 2022, an increase of 10.1%. While institutional provider spending declined in 2021, in 2022 it exceeded previous years.
- In New York City, unlike the rest of the state, ACP spending is exceeding pre-pandemic levels and is at its highest level. Total spending increased from \$30.8 million in 2020 to \$48.6 million in 2022, an increase of 57.8%. This is likely because, pursuant to litigation, the hourly rate for ACPs increased in 2022. Additionally, anecdotal information suggests that since at least 2021 and prior to the rate increase, many New York City courts were ordering payment of a higher rate as a necessary measure to convince attorneys to accept new case assignments.

### **Institutional Providers: Weighted Cases Per Attorney<sup>28</sup>**

As in prior reports, we review progress towards caseload standards compliance for institutional providers by assessing the average number of weighted cases per full-time equivalent attorney. The term “weighted cases” refers to an adjustment that is applied to individual provider’s

<sup>28</sup> For a breakdown of the 2022 average number of weighted criminal cases per attorney at the institutional provider level, please see Appendix C.

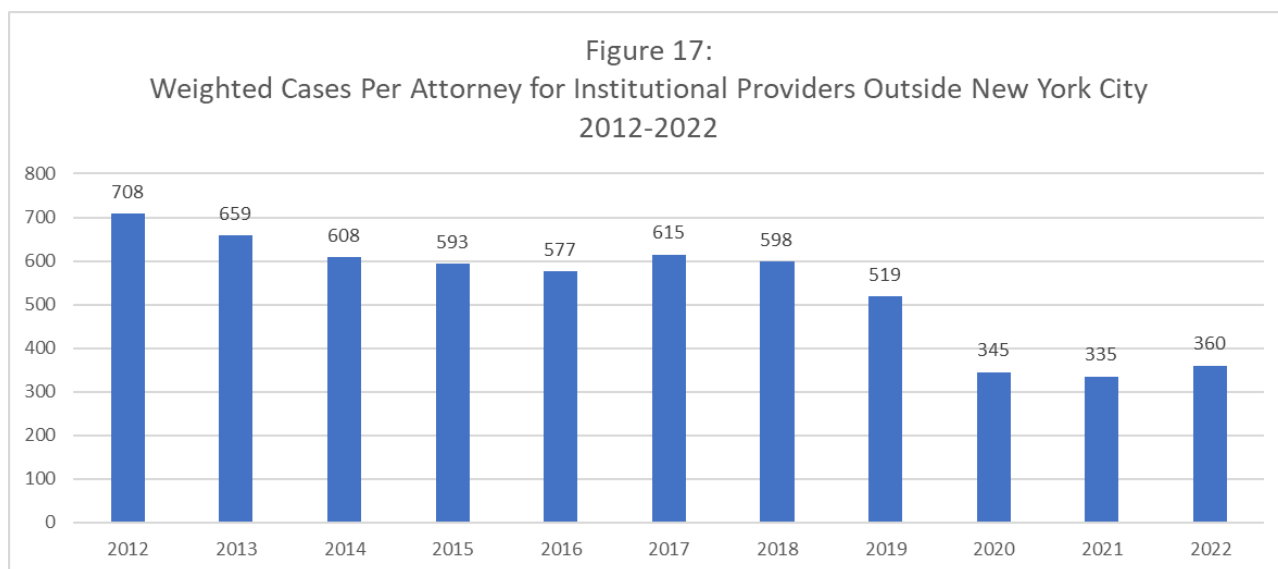


caseload numbers to account for the type of case, with more serious cases being given the most weight.<sup>29</sup>

We present this information in two ways. First, for an historical overview, we examine overall weighted caseload trends from 2012-2022 for institutional providers outside New York City (excluding the *Hurrell-Harring* Settlement providers). Because ILS did not start collecting data in accord with ILS caseload standards case types until 2020, this examination utilizes both the more general case types and a weighting different from the ILS caseload standards, described below. Second, beginning in 2020, we present weighted caseload trends using the more discriminating ILS caseload categories and case weights.

### ***Weighted Cases Per Attorney Historical Trends: Examining 2012-2022 Numbers***

Figure 17 shows the average number of weighted cases per attorney for institutional providers outside New York City (excluding *Hurrell-Harring* Settlement counties) for years 2012 to 2022. For this figure and to best assess caseload trends over time, caseloads are weighted based on an adjustment to the 1973 National Advisory Council (NAC) standards, taking into account attorneys' supervisory responsibilities, as follows: misdemeanors and violations are weighted at "1," felony cases are weighted at "2.67," Family Court cases are also weighted at "2.67," and appeals are weighted at "16."



- Weighted caseloads per attorney were generally decreasing from 2012 to 2016, though in 2017 there was a slight spike. Weighted caseloads decreased in 2018 and even more significantly in 2019, with 598 weighted cases per attorney in 2018 to 519 in 2019. This is an indication that Statewide implementation was achieving the caseload relief goals.

<sup>29</sup> See ILS Caseload Standards Report, *supra*, n.2.

- From 2019 to 2020, the number of weighted cases decreased substantially<sup>30</sup> while providers also increased full-time equivalent attorney staff (i.e., from 662 to 714, see Figure 12). In 2021 and 2022, the number of weighted cases ticked up,<sup>31</sup> but so too did the number of full-time equivalent attorney staff. In 2022, the number of weighted cases continued to increase, but there was only a slight increase in number of FTE attorneys. As a result, we see in Figure 17 that the average weighted cases per attorney significantly decreased from 2019 (519) to 2020 (345) to 2021 (335), but slightly increased to 360 in 2022.

### *Weighted Cases Per Attorney Trends: The New Case Categories*

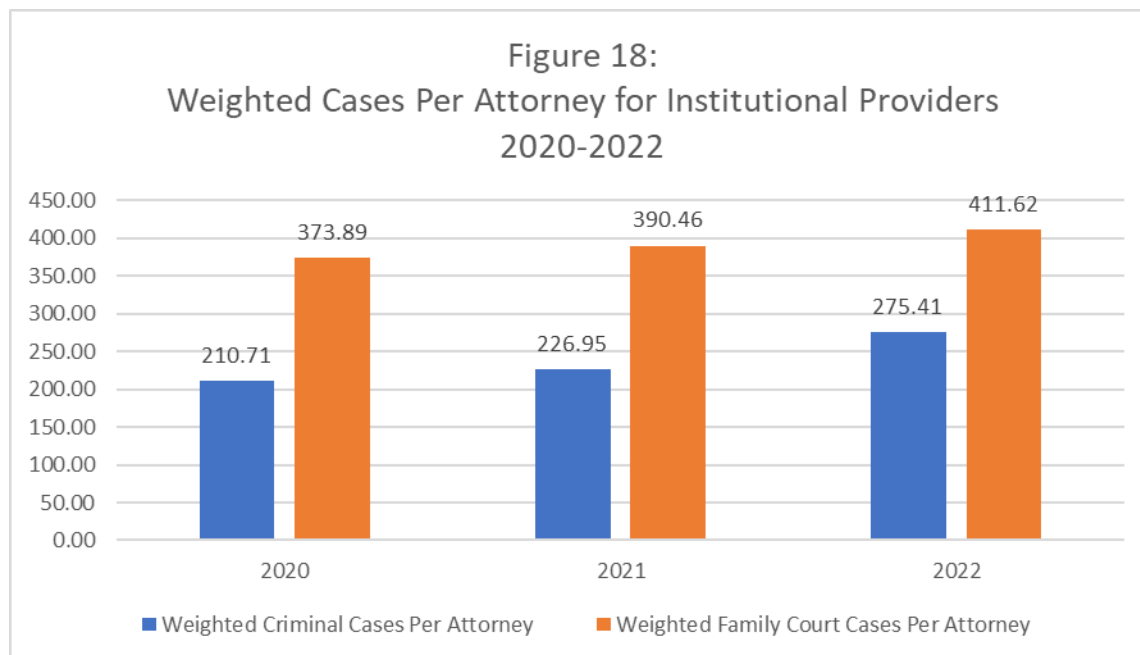
Though a good measure of trends in weighted caseloads per attorney over time, Figure 17 has its limitations. First, it combines criminal and Family Court cases. It also uses the previous adjusted NAC case types and case weights as opposed to the more recent and refined ILS caseload standards. Finally, it does not include New York City institutional providers. In 2020, ILS began collecting data from all mandated criminal defense providers (including New York City) for criminal cases in a manner that accords with the ILS caseload standards. Under the ILS caseload standards, misdemeanors and violations are weighted at “1,” violent felonies are weighted at “6,” other felonies at “3,” post-disposition and parole violation cases are both weighted at “1.5,” appeals of a guilty plea are weighted at “8.57,” and appeals of a verdict at “25.” We also began collecting data separately on Family Court cases using the same NAC standards and weights as previously used—i.e., Family Court cases are weighted at 2.67 and appeals at 16. Going forward, ILS anticipates continuing to use this more refined and inclusive method of assessing weighted cases per attorney.

The weighted cases per attorney using this more refined and complete data set is depicted in Figure 18 below.

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<sup>30</sup> In 2019, the total number of weighted cases in institutional providers in the 52 non-Settlement counties outside New York City was 343,849.8 versus only 246,064.4 in 2020, the first year of the pandemic.

