

# **Statewide Plan for Implementing Quality Improvement:**

## Year One Report

August 2, 2019



**Office of Indigent  
Legal Services**

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

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## Glossary of Terms

<b>18-B or 18-B panel</b>	County Law Article 18-B. Private attorneys assigned pursuant to this statute and referred to as “18-B counsel” or “assigned counsel,” or “panel attorneys.”
<b>440 Motion</b>	A motion pursuant to CPL 440.10 to set aside a judgment of conviction or pursuant to CPL 440.20 to set aside a sentence.
<b>ACP</b>	Assigned Counsel Program. A program established pursuant to County Law § 722 (3), which is led by an Administrator and administered pursuant to written protocols and policies and which assigns qualified participating private attorneys to represent individuals who are entitled to mandated representation.
<b>CAFA</b>	Counsel at First Appearance.
<b>CMS</b>	Case Management System.
<b>Federal Poverty Levels</b>	Poverty income levels, as established by guidelines published by the U.S. Department of Health & Human Services and used to determine who is eligible for certain benefits and programs.
<b>ILS</b>	New York State Office of Indigent Legal Services.
<b>ILS ACP Standards</b>	Standards for Establishing and Administering Assigned Counsel Programs, issued by ILS, with an effective date of July 1, 2019.
<b>ILS Caseload Standards</b>	A Determination of Caseload Standards pursuant to § IV of the <i>Hurrell-Harring v State of NY</i> Settlement (2016).
<b>ILS Eligibility Standards</b>	Criteria and Procedures for Determining Assigned Counsel Eligibility (2016).
<b>Mandated Representation</b>	This term addresses representation in criminal and family matters, provided pursuant to County Law Article 18-B, to eligible individuals who are unable to afford counsel.
<b>MOCJ</b>	NYC Mayor’s Office for Criminal Justice.
<b>New York City (NYC or City)</b>	NYC encompasses each of the five boroughs: Manhattan, Brooklyn, Queens, Bronx, and Staten Island.

<b>Non-Attorney Professionals</b>	Expert witnesses, investigators, social workers, sentencing advocates, interpreters, and other professionals who provide services critical to quality representation.
<b>OCA</b>	New York State Office of Court Administration.
<b>Provider</b>	A provider is a public defender office, conflict defender office, legal aid society, assigned counsel program, or any other office, firm, individual, or entity that provides representation to persons financially unable to afford counsel in a criminal case, as defined County Law Article 18-B. We consider assigned counsel “providers” to exist in counties, even where no formal administration is apparent, and judges assign counsel on an ad hoc basis. Except in NYC, providers are specific to a county.
<b>Quality Improvement Plan</b>	The State Plan for Quality Improvement is a written plan developed by ILS and filed on December 1, 2017 to ensure implementation of the reforms adopted in the <i>Hurrell-Harring</i> settlement, relating to initiatives to improve the quality of indigent defense in 52 counties (i.e., excluding the counties involved in the <i>Hurrell-Harring</i> settlement agreement (Ontario, Schuyler, Onondaga, Washington and Suffolk) and in NYC, pursuant to Executive Law § 832 (4) (a) (ii).
<b>Regional Program</b>	A program in which a single organization supplies representation in multiple counties or counties share services to create a combined program, office or other collaboration (such as regional ACPs). This arrangement is referred to as a “regional” program or the “regionalization” of a program or services.
<b>SORA</b>	Sex Offender Registration Act.
<b>SUNY</b>	State University of New York.

# STATEWIDE PLAN FOR IMPLEMENTING QUALITY IMPROVEMENT: YEAR ONE REPORT

## I. Introduction

The New York State Office of Indigent Legal Services (ILS) submits this written status update report addressing the first year of implementation of the Statewide Plan for Quality Improvement (Quality Improvement Plan). That Plan, submitted by ILS on December 1, 2017, pursuant to Executive Law § 832 (4),<sup>1</sup> proposed initiatives to improve the overall quality of indigent criminal defense representation provided in 52 counties<sup>2</sup> and in New York City (NYC). This report provides a summary of the development of five-year contracts to achieve reforms in the representation of criminal defendants, pursuant to the statewide expansion of the *Hurrell-Harring* settlement agreement. In each county and in NYC, individualized Quality Improvement Plans included a first-year budget to initiate the implementation of priorities identified in ILS's Quality Improvement Plan.<sup>3</sup>