<sup>31</sup> In 2021 and 2022, the total number of weighted cases went up to 249,954.8 and 269,719.1 respectively.

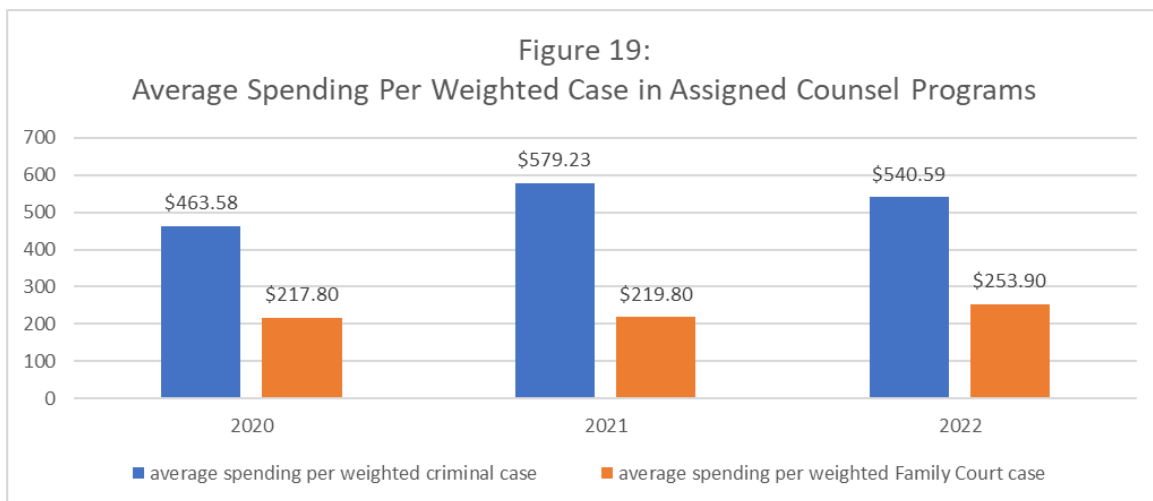


- With these new caseload categories and weights, we see a slight increase in weighted caseloads from 2020 to 2022.<sup>32</sup> This is consistent with data showing an increase in overall caseloads. The impact of attorney staffing on weighted cases per attorney is nuanced. Between 2020 and 2021, the number of FTE attorney positions increased for New York City providers and for providers outside of New York City. Between 2021 and 2022, providers outside of New York City had a very slight increase in the number of FTE attorney positions, but New York City providers experienced a marked decrease in the number of FTE attorney positions.
- Notably, this information displays a stark difference between weighted Family Court cases per attorney and weighted criminal cases per attorney, with Family Court defense attorneys having to contend with much higher caseloads in 2020, 2021, and 2022. The data shows 373.89 weighted Family Court cases per attorney in 2020 (163.18 weighted cases more, or 77.4% higher than criminal), 390.46 weighted Family Court cases in 2021 (163.51 weighted cases more, or 72.0% higher than criminal), and 411.62 weighted Family Court cases in 2022 (136.21 weighted cases more, or 49.5% higher than criminal). Mandated Family Court representation has not had the same State fiscal commitment, and as a result, continues to experience increasingly high weighted caseloads per attorney.

<sup>32</sup> This number is calculated by dividing the sum of the total weighted criminal cases (i.e., column 14 in Appendix C) for each of the institutional providers in the 52 upstate counties and New York City by the sum of attorney staff taking criminal cases (in FTE; see column 12 in Appendix C) for these providers. For 2021 this was 423,719.73 weighted *criminal* cases / 1,867.056 *criminal* attorney FTEs). For 2022 this was 479,321.72 weighted *criminal* cases / 1740.37 *criminal* attorney FTEs. In other words, the higher weighted criminal cases per attorney in 2022 is due to (1) an increase in the total weighted criminal cases and (2) a decrease in criminal attorney FTEs.

## Assigned Counsel Programs: Average Spending Per Weighted Case<sup>33</sup>

While we use the metrics of average weighted case per attorney for institutional providers, to gauge ACP caseload implementation we use a different approach—one that reflects how ACPs are organizationally distinct from institutional providers. For ACPs we present the average spending per weighted case using the case weights in accord with the ILS caseload standards: misdemeanor and violation cases weighted “1,” violent felonies “6,” other felonies “3,” post-disposition and parole violation “1.5,” appeals of a guilty plea “8.57,” and appeals of a verdict “25.” Family Court cases were weighted at 2.67 and Family Court appeals at 16.”<sup>34</sup> This assessment reveals the following:<sup>35</sup>



- The 2021 average spending per weighted criminal case was \$579.23 while the average spending per weighted Family Court case was \$219.80. Compared to 2020, the average spending per weighted criminal case increased significantly while the average spending per weighted Family Court case increased only slightly (see Figure 19).

<sup>33</sup> For a breakdown of the 2022 average spending per weighted criminal case per ILS caseload standard weights and per weighted Family Court case, at the ACP level, please see Appendix E. Please note that in Appendix E, the more specific measure of *OTPS expenditures* is used for both criminal and Family Court cases. This is in contrast to Appendix D in which the overall *total expenditures* are presented.

<sup>34</sup> As the purpose is to set a baseline for future reports, it would be inappropriate to not consider and weigh Family Court appeals at all (as we did for comparing 2020-2021 case numbers to previous years as described in Appendix B). Instead, Family Court cases are weighted at 2.67 and Family Court appeals at 16, which are the weights used for Family Court cases and appeals in previous caseload reports. Although ILS has published more refined caseload standards and corresponding weights in its June 4, 2021 report titled *Caseload Standards for Parents' Attorneys in New York State Family Court Mandated Representation Cases*, (available at <https://www.ils.ny.gov/files/Caseload%20Standards%20Parents%20Attorneys%20NYS%20Family%20Court.pdf>) these require the collection of data in 13 Family Court case types at the trial level, which for the purposes of the current report has not been done. In addition, the more refined ILS caseload standards for Family Court cases do not include weights for Family Court appeals.

<sup>35</sup> Providers with missing information on caseloads, criminal court OTPS, and / or Family Court OTPS (n=8) were excluded from the 2022 analyses to produce a more precise estimate of average spending per weighted case.

- However, average spending in criminal cases decreased slightly from 2021 to 2022, while average spending in Family Court cases increased.
- Since 2020, the average spending per weighted case for criminal cases has consistently been significantly higher than it has been for Family Court cases. As with the weighted case measure for institutional providers, this significant difference in ACP spending shows the impact that the State infusion of funding has had on criminal case representation, with more resources available for attorneys to use for improved quality representation.

## **IV. Systemic Challenges to Statewide Implementation**

Though considerable progress has been made, counties and public defense providers across the State face systemic challenges that have, at times, slowed Statewide implementation. As discussed in previous reports, the Covid-19 pandemic required county officials and mandated providers to shift their focus from Statewide implementation to developing and imposing the protocols necessary to keep staff, clients, and the public safe. For nearly a year, managing the pandemic was necessarily the primary focus of public officials and mandated providers, leaving little time to focus on Statewide implementation. Additionally, throughout most of 2020, state and local officials imposed spending and hiring freezes because of grave concerns about a budget crisis. It was not until early 2021, when the federal government committed billions of dollars to pandemic relief, that state and local governments began to loosen the tight spending constraints they had imposed in 2020. There is no question that the Covid-19 pandemic had a significant impact on the pace of Statewide implementation, and it is impressive that progress continued during this time, albeit at a slower pace.

In addition to the pandemic, mandated representation providers have faced two additional challenges to implementation: (1) the need to navigate local bureaucracy and politics which means that it takes time to create the staff positions and programs needed; and (2) staff recruitment and retention. In this section, we discuss these challenges.

### **The Need to Navigate Local Bureaucracy and Politics**

The *Hurrell-Harring* Settlement and its extension statewide did not change New York's county-based public defense system. Settlement and Statewide implementation are, at the core, county-based endeavors. This means that for every staff position and program funded, providers must navigate local bureaucracy and politics to hire the position and implement the program. The local bureaucratic processes and politics vary from county to county and often depend on the county's type of public defense delivery system. In some counties, public defense providers are county departments, in others they are contractors with the county, and in others, it is a combination. Ultimately, ILS is dependent on county cooperation and support to implement the Statewide reforms.

The lack of immediate implementation is a function of various local processes and politics. In all counties, the need to navigate these local processes has meant that Statewide implementation cannot be immediate, and there are necessarily some implementation delays, with the length of

delays varying from county to county and program to program. After State funding is appropriated in the ILS budget, it often takes time to develop a comprehensive, well-considered plan, and then convert that plan to the budget and workplan needed for the contract. Once a contract is finalized, there are several county-specific processes that providers must undergo to add any newly created Statewide contract budget lines to the county budget before the providers can spend the funding and implement the budgeted line. Even when county officials fully support implementation and quickly agree to add the new positions and programs to local budget, it takes time to navigate the county budget processes to do so. In many instances, adding Statewide funding to a defense provider's budget requires a county budget amendment, and these amendments often require the approval of various county legislative committees before approval by the full county legislature or board. Typically, providers cannot begin to implement the Statewide plans until there is full legislative approval of the necessary budget amendment. These challenges are most pronounced when hiring the new positions funded by the Statewide contract, but because of county procurement rules, they can also create delays in other areas, such as purchasing technology, renovating and expanding office space, entering into necessary sub-contracts, etc.