## II. Background

In 1963, in the landmark case of *Gideon v Wainwright*, 372 US 335, the U.S. Supreme Court held that the U.S. Constitution guarantees criminal defendants the right to counsel in state court. Subsequently, in *People v Witek*, 15 NY2d 392 (1965), the New York Court of Appeals found that a local magistrate's failure to advise defendants of their right to appointed counsel was fundamental error. Yet when County Law Article 18-B was enacted several months later, it failed to provide for State funding and oversight of such mandated representation. Instead, the State required that each county and NYC establish and fund their own plans to provide mandated representation—whether through a Public Defender's office, a contract with a legal aid society, private lawyers pursuant to a bar association plan, or any combination thereof. Predictably, this county-based system led to inconsistency, inequity, and failure. Despite calls for reform,<sup>4</sup> systemic deficiencies continued, culminating in a lawsuit filed against the State on behalf of defendants facing prosecution in five counties—Ontario, Onondaga, Schuyler, Suffolk, and Washington.<sup>5</sup> The plaintiffs asserted that the State effectively denied defendants their constitutional right to counsel.

<sup>1</sup>Executive Law § 832 (4), as amended pursuant to Chapter 59 of the Laws of 2017, Part VVV, §§ 11-13 (eff. July 1, 2017). See a copy of the legislation attached as Appendix A.

<sup>2</sup>Excluded from the Quality Improvement Plan and thus from this report are the five counties (i.e., Ontario, Onondaga, Schuyler, Suffolk, and Washington) currently engaged in implementing the *Hurrell-Harring* settlement agreement.

<sup>3</sup>Information provided in this report is based on actual implementation, as well as expected outcomes for those counties unable to initiate implementation until final approval of the *Hurrell-Harring* Statewide Implementation Contract.

<sup>4</sup>Final Report of Chief Judge Kaye's Commission on the Future of Indigent Defense Services, 2006

<sup>5</sup>*Hurrell-Harring v State of NY* (Index No. 8866-07) was filed in Albany County in 2007. The *Hurrell-Harring* settlement agreement is available at

<https://www.ils.ny.gov/files/Hurrell-Harring%20Final%20Settlement%20102114.pdf>.

In 2015, a settlement agreement reached in the *Hurrell-Harring* case was approved by the court. In the five affected counties, the State was required to ensure counsel at arraignment, reasonable caseloads, adequate support services, quality control and oversight, and uniform eligibility standards.<sup>6</sup> For the first time, the State acknowledged its responsibility for complying with *Gideon's* promise. As part of the settlement agreement, ILS was entrusted with the duty of implementing reform. In the five *Hurrell-Harring* counties, implementation of reform has proceeded effectively and has provided a vision for what can be achieved on a statewide basis. In 2016, ILS issued financial eligibility standards for all counties outside NYC. In addition, for the five *Hurrell-Harring* counties, ILS published Caseload Standards, requiring sharp reductions from prevailing advisory standards.<sup>7</sup> State funding needed to implement the settlement reforms was approved.

While State-supported reforms began to take shape in the five settlement counties, the remaining 52 counties and NYC were expected to meet the increasing demands of providing mandated representation with only localized systems and funding. Legislation unanimously approved by both houses in 2016 would have required the State to pay all costs for mandated representation in both criminal and family matters.<sup>8</sup> Governor Andrew Cuomo vetoed the bill. However, in his veto message, the Governor agreed that *Hurrell-Harring* reforms should be extended statewide and promised to introduce a plan for statewide reform. On January 17, 2017, he fulfilled that promise and set forth his vision for extending *Hurrell-Harring* reforms statewide at State expense. ILS would be given responsibility to develop plans for statewide reform—in the areas of counsel at arraignment, caseload relief, and quality improvement—and to oversee the implementation of reforms.

Thanks to the Governor's leadership, statewide criminal defense reform in New York became a reality. Effective April 2017, legislation was enacted that called for the State to pay for the statewide expansion of the *Hurrell-Harring* reforms in criminal defense matters and gave ILS, in consultation with its Board, the responsibility for overseeing that process. Executive Law § 832 (4) authorized ILS to develop five-year State plans in three areas ("Plans"): (1) counsel at arraignment; (2) caseload/workload standards for providers; and (3) improvements in the quality of representation. Further, ILS was empowered to implement, monitor, and report on these plans. In December 2017, ILS submitted its Quality Improvement Plan<sup>9</sup>—together with the plans for counsel at arraignment and caseload/workload standards—identifying quality improvement needs and priorities for 52 counties and NYC.

<sup>6</sup>Unique to the settlement agreement, the eligibility standards had statewide applicability.

<sup>7</sup> See ILS Report, "A Determination of Caseloads Standards Pursuant to § IV of the *Hurrell-Harring v. The State of New York* Settlement", published on December 8, 2016 available at <https://www.ils.ny.gov/files/Hurrell-Harring/Caseload%20Reduction/Caseload%20Standards%20Report%20Final%20120816.pdf>.