In some counties, county officials continue to worry that the Statewide funding will decrease or remain flat over time, not keeping pace with salary increases and inflation. As a result, they hesitate to add positions or programs that require ongoing funding. Some county officials are apprehensive about devoting significantly increased funding to public defense because their constituents resent spending public dollars on defending low-income people accused of criminal activity. Additionally, other county departments are experiencing the same recruitment and attrition issues that public defense providers are experiencing, and county officials are hesitant to increase public defense staff compensation without also increasing compensation for staff in other county departments, such as District Attorney Offices, County Attorney Offices, and Departments of Social Services. Even when public defense salary increases are included in the Statewide contract, several counties have not yet implemented these increases because there is a set county pay structure for positions from which the county cannot deviate. Several county officials have told ILS that they recognize the need to increase compensation across the board for all county positions, but doing so takes time and buy-in, not only from county officials but also from county legislators or board members.

Now that the five-year phase-in of Statewide implementation is complete and counties are not having to add new positions and programs to their local budgets each year, ILS anticipates that the pace of implementation will pick up though, as discussed below, the attorney recruitment and retention challenges will continue to pose a challenge.

### **Attorney Recruitment and Retention Issues**

As reflected in the staffing data, recruiting and retaining qualified attorneys is posing serious challenges for institutional providers and ACPs, particularly for the New York City institutional providers. As depicted in Figure 12, until 2022, institutional providers outside of New York City experienced relatively significant increases in the number of attorney positions each year. However, between 2021 and 2022, the number increased by only three. Figure 13 shows that the issue of attorney recruitment and retention is most severe for the New York City institutional

providers. Between 2017 and 2020, these providers saw a steady increase in the number of attorneys each year, but the pace slowed in 2021, and in 2022, there was a significant decrease in the number of attorney positions. While attorney staff numbers in 2022 are higher than pre-Statewide implementation, the data regarding attorney staffing between 2021 and 2022 signals that mandated providers throughout the state are confronting the same attorney recruitment and retention issue that has impacted public defense offices across the country.

Much has been written about the pandemic's impact on labor and what the media has dubbed "the great resignation."<sup>36</sup> Public defense offices across the country have been affected by this crisis and face severe attorney shortages. ILS staff have participated in national forums about public defense, and for the past two years, much of the discussion in these forums has centered on recruitment issues, staffing shortages, and the development of creative solutions to these issues. A common trend among state and local public defense offices is that experienced attorneys are leaving, but few people are applying for open positions.

In addition to the pandemic's impact on public interest work, there are several factors that impact recruitment and retention of public defense attorneys. Public defense work is simultaneously rewarding and demanding and can take an emotional toll on staff. Historically, low salaries and high student loan debt have made attracting lawyers to public defense work very challenging. Prior to Statewide implementation, underfunded public defense offices did not have the structure in place to support internship programs, which are vital to attract new lawyers to the profession. Still, as we describe below, New York public defense providers are actively posting and recruiting for vacant positions and utilizing Statewide funding to create a culture of support for quality representation.

## **The Crisis in Mandated Family Court Representation**

In New York, mandated representation as defined by County Law Article 18-B includes not just the representation of people who cannot afford counsel in criminal matters, but it also includes the representation of parents who cannot afford counsel in Family Court matters. Representation for both types of matters is legally required and a matter of constitutional import. While the State has made an impressive fiscal commitment to improved quality representation in criminal matters, it has not made the same commitment to improved quality representation of parents in Family Court matters. Put simply, Statewide implementation addresses only part of mandated representation.

Figures 18 and 19 visually depict of the stark differences between the resources available for criminal and Family Court representation. As these charts show, because of the State resources for mandated criminal defense, criminal defense attorneys who work for institutional providers have far fewer weighted cases than their counterparts who represent parents in Family Court matters, and ACP attorneys who represent clients in criminal matters have far more resources at their disposal than their counterparts who represent clients in Family Court matters.

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<sup>36</sup> See, e.g., Hsu, Andrea, As the Pandemic Recedes More Workers are saying "I Quit," NPR, June 24, 2021 <https://www.npr.org/2021/06/24/1007914455/as-the-pandemic-recedes-millions-of-workers-are-saying-i-quit> ; Watson, Nancy, "The Great Resignation" and Its Impact on the Legal Industry, Reuters, September 10, 2021, <https://www.reuters.com/legal/legalindustry/greatresignation-its-impact-legal-industry-2021-09-10/> .



While Figures 18 and 19 provide a visual depiction of this disparity in resources between the two parts of mandated representation, mandated representation providers experience this disparity in tangible ways on a daily basis. Most mandated representation providers in New York provide both criminal defense representation and representation of parents in Family Court matters. Attorneys who handle mixed caseloads (i.e., who represent both criminal and Family Court clients) must manage excessive Family Court caseloads, alongside their criminal cases, and the expectations that come with better resourced representation. Public defense leaders must figure out how to navigate staff and client expectations when only one part of the office's practice is well-resourced while the other part is in crisis. This disparity between the two parts of mandated representation has, at times, created specific barriers to Statewide implementation. For example, a provider may have funding to increase salaries for criminal defense staff, but because the same funding is not available for parent representation staff, the leader cannot implement the salary increases without negatively impacting staff morale.

This ongoing disparity in resources between the two parts of mandated representation is becoming increasingly untenable. The goal of improved quality mandated representation will not be fully achieved until the crisis in mandated Family Court representation is addressed.

## **Addressing Implementation Challenges**

ILS continues to collaborate with county officials, public defense providers, and statewide public defense organizations on strategies to address these systemic challenges. Below are some steps ILS has initiated to better support public defense in New York State.

### *ILS Internal Restructuring and Expansion*

In 2017, when ILS established a Statewide Expansion Team separate from the *Hurrell-Harring* Settlement Team, we knew that eventually the two teams would need to be integrated to better support implementation of the *Hurrell-Harring* Settlement in all counties and New York City. ILS began internal discussions about an integrated team in 2021, and by late 2022, had developed a thoughtful approach. In early 2023, ILS implemented this approach, integrating the *Harrell-Harring* Settlement Team and the Statewide Expansion Team into a new, cohesive Criminal Defense Representation (CDR) Team. In doing so, ILS divided the state into nine regions (A through H) designating one CDR Team attorney to be the Regional Counsel – i.e., point of contact – for all the counties in that region.<sup>37</sup> Also in 2023, ILS opened the Western New York Regional Support Center in Buffalo, NY to support and serve as the ILS Regional Counsel for the counties in Region H. The CDR Team's work is supported by two Deputy Chief Attorneys and the Attorney in Charge of the Western New York Regional Support Center. The CDR Team is led by a Chief Attorney. Having well-supervised and supported Regional Counsels responsible for designated counties allows ILS much deeper insight into county processes and provider offices, including the specific challenges they face. It also ensures that counties and providers always have a point of contact who is knowledgeable about their Statewide implementation plan, thereby facilitating open and ongoing dialogue between ILS, providers, and the counties, as well as more immediate resolution of problems that emerge.

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<sup>37</sup> A map of the regions is available on request.

ILS also recently opened a Statewide Appellate Support Center (SASC) that is available to support trial, appellate, and post-conviction counsel providing mandated representation. The SASC supports on the ground public defense attorneys by developing resources for and offering consultations on appellate and trial level case-related issues, including how and when to effectively use an investigator and/or social worker, case manager or mitigation specialist, preserving issues for appeal, issue spotting and brief writing in appellate cases, preparation for oral appellate argument, and DVSJA resentencing. The SASC has allowed ILS to take a significant step towards improving the quality of representation by developing print resources for attorneys to use, sponsoring training programs, and by providing hands-on consultation to attorneys at the trial and appellate level. This more hands-on work will help ILS gain a deeper understanding of where there are significant needs to improve the quality of representation so we can better target resources to meet these needs.

### *Supporting Recruitment and Retention Efforts*

To support recruitment and retention, ILS has worked with counties to identify where Statewide funding can be most effectively used. We have utilized a variety of funding strategies, including increasing salaries (where there is sufficient Statewide implementation funding available), and allocating funding specifically for recruitment to allow providers to widely post vacant positions and to attend job fairs. Funding has also been used to create new legal internship programs or bolster existing programs. Historically, public defense offices were not equipped to sufficiently train and support interns or new law graduates. With enhanced program infrastructures and greater access to quality trainings, providers can better support law school interns and recent law school graduates, as well as undergraduate and high school internship programs.

In 2020, Cornell University and Cornell Law School, in coordination with ILS, launched the Cornell Defender Program which is designed to create a pipeline for undergraduate and law students interested in public defense work, including attorney and non-attorney work. The program creates summer internships for both undergraduate and law students, and places them in various defender offices in the area. Under the supervision of provider office attorneys, student interns engage in investigation, legal research, sentencing mitigation, and other case-related and client-focused activities. Each summer, Cornell begins the program with an intensive two-week training program for students, and throughout their internships, Cornell provides students financial and logistical support. In 2022, the program placed student interns in provider offices in Tompkins, Chemung, Broome, Monroe, Ontario, Steuben, Livingston, and Schuyler counties. Several student interns enjoyed the experience so much that they continued to intern for the provider office throughout the academic year, and some providers have hired interns upon their graduation. Staff from the Cornell Defender Program have been meeting with officials from the State University of New York at Buffalo and Erie County public defense providers about expanding the program to Western New York.