<sup>8</sup>The bills proposed by Senator John DeFrancisco and Assembly Member Patricia Fahy, required the State to pay all costs for mandated representation in criminal defense and Family Court cases.

<sup>9</sup>Executive Law § 832 (4) (c).

### **III. Implementation Process: Year One**

#### ***A. Designing the Plans***

Under the Plan,<sup>10</sup> 130 criminal defense providers representing clients in more than 1,200 courts across the State are expected to fully implement prioritized measures to improve the quality of mandated representation by April 1, 2023. *See a copy of the list of current and proposed providers attached as Appendix B.* In 2017, ILS initiated an intensive information-gathering process, which included meeting and speaking with each provider and county officials statewide to determine county needs and priorities. Under the leadership of Statewide Chief Implementation Attorney Joanne Macri, the Statewide Implementation Unit (Statewide Team) began holding in-depth meetings in early 2018.

Beginning in February 2018, ILS engaged in extensive consultation with providers, county and NYC officials, and other stakeholders (i.e., Boards of Supervisors, county budget offices, human resource committees, county magistrates, judges, etc.). These meetings were an opportunity to discuss successes already achieved in *Hurrell-Harring* counties and priorities identified for each county in the Quality Improvement Plan and to brainstorm about how to best elevate the quality of mandated representation in each locality.

Also discussed was the importance of reliable data so that ILS can monitor and report on implementation of the Quality Improvement Plan. ILS inquired into each provider's ability to gather and report on data and sought to identify the resources needed to accomplish that mission—such as case management systems, technology upgrades, trained staff, and oversight. All localities must have a designated Data Officer responsible for: (1) working with ILS in meeting its data collection and reporting requirements; (2) participating in ILS data trainings; (3) providing regular updates to ILS; and (4) coordinating the annual reporting of the county's data to ILS in a uniform, accurate and timely manner. To meet this requirement, statewide funding has been set aside as part of each county's allocation. Since February 2018, ILS has had 111 in-person meetings to discuss the implementation of the Quality Improvement Plan. *See a copy of the list of Initial In-Person Meetings conducted statewide attached as Appendix C.*

#### ***B. Ongoing Data/Information Gathering Process***

Since February 2018, ILS has conducted nearly 200 extensive follow-up interviews to assess the administration of the 18-B panels and the availability of qualified counsel to provide representation at arraignment. The Statewide Team also used structured questionnaires to

<sup>10</sup>Executive Law § 832 (4) (a), (b), and (c) provide that each of the three plans had to be submitted by ILS to the Director of the NYS Division of Budget for review and approval, provided that the Director's approval was limited solely to each plan's projected fiscal impact of the required funding for appropriation of the plan, and such approval could not be unreasonably withheld.

collect information from each county in a uniform manner.<sup>11</sup> As identified in Executive Law § 832 (4), the elements of quality improvement include:

- Effective supervision and training;
- Access to, and appropriate use of, non-attorney professional services;
- Effective communication with clients;
- Attorneys with necessary qualifications and experience; and
- In the case of assigned counsel attorneys, the assurance that counsel is assigned in accordance with County Law Article 18-b and in a manner that considers their experience and caseload/workload.

ILS also gathered information to assess data capabilities (i.e., access to information, staff, technology and/or other resources) and to further discuss the need for a Data Officer in each locality. *See the CMS Questionnaire attached as Appendix E.*

### ***C. The Process of Preparing for a Statewide Contract***

Most importantly, ILS worked closely with providers, their counties, and NYC to develop local plans to implement quality priorities. This process has involved in-depth consultations to negotiate the proposed local plans and budgets for the first year of a five-year contract and to develop a long-term vision for quality representation. *See a chart of budget negotiation meetings attached as Appendix F.* The process involved closely examining the resources needed to address quality priorities, which include: providing qualified counsel at arraignment; developing and supporting institutional provider offices; structuring ACPs to ensure the availability of a sufficient number of qualified private attorneys; and making available non-attorney professional services.

In 2018-19, the Statewide Team had conducted more than 500 meetings and conference calls with providers, county officials, civil service committees, localities' legislative bodies, the New York State Association of Counties, the Office of Court Administration (OCA), and various magistrates' associations. Following several levels of review, final proposals were submitted to ILS counsel for review. Upon his approval, a five-year contract containing the approved first-year budget and work plan was sent to each county for its approval. At the time of this report's submission, contract proposals for each of the 52 counties and New York City have been successfully negotiated. Each proposal contains the ingredients to improve the quality of criminal defense provided and **see** justice achieved throughout the state.