Because Statewide funding gives providers the resources they need to hire and train new lawyers, providers have seen the benefits of training interns and hiring new law graduates. In Livingston County, the Public Defender's Office is using ILS funding to create a paid internship program. Because of its rural location, the Livingston County Public Defender's Office has historically had difficulty recruiting new attorneys. The intern line allows law students to

practice, under supervision, in the office and develop connections with the area and the program. After interning at the office, one law graduate accepted an offer of employment and began working at the office shortly after graduation. Similarly, the Dutchess County Public Defender historically hired established attorneys. However, Statewide funding has allowed them to shift their focus to recruiting from law schools. Their Chief Public Defender and other managers now participate in career fairs. The office is also building connections with local law schools to promote future recruiting. The Warren County Public Defender's Office recently obtained a practice order from the Appellate Department to enable them to hire law graduates who can be trained and provide representation under supervision while awaiting admission to the New York State bar.

### *Encouraging Collaboration and Culture Change*

Changing the culture of public defense from triaging cases to client-focused, interdisciplinary representation where cases are fully investigated and litigated is a process. Key to this process is a collaborative approach to improving quality and establishing a mission-driven office culture committed to client-centered, quality representation, fidelity to professional standards, and ongoing support.

Two examples of ILS initiatives that support collaboration and culture change are: (1) the partnership with the nationally recognized organization Gideon's Promise to pilot a New York-tailored leadership program; and (2) ILS' Assigned Counsel Program Summits. The Gideon's Promise leadership program included 11 public defense leaders from across the state who, between October 2021 and May 2022, met monthly for hour-long sessions. In between sessions, the participants read materials on topics ranging from client-centered representation to values-based recruitment. During the monthly sessions, participants reflected upon these materials and discussed strategies for incorporating them into their office culture. The program offered public defense leadership an opportunity to discuss culture change and concrete steps to achieve it in their office. Since May 2022, the leaders who participated in the program have continued to reach out to each other for brainstorming and problem solving. Many leaders have put ideas discussed into action. For instance, after a discussion about the importance of having a professional and welcoming office space for clients, the Steuben County Public Defender's Office transformed their physical office space and waiting area to create the desired professional and welcoming environment. This transformation included putting a professional sign outside the office so clients can more easily find the office.

Similarly, in March 2023, ILS hosted the first in-person statewide New York State Assigned Counsel Program Summit. This Summit focused on the building blocks of quality ACP programs and included discussions on ACP recruitment and retention strategies, supporting the professional development of panel attorneys, and taking a leadership role in public defense. The Summit also included a keynote address by Jonathan Rapping, the Founder and Chief Executive Officer of Gideon's Promise. Forty leaders from 27 counties attended the all-day event. Several of the participants reached out to ILS after to say how informative and useful the Summit was, noting how helpful it was to connect with other ACP leaders across the state.

## Conclusion

ILS has long acknowledged that public defense reform in a county-based system is fraught with challenges.<sup>38</sup> Though the past several years have been challenging for public defense providers, this report provides qualitative and quantitative data and information showing that meaningful progress continues to be made in extending the *Hurrell-Harring* Settlement initiatives to the entire state.

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<sup>38</sup> See, e.g., William J. Leahy, “The Right to Counsel in the State of New York: How Reform Was Achieved After Decades of Failure,” *Indiana Law Review*, Vol. 51, No. 1 (2018), available at: [View of The Right to Counsel in the State of New York \(iupui.edu\)](http://www.iupui.edu).

# Appendices

## Appendix A

**Appendix A. Provider changes by year**

Year	Provider changes
2014	<ul style="list-style-type: none"><li>• Appellate representation programs in Cattaraugus, Genesee, and Orleans Counties added.</li></ul>
2015	<ul style="list-style-type: none"><li>• Appellate representation programs in Otsego, Saint Lawrence, and Warren Counties added.</li><li>• Yates County Conflict Defender added.</li></ul>
2016	<ul style="list-style-type: none"><li>• Franklin County Alternate Conflict Defender added.</li><li>• Steuben County Conflict Defender added.</li><li>• Appellate representation program in Fulton County added.</li></ul>
2017	<ul style="list-style-type: none"><li>• Third Alternate Conflict Defender in Columbia County added (program existed since 2015 but took criminal cases for the first time).</li><li>• Appellate representation program in Cortland County added.</li></ul>
2018	<ul style="list-style-type: none"><li>• Appellate representation program in Livingston County added.</li><li>• Franklin County Alternate Conflict Defender Office abolished.</li><li>• Third Alternate Conflict Defender in Columbia County added for Family Court cases.</li></ul>
2019	<ul style="list-style-type: none"><li>• Public Defender in Clinton County added.</li><li>• Public Defender in Delaware County added.</li><li>• Appellate representation program in Saratoga County added.</li></ul>
2020	<ul style="list-style-type: none"><li>• Public Defender in Hamilton County added.</li><li>• Attica Legal Aid Bureau in Wyoming County takes Parole Violation cases; Public Defender takes all other case types (these two programs existed before, but data was reported under only one institutional provider in previous reports)</li><li>• Allegany-Cattaraugus Legal Aid added for Family Court cases.</li><li>• Fulton Rural Law Center added for Family Court Appeals.</li><li>• Yates County Conflict Defender abolished per March 31, 2020 (still included as a provider in this report since the office was open for the first three months of 2020)</li></ul>
2021	<ul style="list-style-type: none"><li>• Conflict Defender in Essex County added.</li><li>• Fulton Rural Law Center added for criminal appeals again.</li><li>• Yates County Conflict Defender no longer included as a provider in this report (see above).</li><li>• Madison County contract Public Defender discontinued</li></ul>
2022	<ul style="list-style-type: none"><li>• First and Second Alternate Conflict Defender in Columbia County no longer included.</li></ul>

## Appendix B



## ***Appendix B. Converting new caseload categories to previously used categories***

To be able to compare the 2020-2022 caseloads to those of the years before, we first have to convert the caseload numbers in the nine ILS caseload standards categories (violent felonies, other felonies, misdemeanors and violations, parole violations, post-disposition, appeals of guilty pleas, appeals of verdicts, Family Court, and Family Court appeals), to the five categories used before (i.e., homicides, felonies, misdemeanors and violations, appeals, and Family Court cases). This conversion is done as follows.

### *Homicides and Felonies*

Because the caseload categories used in 2020-2022 do not separate out homicide cases, we are not able to recreate the homicides category used in previous years. However, if we merge the previously used homicides and felonies categories together, we are able to convert the 2020-2022 case numbers back. For each year, we add together the numbers of violent felonies and other felonies, which then become comparable to the combined homicides and felonies numbers from the years before.

In addition, we decided to count any parole violation and post-disposition reported in 2020 as a felony. We do so even though we do not know for all providers if they had counted these case types in the past and if they did, whether they counted them as felonies (weighted at 2.67) or as misdemeanors and violations (weighted at 1). We decided to include the parole violations and post-dispositions in the most heavily weighted category, to avoid an overestimation of the average spending per case for Assigned Counsel Programs presented in the weighted numbers section. Although it is unlikely that all providers included all parole violations and post-dispositions in previous years in the felonies category, this provides us with the most conservative estimate used to determine if Assigned Counsel Programs are moving towards, or away from, compliance with caseload standards.

However, as of 2021, we no longer consider any parole violation or post-disposition cases when converting the ILS caseload categories back to the previously used categories. This is because as of 2021, we no longer calculate the average spending per case for Assigned Counsel Programs based on the NAC standards, but instead, use the more refined ILS caseload standards. Thus, the concern of overestimation of the average spending per case while converting the ILS caseload categories back no longer exists as of 2021. In addition, since then, ILS has received anecdotal evidence indicating that most providers did not include any parole violations and post-dispositions while reporting in the previously used five caseload categories. As a result of these newer insights, we decided to no longer consider these two caseload categories when converting the numbers back, as we believe it produces better estimates.

### *Misdemeanors and Violations*

The 2020-2022 numbers in the misdemeanors and violations categories are comparable to those from the years before, without any conversion.

### *Appeals*

To compare 2020-2022 numbers to the appeals category used in previous years, for each year, we add up the numbers of appeals of a verdict and appeals of a guilty plea.

### *Family Court cases*

The 2020-2022 numbers in the Family Court categories are comparable to those from the years before, without any conversion.

This leaves one caseload category that was not considered when converting 2020-2022 numbers back to the previously used categories: Family Court appeals. Family Court appeals were not taken into account because ILS has anecdotal evidence that these were not included in any category in the past.

It is important to note that although the assumptions made in the above regarding Family Court appeals and parole violations and post-dispositions may be true for a certain number of providers, we do not know exactly for how many. Therefore, all comparisons of 2020-2022 caseload numbers to those in previous years should be interpreted with caution; at most they provide a rough estimate of the decline in case numbers, not an exact one. Please see the table below for a schematic overview of the conversion process described in the above.