<sup>11</sup>As to ACPs, among other things, questionnaires sought to ascertain the ability to supervisor and monitor panel attorneys; access to non-attorney professional services; training opportunities; the range of activities covered; and voucher practices. *See a copy of the ACP Questionnaire attached as Appendix D.* Eight counties relied solely on an ACP to provide mandated representation; and two of those counties—Clinton and Delaware—used State funding to create Public Defender's Offices.

#### ***D. Implementation of First-Year Initiatives***

The first-year proposals and plans envision significant reforms, including the following:

- Eight counties committed to new and/or expanded institutional provider offices (including two counties which created their first-ever Public Defender Offices;
- At least 19 counties have committed to the development or restructuring of an ACP with sufficient infrastructure and resources;
- Institutional providers in some counties have made plans to upgrade part-time positions to full-time position to address high caseloads, as well as decreasing numbers of 18-B attorneys;
- Many counties have proposed hiring, or contracting with, attorneys and non-attorneys as another way to reduce caseloads,
- Several counties have increased supervision to ensure the quality of representation provided;
- Several counties are implementing training, mentoring, and second-chair programs for trial attorneys;
- Most counties have enhanced or increased appellate/litigation support and legal resources;
- Many counties have created or enhanced resources for non-attorney professional services;
- Several counties are implementing technology upgrades and addressing other technical services in this first year; and
- Each locality has designated a Data Officer, and many have improved data management tools and technical support.

Each county's specific first-year initiatives are set forth in more detail in the accompanying County Profiles. *See a comparative list of providers in New York State (2017 and 2019) attached as Appendix G.*

#### **IV. Quality Improvement Initiatives**

The counties' and NYC's plans for each of the statutorily identified elements of quality improvement are set forth below.

##### ***A. Supervision and Training***

Executive Law § 832 (4) (c) (i) (A) requires that attorneys receive effective supervision and training. Formal structures should be created so that experienced attorneys can provide supervision and oversight of staff attorneys. These supervising attorneys must have reduced caseloads. Mentoring and second-chair programs are another effective way of providing supervision. Training helps to ensure that attorneys have the knowledge and skill necessary for

effective representation. In addition to intensive entry-level training, attorneys should receive ongoing and advanced training regarding developments in criminal law, procedure, and practice.

In some cases, this was done by elevating current staff to supervisory roles, while adding less experienced attorneys and non-attorneys to the office. In other instances, providers created new supervisory positions to be filled with new hires. In similar fashion, supervisory positions were added to ACPs. Some counties converted part-time administrators to full-time status, and others hired, or contracted with, experienced criminal defense attorneys to fill new positions for supervising attorneys to consult with non-attorney ACP administrators. In addition to supporting the administrator, in many programs, the supervising attorney is also available as a resource for the panel attorneys.

NYC providers accounted for 21 of the 68 new supervisory positions, eight (8) of which consist of newly-established ACP director and supervisor positions. Supervisory positions were added in many upstate offices. The Chemung County Public Defender promoted two experienced staff attorneys to supervise staff, while the Dutchess County Public Defender promoted two supervisors to become Bureau Chiefs. At Nassau County Legal Aid Society, an experienced criminal defense attorney was recruited to supervise attorneys assigned to District Court. A Deputy Chief position was added in both the Public Defender and Conflict Defender's Offices in Schenectady County. The Ulster County Public Defender plans to hire a Chief Assistant. ACPs in Erie, Essex, Monroe, and Warren Counties have also expanded their supervisory capacity. ILS will monitor the counties that have begun to address this issue in the first year, to ensure that these efforts are sustainable. It is anticipated that counties that have not yet addressed this priority will do so in Year Two, using the increased State funding available.<sup>12</sup>

Year One funding was used in several ways to expand training opportunities. Sixty-three providers created or enhanced training budgets with an aggregate funding of \$630,000. Other programs allocated funds for staff to oversee training. For example, the Dutchess County Public Defender hired a full-time Bureau Chief/Director of Training, while the Erie County ACP created Deputy Attorney positions for Quality Assurance and CLE/Training. The Monroe County ACP is contracting with an attorney to serve as the Training/Mentorship Program Coordinator; and the Nassau County ACP is hiring a part-time Director of CLE and Development. The Oneida County Public Defender, Westchester County Legal Aid Society, and Erie County ACP will be developing and enhancing existing training institutes and regional training programs to serve attorneys within their counties and in neighboring counties. In addition to working with providers, ILS has collaborated with New York State Defenders Association (NYSDA), the Chief Defenders Association of New York (CDANY), and the New York State Association of Criminal Defense Lawyers (NYSACDL) to ensure that relevant training opportunities are available. Moving forward ILS will partner with other stakeholders in the criminal defense community to develop a model statewide training curriculum for entry, mid-level, and advanced attorney positions.