*Schematic overview of converting the 2020-2022 caseload numbers for comparison to previous years*

2020-2022 Caseload Categories	2012-2019 Caseload Categories
Violent Felonies	Homicides and Felonies
Other Felonies	
Misdemeanors and Violations	Misdemeanors and Violations
Parole Violations	2020: Homicides and Felonies
Post-Dispositions	2021 and further: Not considered
Appeals of a Guilty Plea	Appeals
Appeals of a Verdict	
Family Court	Family Court
Family Court Appeals	Not considered

## Appendix C

**Appendix C. Average Weighted Cases per Attorney at 72 Institutional Providers in 52 non-Hurrell Haring Counties Outside New York City and 9 Institutional Providers in New York City in 2022**

		Caseload Numbers: Number of Cases Opened									Total Expenditures in USD	Staffing		Weighted Numbers	
County	Provider	Violent Felonies	Other Felonies	Misdemeanors and Violations	Parole Violations	Post-Dispositions	Appeals of a Guilty Plea	Appeals of a Verdict	Family Court	Family Court Appeals	Expenditures	Attorney Staff - Criminal Only	Non-Attorney Staff - Criminal Only	Total Weighted Cases - Criminal Only	Weighted Cases Per Attorney - Criminal Cases Only
Albany	Public Defender	484	1285	4215	169	228	6	0	0	0	\$6,883,537.32	29.5	18.45	11620.92	393.93
Albany	Conflict Defender	123	292	361	4	28	11	4	537	0	\$1,673,403.14	7	2	2217.27	316.75
Allegany	Public Defender	56	115	540	5	44	0	0	310	0	\$1,043,747.00	3	2.5	1294.5	431.50
Broome	Public Defender	365	1020	4561	129	369	9	3	0	0	\$2,402,942.11	13	19	10710.13	823.86
Cattaraugus	Regional Appellate Program	0	0	0	0	1	3	1	0	0	\$70,000.00	0.88	0	52.21	59.33
Cattaraugus	Public Defender	37	360	1230	21	78	0	0	641	0	\$2,958,511.08	8.88	8.2	2680.5	301.86
Cayuga	No institutional provider – ACP only														
Chautauqua	Public Defender	271	1022	4611	58	305	14	1	1358	0	\$4,005,827.55	11	19	9992.48	908.41
Chemung	Public Advocate	49	115	374	1	34	0	0	555	0	\$631,010.45	2.95	1.25	1065.5	361.19
Chemung	Public Defender	123	321	1637	16	110	0	0	356	0	\$1,273,985.70	5.35	2.85	3527	659.25
Chenango	Public Defender	43	140	722	4	86	0	0	181	0	\$457,679.51	2	2	1535	767.50

		Caseload Numbers: Number of Cases Opened									Total Expenditures in USD	Staffing		Weighted Numbers	
County	Provider	Violent Felonies	Other Felonies	Misdemeanors and Violations	Parole Violations	Post-Dispositions	Appeals of a Guilty Plea	Appeals of a Verdict	Family Court	Family Court Appeals	Expenditures	Attorney Staff - Criminal Only	Non-Attorney Staff - Criminal Only	Total Weighted Cases - Criminal Only	Weighted Cases Per Attorney - Criminal Cases Only
Clinton	Public Defender	74	265	1292	14	216	0	0	0	0	\$1,369,702.00	8	6	2876	359.50
Columbia	Public Defender	35	167	722	16	51	0	1	327	1	\$1,126,904.09	6	1.5	1558.5	259.75
Columbia	Conflict Defender	1	0	4	0	0	0	0	0	0	\$23,665.00	1	0	10	10.00
Cortland	Public Defender	27	159	855	5	47	0	0	343	0	\$1,756,975.79	5.522	3.476	1572	284.68
Cortland	Rural Law Center	0	0	0	0	0	3	2	0	6	\$42,330.00	0.21	0.07	75.71	360.52
Delaware	Public Defender	55	140	515	11	66	0	0	225	0	\$824,070.89	4	1.5	1380.5	345.13
Dutchess	Public Defender	228	710	2593	36	243	21	4	2431	1	\$9,019,777.16	23.8	20.65	6789.47	285.27
Erie	Legal Aid Bureau	834	1088	3596	0	2	62	15	0	0	\$7,835,079.00	40.01	19.99	12773.34	319.25
Essex	Public Defender	31	138	508	6	51	1	0	0	0	\$773,288.88	5	3	1202.07	240.41
Essex	Conflict Defender	9	38	64	0	3	0	0	0	0	\$195,151.54	1	1	236.5	236.50
Franklin	Public Defender	65	298	893	15	61	0	0	265	0	\$834,376.90	2.45	4.5	2291	935.10
Franklin	Conflict Defender	18	68	164	2	15	0	0	231	0	\$245,660.58	0.5	0.05	501.5	1003.00
Fulton	Public Defender	69	203	619	1	46	0	0	386	0	\$983,877.40	4	2	1712.5	428.13

		Caseload Numbers: Number of Cases Opened									Total Expenditures in USD	Staffing		Weighted Numbers	
County	Provider	Violent Felonies	Other Felonies	Misdemeanors and Violations	Parole Violations	Post-Dispositions	Appeals of a Guilty Plea	Appeals of a Verdict	Family Court	Family Court Appeals	Expenditures	Attorney Staff - Criminal Only	Non-Attorney Staff - Criminal Only	Total Weighted Cases - Criminal Only	Weighted Cases Per Attorney - Criminal Cases Only
<b>Fulton</b>	Rural Law Center	0	0	0	0	0	0	1	0	4	\$30,785.00	0.09	0.03	25	277.78
<b>Genesee</b>	Regional Appellate Program	0	0	0	0	0	18	2	0	0	\$100,000.00	1.11	0	204.26	184.02
<b>Genesee</b>	Public Defender	72	335	879	18	110	0	0	568	0	\$1,667,117.00	6	4.75	2508	418.00
<b>Greene</b>	Public Defender	73	301	1,056	20	38	3	0	382	0	\$1,229,090.76	5.9	2.18	2509.71	425.37
<b>Hamilton</b>	Public Defender	2	13	50	0	1	0	0	12	0	\$229,363.34	1	0.3	102.5	102.50
<b>Herkimer</b>	<i>No institutional provider – ACP only</i>														
<b>Jefferson</b>	Public Defender	97	409	1516	34	142	0	0	281	0	\$1,477,549.00	8	3	3589	448.63
<b>Lewis</b>	Public Defender	16	90	228	7	29	0	0	225	0	\$631,977.35	2.5	1.43	648	259.20
<b>Lewis</b>	Conflict Defender	3	30	75	4	0	0	0	170	0	\$75,000.00	0.7	0.3	189	270.00
<b>Livingston</b>	Regional Appellate Program	0	0	0	0	0	0	0	0	0	-	0	0	0	-
<b>Livingston</b>	Public Defender	43	281	931	61	59	0	0	620	0	\$1,290,327.00	6.942	1.643	2212	318.64
<b>Livingston</b>	Conflict Defender	20	100	124	3	9	3	3	247	0	\$535,920.24	4	0.5	662.71	165.68

		Caseload Numbers: Number of Cases Opened									Total Expenditures in USD	Staffing		Weighted Numbers	
County	Provider	Violent Felonies	Other Felonies	Misdemeanors and Violations	Parole Violations	Post-Dispositions	Appeals of a Guilty Plea	Appeals of a Verdict	Family Court	Family Court Appeals	Expenditures	Attorney Staff - Criminal Only	Non-Attorney Staff - Criminal Only	Total Weighted Cases - Criminal Only	Weighted Cases Per Attorney - Criminal Cases Only
<b>Madison</b>		<i>No institutional provider – ACP only</i>													
<b>Monroe</b>	Public Defender	1295	2058	5110	409	741	9	4	4376	19	\$14,381,792.91	59	38.41	20956.13	355.19
<b>Monroe</b>	Conflict Defender	0	0	2007	39	0	24	9	1534	11	\$3,063,798.00	11	6.5	2496.18	226.93
<b>Montgomery</b>	Public Defender	61	251	799	3	57	0	0	309	0	\$1,342,675.88	6.5	1.5	2008	308.92
<b>Nassau</b>	Legal Aid Society	738	2211	4975	105	132	28	13	1664	65	\$10,752,376.20	45	0	16956.46	376.81
<b>New York City</b>	Queens Defenders	1395	1448	9688	0	144	0	0	27	0	\$23,931,321.39	54	84	22618	418.85
<b>New York City</b>	Center for Appellate Litigation	0	0	0	0	184	196	37	0	0	\$10,098,707.00	31.53	10.05	2880.72	91.36
<b>New York City</b>	Brooklyn Defender Services	2841	2351	13156	74	0	0	0	493	0	\$47,103,181.00	168.3	110.2	37366	222.02
<b>New York City</b>	Office of the Appellate Defender	0	0	0	0	46	88	31	0	0	\$4,257,386.32	23	9	1598.16	69.49
<b>New York City</b>	Legal Aid Society	8191	9090	58048	297	179	650	40	0	0	\$203,487,327.00	586.6	512.6	141748.5	241.64
<b>New York City</b>	Neighborhood Defender	470	447	2691	0	21	0	0	640	2	\$12,290,578.93	37.2	19	6883.5	185.04