<sup>12</sup>In FY 2019-2020, the State appropriated \$100 million for the continued statewide implementation of the *Hurrell-Harring* reforms, thus doubling each county's budget for Year Two.

## Number of Localities and Training Amounts



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

Executive Law § 832 (4) (c) (i) (B) declares that attorneys must “have access to and appropriately utilize investigators, interpreters and expert witnesses on behalf of clients.” Such non-attorney professionals, and others, are crucial to meaningful representation. Investigators are needed to locate and interview witnesses and unearth exculpatory evidence. Interpreters are critical for client communications. Expert consultants can help in evaluating evidence, making strategic decisions, preparing for cross-examinations, and presenting a defense. In addition, sentencing advocates may help achieve a favorable sentence based on mitigating factors, while social workers can help clients access treatment programs and successfully re-enter the community upon release from jail or prison.

There is a significant need for expanded availability of non-attorney professional services.<sup>13</sup> One of the most significant and exciting reforms being effectuated with statewide funding is to give staff attorneys and 18-B attorneys alike broad and timely access to non-attorney professional services. This will mean that providers will be able to access these critical non-attorney professional services without having to make motions to trial courts. This will also allow providers to avoid the needless time, delay and uncertainty involved in relying on courts to approve use of necessary services, to access the professional services early in the case, and to

<sup>13</sup>The 2017 Quality Improvement Plan revealed that only 16 trial-level providers had a social worker on staff or had regular access to a social worker. Moreover, only 41 providers had an investigator on staff or equivalent access. Only 25 providers had access to a full-time investigator, and 16 had access to a part-time investigator. Many providers lacked sufficient funds for necessary professional services. Further, trial courts often deny County Law § 722-c applications for court authorization to obtain such services. Moreover, appropriate use of experts had been hindered by low hourly guideline rates and a low statutory cap for expert compensation. However, in 2017, OCA proposed rate increases, which were implemented in 2018.

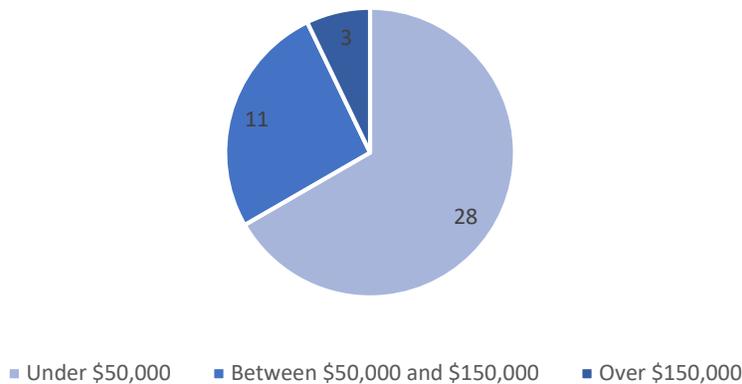
select the professional office and/or service deemed appropriate. Along with access to relevant professionals, many providers will provide training in how to effectively use such services, and the enhanced supervision discussed above will ensure that these services are appropriately used.

Funding for non-attorney professional services budgets totaled approximately \$2.4 million for 77 providers in 41 upstate counties and NYC. In Year One, some counties are using State funding to hire necessary professionals, with the recognition that each provider must have its own budget for such services in order to avoid the inherent conflict of multiple providers sharing the same pool of funding. Some counties have created separate budgets to support available resources that each provider can contract with on an as-needed basis. This guarantees equal access to professional services to all attorneys providing mandated representation, regardless of their affiliation with a particular program and/or office. Moreover, these resources can be accessed quickly because attorneys can access the services directly through the Defender office or ACP.

Twelve localities, including NYC, have funds to hire a total of the full-time equivalent of 23.5 staff investigators and 27.5 social workers. Offices throughout New York budgeted for a total of the full-time equivalent of 32.5 paralegal positions. Several counties intend to use their funding to contract with the Center for Community Alternatives in Syracuse to provide sentencing mitigation services.

In Year Two, ILS will support such efforts, along with regional programs for sharing services. The Rensselaer Public Defender has proposed sharing technology for litigation support, and the Broome County Public Defender may be seeking to share investigator resources. ILS will work with providers, universities, and law schools to support the recruitment of professionals to the criminal defense practice.

Number of Localities and Professional Services Amounts



### ***C. Effective Communication with Clients***

The attorney-client relationship requires meaningful communication about the case, the client's wishes, and the attorney's advice. Counsel has an ethical duty to keep clients reasonably informed about their cases. For this reason, Executive Law § 832 (4) (c) (i) (C) requires that the Quality Improvement Plan seeks to ensure that defense counsel provide effective client communication, through phone calls, videoconferencing, correspondence, and in-person meetings. Obstacles to communication may include incarceration, a lack of confidential meeting space, the need for an interpreter, and client incompetency.

To overcome obstacles and improve client communications, 23 upstate counties and six NYC providers requested funding totaling \$380,000. Providers are using such funding to improve client communications in several ways. Text messaging programs are being implemented by Public Defenders in Cattaraugus, Greene, Monroe, and Wayne Counties, as well as by the Livingston County Conflict Defender. Some ACPs are creating confidential spaces for panel attorneys to meet with clients, and some are creating websites that give clients easy access to the program and relevant forms. To promote visits with incarcerated clients, many providers have added or enhanced mileage reimbursement protocols.<sup>14</sup> Some providers are now supplying cell phones to attorneys so that clients can more easily reach attorneys who are often in court, not at the office. Given the lack of public transportation in Clinton County, the Public Defender's Office there is negotiating with the local transportation agency to add a bus stop at the new office.

As implementation unfolds in Year Two, ILS will work with counties and providers to assess the effectiveness of client communication measures and evaluate additional funding needs. ILS will also continue to support the use of technology to support client communication and client attendance for court appearances.

### ***D. Qualifications and Experience***

Under Executive Law § 832 (4) (c) (i) (D), attorneys must have the necessary qualifications and experience in criminal defense to provide competent representation. Unless providers can recruit, retain, and train counsel, attorneys with the necessary experience and skill will not be available to handle the volume and complexity of cases the offices must handle. To address the problem, ACPs are creating mentoring and second-chair programs, and institutional providers are promoting experienced staff attorneys to retain them and have them mentor newer attorneys.

ACPs have allocated a total of \$1.4 million in State funds to develop mentoring and second-chair programs. Such programs have great value for large ACPs, in that new attorneys can receive help

<sup>14</sup>For example, counties that have historically provided compensation only for travel time but not mileage, are now allowing reimbursements for mileage. In other instances, counties that have never reimbursed mandated representation providers with mileage, for travels outside of court appearances, are now beginning to do so.

from a seasoned hand; experienced attorneys can receive assistance in trying complex cases; and ACP Administrators can gain insight into the abilities of panel attorneys. For smaller ACPS, these initiatives may prove useful in recruiting newer attorneys eager for the opportunity to receive guidance from experienced colleagues.

Institutional defenders often experience a “brain drain” with mid-level attorneys. Attorneys leave the office after being trained and gaining several years of experience because they cannot afford to stay. Salaries do not keep pace with experience; and low salaries and high caseloads interfere with attorneys’ abilities to have quality personal and family lives. To address the problem, Fulton and Tioga Counties have converted their part-time Chief Public Defender positions to full-time roles, allowing these attorneys to give up their private practices and focus solely on public defense. Part-time attorney positions have been expanded by Public Defenders in Livingston, Rockland, Seneca, and Wayne Counties and at the Putnam County Legal Aid Society. Several offices have promoted experienced counsel to supervisory posts in part to retain them.

#### ***E. Caseload/Workload of ACP Panel Attorneys***

Executive Law § 832 (4) (c) (i) (E) provides that each ACP panel attorney should be assigned to cases in a manner that accounts for his or her level of experience and caseload/workload. When faced with an oppressive caseload, no attorney can provide quality representation. Thus, caseloads and workloads must be monitored. Workload encompasses factors such as the number and type of cases handled, both as a public defense and private attorney; the attorney’s experience and skill level; and the administrative support available.

In the Quality Improvement Plan, ILS realized that counties would need formal structures to develop or enhance their ACPs and address caseload/workload and experience of panel attorneys. As discussed more fully below, in 2017, 29 counties had no administrator or an administrator who was also an institutional provider or county attorney. To address the caseload/workload of ACP attorneys, several counties have begun to formalize and upgrade their ACPs. Most significantly, 13 of the 29 counties without independent administrators in 2017 are now hiring administrators to oversee their programs. Several others are hiring supervising attorneys or attorney staff to assist with program oversight and to better support panel attorneys.