		Caseload Numbers: Number of Cases Opened									Total Expenditures in USD	Staffing		Weighted Numbers	
County	Provider	Violent Felonies	Other Felonies	Misdemeanors and Violations	Parole Violations	Post-Dispositions	Appeals of a Guilty Plea	Appeals of a Verdict	Family Court	Family Court Appeals	Expenditures	Attorney Staff - Criminal Only	Non-Attorney Staff - Criminal Only	Total Weighted Cases - Criminal Only	Weighted Cases Per Attorney - Criminal Cases Only
	Service of Harlem														
New York City	The Bronx Defenders	1341	926	7162	0	1400	0	0	1053	7	\$42,942,483.25	103	63	20086	195.01
New York City	Appellate Advocates	0	0	0	0	99	419	53	0	0	\$13,135,844.27	54	23	5064.33	93.78
New York City	New York County Defender Services	759	982	4791	0	25	0	0	3	0	\$20,423,644.53	71.9	58	12328.5	171.47
Niagara	Public Defender	187	870	4197	81	269	11	2	998	1	\$3,451,106.18	18.713	10.857	8598.27	459.48
Niagara	Conflict Defender	60	137	276	4	3	3	1	981	0	\$1,200,636.83	3.55	1.75	1108.21	312.17
Oneida	Public Defender	244	992	4294	117	420	2	4	0	0	\$2,938,143.81	17	14	9656.64	568.04
Orange	Legal Aid Society	276	1022	4632	0	0	0	0	1702	0	\$4,198,762.00	22	8	9354	425.18
Orleans	Regional Appellate Program	0	0	0	0	0	4	2	0	0	\$35,000.00	0.49	0	84.28	172.00
Orleans	Public Defender	53	147	380	11	28	1	0	4	0	\$887,264.57	5.5	1.3	1206.07	219.29
Oswego	No institutional provider – ACP only														



		Caseload Numbers: Number of Cases Opened									Total Expenditures in USD	Staffing		Weighted Numbers	
County	Provider	Violent Felonies	Other Felonies	Misdemeanors and Violations	Parole Violations	Post-Dispositions	Appeals of a Guilty Plea	Appeals of a Verdict	Family Court	Family Court Appeals	Expenditures	Attorney Staff - Criminal Only	Non-Attorney Staff - Criminal Only	Total Weighted Cases - Criminal Only	Weighted Cases Per Attorney - Criminal Cases Only
Otsego	Public Defender	33	88	364	0	16	0	0	306	0	\$648,591.85	3	3	850	283.33
Otsego	Rural Law Center	0	0	0	0	0	7	1	0	7	\$88,508.00	0.39	0.13	84.99	217.92
Putnam	Legal Aid Society	41	184	562	1	28	0	0	341	0	\$1,396,022.00	4.4	3.25	1403.5	318.98
Rensselaer	Conflict Defender	66	124	182	0	4	0	0	393	0	\$666,661.08	4.0375	0.6	956	236.78
Rensselaer	Public Defender	228	836	1892	62	0	0	0	857	0	\$2,254,621.55	11.43	4.056	5861	512.77
Rockland	Public Defender	309	531	2792	13	88	14	1	0	0	\$6,174,008.00	22.725	13.325	6535.48	287.59
Saint Lawrence	Rural Law Center	0	0	0	0	0	17	4	0	4	\$142,382.00	0.99	0.33	245.69	248.17
Saint Lawrence	Conflict Defender	10	103	374	7	11	0	0	543	0	\$788,352.24	2.45	1.5	770	314.29
Saint Lawrence	Public Defender	37	324	1217	11	132	0	0	596	0	\$1,474,111.80	5.6	2.15	2625.5	468.84
Saratoga	Public Defender	137	241	425	24	105	1	0	1065	13	\$2,175,312.03	9.5	2.1	2172.07	228.64
Saratoga	Conflict Defender	29	123	171	2	11	0	0	479	0	\$520,696.46	2	1	733.5	366.75
Saratoga	Appellate Representation Program	0	0	0	0	0	0	0	0	0	\$34,633.00	0.27	0.09	0	0.00

		Caseload Numbers: Number of Cases Opened									Total Expenditures in USD	Staffing		Weighted Numbers	
County	Provider	Violent Felonies	Other Felonies	Misdemeanors and Violations	Parole Violations	Post-Dispositions	Appeals of a Guilty Plea	Appeals of a Verdict	Family Court	Family Court Appeals	Expenditures	Attorney Staff - Criminal Only	Non-Attorney Staff - Criminal Only	Total Weighted Cases - Criminal Only	Weighted Cases Per Attorney - Criminal Cases Only
Schenectady	Public Defender	164	705	2434	135	91	0	0	1193	0	\$3,085,672.00	12.7	6	5872	462.36
Schenectady	Conflict Defender	41	113	689	0	7	0	0	825	0	\$2,182,723.00	4.75	2.5	1284.5	270.42
Schoharie	No institutional provider – ACP only														
Seneca	Public Defender	26	120	358	9	44	0	0	88	0	\$752,233.91	3.25	1.25	953.5	293.38
Steuben	Public Defender	145	555	1358	42	154	0	0	1820	0	\$1,820,612.30	8	6.5	4187	523.38
Steuben	Conflict Defender	10	29	37	13	14	0	0	0	0	\$125,504.76	1.5	0	224.5	149.67
Sullivan	Legal Aid Panel	110	335	1557	37	6	0	0	386	0	\$1,497,945.00	8.5	1	3286.5	386.65
Sullivan	Conflict Legal Aid Bureau	55	97	104	0	11	0	0	90	0	\$628,203.63	4.26	0.75	741.5	174.06
Tioga	Public Defender	44	114	400	10	43	0	0	196	0	\$856,595.87	4	2	1085.5	271.38
Tompkins	No institutional provider – ACP only														
Ulster	Public Defender	220	713	2199	14	143	1	1	626	0	\$3,310,941.33	17.6	7.2	5927.07	336.77
Warren	Rural Law Center	0	0	0	0	0	2	0	0	4	\$46,178.00	0.27	0.09	17.14	63.48

		Caseload Numbers: Number of Cases Opened									Total Expenditures in USD	Staffing		Weighted Numbers	
County	Provider	Violent Felonies	Other Felonies	Misdemeanors and Violations	Parole Violations	Post-Dispositions	Appeals of a Guilty Plea	Appeals of a Verdict	Family Court	Family Court Appeals	Expenditures	Attorney Staff - Criminal Only	Non-Attorney Staff - Criminal Only	Total Weighted Cases - Criminal Only	Weighted Cases Per Attorney - Criminal Cases Only
Warren	Public Defender	53	391	1724	34	89	0	0	409	0	\$1,933,458.00	9.4	4.05	3399.5	361.65
Wayne	Public Defender	62	302	1032	19	99	10	1	0	0	\$1,965,926.70	8.5	7.5	2597.7	305.61
Westchester	Legal Aid Society	861	2096	324	12	114	2	4	330	0	\$17,027,672.00	44	27	12084.14	274.64
Wyoming	Public Defender	53	193	459	0	16	3	0	374	0	\$851,341.00	4.356	3.515	1405.71	322.71
Wyoming	Attica Legal Aid	0	0	0	16	0	0	0	0	0	\$145,542.00	1.115	2.485	24	21.52
Yates	Public Defender	16	74	314	0	26	0	0	128	0	\$427,893.69	1.8	0.35	671	372.78

## Appendix D

**Appendix D.** *Average Spending per Case by 52 Assigned Counsel Programs in 52 non-Hurrell-Harring Counties Outside New York City and 2 Assigned Counsel Programs in New York City in 2022*

	ACP Caseload Numbers: Number of Cases Opened or Closed									Total Expenditures in USD	Weighted Numbers	
County	Violent Felonies	Other Felonies	Misdemeanors and Violations	Parole Violations	Post-Dispositions	Appeals of a Guilty Plea	Appeals of a Verdict	Family Court	Family Court Appeals	Expenditures	Total Weighted Cases Using the Revised NAC Standards	Average Spending Per Weighted Case
<b>Albany</b>	44	45	19	2	5	14	11	596	4	\$1,628,083.47	1904.67	\$854.79
<b>Allegany*</b>	27	43	137	1	6	0	0	228	0	\$62,560.00	832.78	\$75.12
<b>Broome</b>	62	115	331	35	20	5	1	0	0	\$423,360.13	617.4	\$685.71
<b>Cattaraugus</b>	17	279	665	8	17	0	0	177	3	\$1,070,828.45	1486.98	\$720.14
<b>Cayuga</b>	0	143	1047	39	0	31	0	560	0	\$1,403,816.54	2755.2	\$509.52
<b>Chautauqua</b>	21	86	128	1	0	0	0	483	0	\$570,988.75	1525.61	\$374.27
<b>Chemung</b>	4	22	107	23	10	5	6	248	5	\$326,472.96	945.86	\$345.16
<b>Chenango*</b>	52	190	884	16	89	0	0	355	0	\$376,388.85	2327.48	\$161.72
<b>Clinton*</b>	11	34	72	2	1	0	0	100	1	\$861,099.95	388.67	\$2,215.50
<b>Columbia</b>	13	23	29	3	0	6	0	136	3	\$452,375.75	437.12	\$1,034.90
<b>Cortland*</b>	50	195	549	9	42	0	0	585	5	\$854,808.51	2477.09	\$345.09
<b>Delaware</b>	0	62	80	0	0	0	0	114	0	\$313,155.81	446.38	\$701.55
<b>Dutchess</b>	30	46	66	1	0	13	4	841	12	\$1,930,294.59	2465.47	\$782.93