#### ***F. Legal Research Resources***

Among the elements identified as essential by the statewide implementation statute are legal research resources. Providers should have access to substantive electronic and print research resources to ensure that they can advance current law in arguments, motions, and briefs. These resources typically include an online legal research subscription with sufficient licenses for all attorneys and access to all relevant databases, as well as treatises pertinent to attorneys’ practice areas. Legal research resources include not only subscriptions but appellate attorneys, who can serve as a vital resource for trial counsel in analyzing, presenting, and preserving legal arguments, as discussed more fully below. To address this need, 40 providers in 28 counties and four

providers in NYC have dedicated a total of \$263,000 to obtaining or increasing legal research resources.

### ***G. Case Management and Other Data Resources***

Through its research, ILS strives to “become a repository for all known and available information on indigent legal services providers around the State.”<sup>15</sup> In 2018, ILS advanced that mandate through the implementation of the *Hurrell-Harring* settlement agreement and the statewide expansion; improving caseload data collection; and publishing important findings regarding quality improvement and counsel at first appearance (CAFA). These efforts are greatly dependent upon the cooperation of the providers, who have been willing to share their data, accept new ideas, and offer their insights. As data responsibilities began to evolve in 2018 and 2019, ILS has continued to seek new and better data from the defender community, while assisting those who wish to refine data collection and to use data in new ways to improve their representation.

#### ***i. Data collection: Replacing the UCS-195 with the ILS-195***

New York is a leader in implementing State-funded caseload limits for all providers of mandated criminal defense representation. The statewide implementation of ILS Caseload Standards required that ILS develop and implement a plan to encourage the gathering and reporting of reliable and accurate data from all providers. Several challenges needed to be overcome.

First, ILS developed and disseminated clear rules on ILS data requirements, which included offering detailed definitions of cases and instructions on case-counting. This effort was supported by an amendment to County Law § 722-f, which transferred to ILS the mandate to collect annual reports from providers, effective April 1, 2019. These annual reports—which historically have taken the form of an instrument known as the “UCS-195” and were gathered by OCA—already included a variety of questions about caseloads.

Recognizing that the Caseload Standards called for additional caseload analysis to be considered by each provider, ILS spent most of 2018 redesigning the UCS-195 data form to support our need for additional data analysis. The new instrument, referred to as the “ILS-195,” provides for a gradual gathering of a variety of data over the five-year implementation period. *See the Timeline for ILS-195 Roll-out attached as Appendix H.* In addition to caseload data, the ILS-195 is structured to gather information about: providers’ expenditures, staff, and salaries; their use of investigators; case dispositions; and representation at arraignments. The ILS-195 will replace the UCS-195 incrementally and will be submitted to ILS annually and electronically. *See a PDF of the ILS-195 attached as Appendix I.*<sup>16</sup>

<sup>15</sup>See <https://www.ils.ny.gov/content/research-and-data-analysis> (last accessed 7/24/19).

<sup>16</sup> An electronic version of the ILS-195 with supporting documents are available at <https://www.ils.ny.gov/content/annual-data-reporting>.

## ***ii. Trainings and Technical Assistance***

ILS developed webinars on the Caseload Standards, the ILS-195, and its caseload definitions and implementation. At trainings in December 2018 and June 2019, a total of nearly 200 persons attended. All sessions were recorded and distributed to participants and other interested persons. In addition, questions and answers raised during and after the sessions will be posted to the ILS website.<sup>17</sup> Between February 2018 and March 2019, the Statewide Team interviewed providers to ascertain their data infrastructure and capabilities. Based on responses received, ILS was able to provide technical assistance regarding procedures for collecting data for the ILS-195 and the case management systems being used. An essential component of data collection will be County Data Officers, to be designated in each locality prior to execution of a five-year contract. Their responsibilities will include gaining knowledge of ILS data requirements and caseload definitions and providers' data collection practices and technology. ILS will train these officers to ensure that they can fulfill their duties. *See the Data Officer Roles and Responsibilities attached as Appendix J.* In the coming years, ILS will continue to refine the data instruments and procedures, in collaboration with providers.<sup>18</sup>

## ***iii. Other ILS Research-Related Activities Supportive of Quality Improvement***

ILS is working with the Harvard University Access to Justice Lab, which has developed a system that interacts with the case management systems at Public Defender's offices in Cattaraugus and Wayne Counties. Text messages are sent to clients to alert them of court dates and meetings with the attorneys. The researchers will assess the efficacy of the texts in achieving client attendance in court and at meetings, and the corollary impacts on case outcomes and clients' experiences. *See the Harvard University Access to Justice Lab posting attached as Appendix K.*

## **V. Quality Improvement of Institutional Providers**

Mandated representation is generally provided by established institutional provider offices, (i.e., such as Public Defender offices, Legal Aid Societies and other Defender Service organizations). While many of these offices have structural advantages relative to some ACPs, they often lack the resources and the time necessary to fully protect their clients' rights, check prosecutorial

<sup>17</sup>A video of each of the ILS-195 data trainings is available at <https://www.ils.ny.gov/content/annual-data-reporting>.