	ACP Caseload Numbers: Number of Cases Opened or Closed									Total Expenditures in USD	Weighted Numbers	
County	Violent Felonies	Other Felonies	Misdemeanors and Violations	Parole Violations	Post-Dispositions	Appeals of a Guilty Plea	Appeals of a Verdict	Family Court	Family Court Appeals	Expenditures	Total Weighted Cases Using the Revised NAC Standards	Average Spending Per Weighted Case
<b>Erie*</b>	1613	3010	10835	255	490	22	15	7100	49	\$14,813,127.00	36240.3	\$408.75
<b>Essex*</b>	5	8	10	0	0	0	0	735	6	\$359,858.33	1985.45	\$181.25
<b>Franklin*</b>	24	81	175	3	20	0	0	132	0	\$508,807.02	688.84	\$738.64
<b>Fulton</b>	13	60	51	0	8	0	0	464	0	\$649,964.55	1384.24	\$469.55
<b>Genesee*</b>	70	206	498	17	0	2	7	530	5	\$674,143.17	2320.1	\$290.57
<b>Greene</b>	-	-	-	-	-	-	-	-	-	-	-	-
<b>Hamilton*</b>	0	3	4	0	1	0	0	8	0	\$34,009.10	31.03	\$1,096.01
<b>Herkimer</b>	0	442	1020	46	4	1	0	285	1	\$757,972.00	2280.63	\$332.35
<b>Jefferson</b>	21	61	145	10	12	7	4	593	8	\$545,338.70	1923.35	\$283.54
<b>Lewis</b>	2	7	8	1	0	1	3	56	1	\$165,262.43	216.52	\$763.27
<b>Livingston</b>	2	11	34	1	7	0	0	51	2	\$82,502.64	202.86	\$406.70
<b>Madison*</b>	69	300	1373	9	63	1	7	260	0	\$1,510,709.70	2726.41	\$554.10
<b>Monroe</b>	566	661	655	57	0	25	22	985	5	\$3,084,869.29	4945.95	\$623.72
<b>Montgomery</b>	-	-	-	-	-	-	-	-	-	-	-	-

	ACP Caseload Numbers: Number of Cases Opened or Closed									Total Expenditures in USD	Weighted Numbers	
County	Violent Felonies	Other Felonies	Misdemeanors and Violations	Parole Violations	Post-Dispositions	Appeals of a Guilty Plea	Appeals of a Verdict	Family Court	Family Court Appeals	Expenditures	Total Weighted Cases Using the Revised NAC Standards	Average Spending Per Weighted Case
Nassau	0	966	3120	133	0	0	82	1344	0	\$6,638,474.08	9119.48	\$727.94
Niagara*	51	63	124	7	4	5	3	298	0	\$456,036.56	1104.34	\$412.95
NYC 1st Dept*	661	0	18,304	0	0	0	0	0	0	\$26,274,094.00	18965	\$1,385.40
NYC 2nd Dept*	868	0	18,745	0	0	0	0	0	0	\$22,287,595.00	19613	\$1,136.37
Oneida*	16	18	803	8	0	0	0	2082	0	\$1,165,798.16	6403.94	\$182.04
Orange*	65	162	391	35	3	1	0	219	1	\$2,936,396.62	1246.74	\$2,355.26
Orleans	5	28	104	1	1	0	1	280	8	\$494,432.06	904.27	\$546.77
Oswego*	351	1077	4410	84	0	3	3	1717	0	\$1,718,395.71	10557.39	\$162.77
Otsego	-	-	-	-	-	-	-	-	-	\$213,911.13	-	-
Putnam	14	32	39	1	1	5	2	189	2	\$518,967.83	630.3	\$823.37
Rensselaer	-	-	-	-	-	-	-	-	-	-	-	-
Rockland	58	40	116	6	0	0	0	752	0	\$1,701,234.00	2227.84	\$763.62
Saint Lawrence	28	178	231	5	0	0	1	284	1	\$1,347,933.04	1216.28	\$1,108.24
Saratoga	99	279	270	3	3	0	1	162	0	\$583,833.57	1107.55	\$527.14

	ACP Caseload Numbers: Number of Cases Opened or Closed									Total Expenditures in USD	Weighted Numbers	
County	Violent Felonies	Other Felonies	Misdemeanors and Violations	Parole Violations	Post-Dispositions	Appeals of a Guilty Plea	Appeals of a Verdict	Family Court	Family Court Appeals	Expenditures	Total Weighted Cases Using the Revised NAC Standards	Average Spending Per Weighted Case
Schenectady	25	70	109	0	7	0	0	565	12	\$1,111,695.00	1731.24	\$642.14
Schoharie*	13	77	332	2	17	1	0	363	9	\$787,697.01	1439.6	\$547.16
Seneca	37	165	309	0	27	1	1	83	0	\$248,269.00	821.7	\$302.14
Steuben*	197	235	188	20	0	10	11	325	10	\$762,963.31	1693.75	\$450.46
Sullivan	131	278	331	9	32	16	2	29	17	\$529,664.71	959.87	\$551.81
Tioga	12	24	22	4	0	3	1	246	1	\$360,647.81	737.82	\$488.80
Tompkins*	96	191	539	16	52	9	1	497	8	\$2,681,539.00	2332.83	\$1,149.48
Ulster	11	22	31	0	0	0	18	414	12	\$695,483.43	1457.38	\$477.21
Warren	5	141	316	12	1	0	0	372	0	\$787,166.00	1469.91	\$535.52
Wayne	10	30	107	0	0	0	0	0	0	\$394,346.71	147	\$2,682.63
Westchester	49	496	5936	97	37	63	0	2401	18	\$9,961,543.43	13150.46	\$757.51
Wyoming*	20	53	53	0	3	0	0	209	0	\$181,799.60	692.04	\$262.70
Yates	5	6	27	0	3	5	2	119	0	\$274,895.98	400.74	\$685.97



\* Provider is notified of all new cases opened at the time of opening. For these providers, the number of cases opened are reported in this appendix. For the other providers, the number of cases closed are reported as they are unable to provide the number of cases opened.

Please note that numbers in *italics* are from 2021 due to missing data in 2022. For four providers (Greene ACP, Montgomery ACP, Otsego ACP, and Rensselaer ACP), 2022 and 2021 data were missing, and no data was imputed.

Please note that numbers in ***bold italics*** are Family Court cases and Family Court appeals from 2021. These two providers (Essex ACP and Fulton ACP) reported Family Court voucher costs in 2022 (\$305,895.98 and \$416,984.68 respectively), however, they reported zero Family Court cases and Family Court Appeals in 2022. Therefore, we decided to impute the 2021 data.

## Appendix E

**Appendix E.** *Average Spending per Case by 52 Assigned Counsel Programs in 52 non-Hurrell-Harring Counties Outside New York City and 2 Assigned Counsel Programs in New York City in 2022, reported separately for criminal court cases and Family Court cases*

	ACP Caseload Numbers: Numbers of Cases Opened or Closed									Expenditures in USD		Total Number of Weighted Cases		Average Spending per Weighted Case	
County	Violent Felonies	Other Felonies	Misdemeanors and Violations	Parole Violations	Post-Dispositions	Appeals of a Guilty Plea	Appeals of a Verdict	Family Court	Family Court Appeals	OTPS on criminal court cases	OTPS on Family Court cases	Total Weighted Criminal Cases Using the ILS Caseload Standards	Weighted cases Family Court	Average Spending per Weighted Case - Criminal Court	Average Spending per Weighted Case - Family Court
<b>Albany</b>	44	45	19	2	5	14	11	596	4	\$439,637.80	\$689,475.17	823.48	1655.32	\$533.88	\$416.52
<b>Allegany*</b>	27	43	137	1	6	0	0	228	0	\$4,350.00	\$4,350.00	438.5	608.76	\$9.92	\$7.15
<b>Broome</b>	62	115	331	35	20	5	1	0	0	\$132,034.07	-	1198.35	0	\$110.18	-
<b>Cattaraugus</b>	17	279	665	8	17	0	0	177	3	\$59,571.00	\$6,625.00	1641.5	520.59	\$36.29	\$12.73
<b>Cayuga</b>	0	143	1047	39	0	31	0	560	0	\$1,014,010.31	\$288,428.22	1800.17	1495.2	\$563.29	\$192.90
<b>Chautauqua</b>	21	86	128	1	0	0	0	483	0	\$148,716.75	\$337,272.00	513.5	1289.61	\$289.61	\$261.53
<b>Chemung</b>	4	22	107	23	10	5	6	248	5	\$151,979.07	\$172,096.17	439.35	742.16	\$345.92	\$231.89
<b>Chenango*</b>	52	190	884	16	89	0	0	355	0	\$3,000.00	\$1,995.66	1923.5	947.85	\$1.56	\$2.11
<b>Clinton*</b>	11	34	72	2	1	0	0	100	1	\$397,345.49	\$400,800.00	244.5	283	\$1,625.13	\$1,416.25
<b>Columbia</b>	13	23	29	3	0	6	0	136	3	\$154,965.69	\$153,331.10	231.92	411.12	\$668.19	\$372.96
<b>Cortland*</b>	50	195	549	9	42	0	0	585	5	\$397,093.87	\$131,875.87	1510.5	1641.95	\$262.89	\$80.32
<b>Delaware</b>	0	62	80	0	0	0	0	114	0	\$130,945.48	\$182,210.33	266	304.38	\$492.28	\$598.63

	ACP Caseload Numbers: Numbers of Cases Opened or Closed									Expenditures in USD		Total Number of Weighted Cases		Average Spending per Weighted Case	
County	Violent Felonies	Other Felonies	Misdemeanors and Violations	Parole Violations	Post-Dispositions	Appeals of a Guilty Plea	Appeals of a Verdict	Family Court	Family Court Appeals	OTPS on criminal court cases	OTPS on Family Court cases	Total Weighted Criminal Cases Using the ILS Caseload Standards	Weighted cases Family Court	Average Spending per Weighted Case - Criminal Court	Average Spending per Weighted Case - Family Court
Dutchess	30	46	66	1	0	13	4	841	12	\$412,186.75	\$1,180,613.89	596.91	2437.47	\$690.53	\$484.36
Erie*	1613	3010	10835	255	490	22	15	7100	49	\$6,710,275.95	\$4,438,144.30	31224.04	19741	\$214.91	\$224.82
Essex*	5	8	10	0	0	0	0	735	6	\$23,962.35	\$305,895.98	64	2058.45	\$374.41	\$148.61
Franklin*	24	81	175	3	20	0	0	132	0	\$151,937.33	\$175,952.72	596.5	352.44	\$254.71	\$499.24
Fulton	13	60	51	0	8	0	0	464	0	\$232,979.87	\$416,984.68	321	1238.88	\$725.79	\$336.58
Genesee*	70	206	498	17	0	2	7	530	5	\$309,909.41	\$329,233.76	1753.64	1495.1	\$176.72	\$220.21
Greene	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Hamilton*	0	3	4	0	1	0	0	8	0	-	-	14.5	21.36	-	-
Herkimer	0	442	1020	46	4	1	0	285	1	\$473,303.00	\$187,057.00	2429.57	776.95	\$194.81	\$240.76
Jefferson	21	61	145	10	12	7	4	593	8	\$161,881.87	\$310,321.00	646.99	1711.31	\$250.21	\$181.34
Lewis	2	7	8	1	0	1	3	56	1	\$66,954.60	\$67,077.71	126.07	165.52	\$531.09	\$405.25
Livingston	2	11	34	1	7	0	0	51	2	-	\$1,400.23	91	168.17	-	\$8.33
Madison*	69	300	1373	9	63	1	7	260	0	\$908,403.00	\$226,103.73	2978.57	694.2	\$304.98	\$325.70

	ACP Caseload Numbers: Numbers of Cases Opened or Closed									Expenditures in USD		Total Number of Weighted Cases		Average Spending per Weighted Case	
County	Violent Felonies	Other Felonies	Misdemeanors and Violations	Parole Violations	Post-Dispositions	Appeals of a Guilty Plea	Appeals of a Verdict	Family Court	Family Court Appeals	OTPS on criminal court cases	OTPS on Family Court cases	Total Weighted Criminal Cases Using the ILS Caseload Standards	Weighted cases Family Court	Average Spending per Weighted Case - Criminal Court	Average Spending per Weighted Case - Family Court
Monroe	566	661	655	57	0	25	22	985	5	\$2,754,862.62	\$330,006.67	6883.75	2709.95	\$400.20	\$121.78
Montgomery	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Nassau	0	966	3120	133	0	0	82	1344	0	\$4,997,495.12	\$1,117,845.66	8267.5	3588.48	\$604.47	\$311.51
Niagara*	51	63	124	7	4	5	3	298	0	\$121,609.31	\$62,377.25	753.35	795.66	\$161.42	\$78.40
NYC 1st Dept*	661	0	18,304	0	0	0	0	0	0	\$25,492,594.00	-	22270	0	\$1,144.71	-
NYC 2nd Dept*	868	0	18,745	0	0	0	0	0	0	\$21,511,095.00	-	23953	0	\$898.05	-
Oneida*	16	18	803	8	0	0	0	2082	0	\$352,663.12	\$710,251.65	965	5558.94	\$365.45	\$127.77
Orange*	65	162	391	35	3	1	0	219	1	\$1,887,350.62	\$597,740.25	1332.57	600.73	\$1,416.32	\$995.02
Orleans	5	28	104	1	1	0	1	280	8	\$206,447.82	\$252,984.24	246	875.6	\$839.22	\$288.93
Oswego*	351	1077	4410	84	0	3	3	1717	0	\$765,291.32	\$571,819.39	9973.71	4584.39	\$76.73	\$124.73
Otsego	0	0	0	0	0	0	0	0	0	-	-	0	0	-	-
Putnam	14	32	39	1	1	5	2	189	2	\$211,801.17	\$307,166.66	314.85	536.63	\$672.71	\$572.40
Rensselaer	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

	ACP Caseload Numbers: Numbers of Cases Opened or Closed									Expenditures in USD		Total Number of Weighted Cases		Average Spending per Weighted Case	
County	Violent Felonies	Other Felonies	Misdemeanors and Violations	Parole Violations	Post-Dispositions	Appeals of a Guilty Plea	Appeals of a Verdict	Family Court	Family Court Appeals	OTPS on criminal court cases	OTPS on Family Court cases	Total Weighted Criminal Cases Using the ILS Caseload Standards	Weighted cases Family Court	Average Spending per Weighted Case - Criminal Court	Average Spending per Weighted Case - Family Court
Rockland	58	40	116	6	0	0	0	752	0	\$592,329.29	\$605,530.73	593	2007.84	\$998.87	\$301.58
Saint Lawrence	28	178	231	5	0	0	1	284	1	\$717,694.26	\$428,773.42	965.5	774.28	\$743.34	\$553.77
Saratoga	99	279	270	3	3	0	1	162	0	\$338,824.69	\$133,221.33	1735	432.54	\$195.29	\$308.00
Schenectady	25	70	109	0	7	0	0	565	12	\$405,713.00	\$576,523.00	479.5	1700.55	\$846.12	\$339.02
Schoharie*	13	77	332	2	17	1	0	363	9	\$346,722.46	\$220,353.91	678.07	1113.21	\$511.34	\$197.94
Seneca	37	165	309	0	27	1	1	83	0	\$125,128.15	\$95,111.68	1100.07	221.61	\$113.75	\$429.18
Steuben*	197	235	188	20	0	10	11	325	10	\$414,841.55	\$295,121.76	2465.7	1027.75	\$168.24	\$287.15
Sullivan	131	278	331	9	32	16	2	29	17	\$297,226.30	\$70,285.53	2199.62	349.43	\$135.13	\$201.14
Tioga	12	24	22	4	0	3	1	246	1	\$113,507.45	\$187,228.68	222.71	672.82	\$509.66	\$278.27
Tompkins*	96	191	539	16	52	9	1	497	8	\$1,072,762.00	\$970,805.00	1892.13	1454.99	\$566.96	\$667.22
Ulster	11	22	31	0	0	0	18	414	12	\$215,815.03	\$429,869.61	613	1297.38	\$352.06	\$331.34
Warren	5	141	316	12	1	0	0	372	0	\$40,000.00	-	788.5	993.24	\$50.73	-
Wayne	10	30	107	0	0	0	0	0	0	\$328,130.70	-	257	0	\$1,276.77	-

County	ACP Caseload Numbers: Numbers of Cases Opened or Closed									Expenditures in USD		Total Number of Weighted Cases		Average Spending per Weighted Case	
	Violent Felonies	Other Felonies	Misdemeanors and Violations	Parole Violations	Post-Dispositions	Appeals of a Guilty Plea	Appeals of a Verdict	Family Court	Family Court Appeals	OTPS on criminal court cases	OTPS on Family Court cases	Total Weighted Criminal Cases Using the ILS Caseload Standards	Weighted cases Family Court	Average Spending per Weighted Case - Criminal Court	Average Spending per Weighted Case - Family Court
<b>Westchester</b>	49	496	5936	97	37	63	0	2401	18	-	-	8458.91	6698.67	-	-
<b>Wyoming*</b>	20	53	53	0	3	0	0	209	0	\$74,198.07	\$71,433.15	336.5	558.03	\$220.50	\$128.01
<b>Yates</b>	5	6	27	0	3	5	2	119	0	\$90,353.35	\$176,700.63	172.35	317.73	\$524.24	\$556.13

\* Provider is notified of all new cases opened at the time of opening. For these providers, the number of cases opened are reported in this appendix. For the other providers, the number of cases closed are reported as they are unable to provide the number of cases opened.

Please note that numbers in *italics* are from 2021 due to missing data in 2022. For four providers (Greene ACP, Montgomery ACP, Otsego ACP, and Rensselaer ACP), 2022 and 2021 data were missing, and no data was imputed.

Please note that numbers in ***bold italics*** are Family Court cases and Family Court appeals from 2021. These two providers (Essex ACP and Fulton ACP) reported Family Court voucher costs in 2022 (\$305,895.98 and \$416,984.68 respectively), however, they reported zero Family Court cases and Family Court Appeals in 2022. Therefore, we decided to impute the 2021 data.