<sup>18</sup>For more information, see "ILS Study of Case Counting Practices among Providers of Mandated Criminal Defense," available at

<https://www.ils.ny.gov/files/Research%20and%20Data%20Analysis/Study%20of%20Case%20Counting%20Practice%20Among%20Providers%20Of%20Mandated%20Criminal%20Defense.pdf>

(last accessed 7/24/19) and "Definitions for Reporting Counts of Criminal Cases to the Office of Indigent Legal Services," available at

<https://www.ils.ny.gov/files/Annual%20Data%20Reporting/Definitions.pdf>

(last accessed 7/24/19).

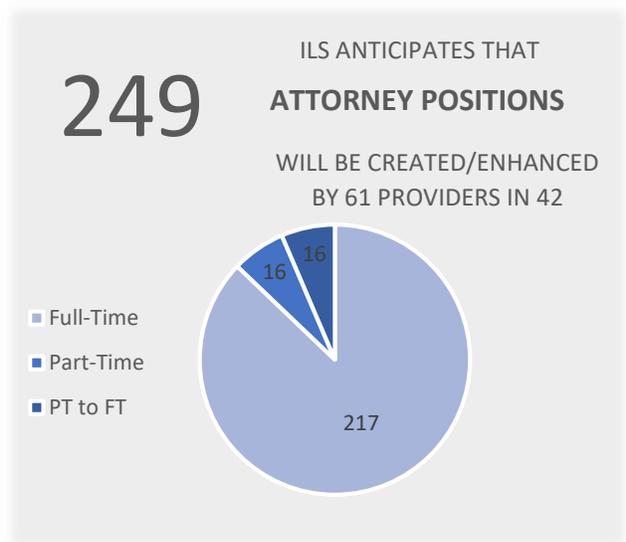
Also see, the ILS-195 Demonstration Form, available at <https://ils195-demo.questionpro.com>

(last accessed 7/24/19).

Accompanying materials: <https://www.ils.ny.gov/content/annual-data-reporting> (last accessed 7/24/19).

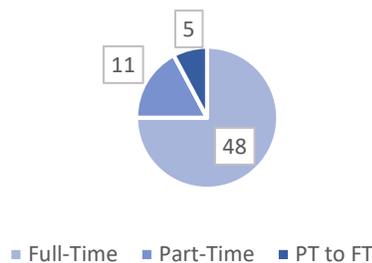
abuses, and minimize wrongful convictions. As the *Hurrell-Harring* settlement agreement and its implementation process in five counties have established, quality public defense representation is a time-intensive endeavor that requires well-resourced attorneys to protect clients’ constitutional rights against any miscarriage of justice. Defender offices that are adequately funded have the opportunity to introduce more supervision, qualified attorneys and greater access to non-attorney professional services to support quality representation. However, adequate staffing and meaningful reduction in attorney workloads is necessary to ensure the value of available resources in support of quality representation. Reductions in caseloads are essential to creating a path to achieving quality representation throughout New York.

Year One funding will be used by providers statewide to hire a total of 217 full-time attorneys and 16 part-time attorneys and to convert 16 attorney positions from part-time to full-time. About half of these positions are in NYC, which handles about half of the State’s criminal cases. Only 11 upstate counties have not included attorney hires in the first-year budgets. Of these counties, five have only ACPs, which typically do not have staff attorneys. Four of these counties, however, hired or enhanced their Administrators, a position generally held by an attorney.



Providers have also increased administrative staff to support attorneys hired and move toward caseload compliance by 2023. For Year One, providers allocated State funding for 48 full-time and 11 part-time positions and converted five administrative positions from part-time to full-

Administrative staff positions created/enhanced in 30 localities



time. While NYC led the State in attorney hires, upstate counties accounted for about three-fourths of the administrative hires.

Non-attorney professionals were added as staff positions in 23 upstate counties and at eight NYC provider offices. Going forward, the hiring of attorney and non-attorney staff will continue to be a priority. Related concerns will be adequate space for new hires and effective retention and parity practices.

## **VI. Quality Improvement of ACPs**

Perhaps the most dramatic progress in the first year of implementation is the transformation of ACPs. A well-managed ACP is a vital component of ensuring quality mandated representation. Prior to the filing of the Quality Improvement Plan, Administrators were in place in only 23 upstate counties and in NYC. In the remaining 29 counties, the ACP was administered by the County Attorney's office, an institutional provider office (i.e., such as a public defender or conflict defender office) or there was no one appointed to administer the 18-B panel.

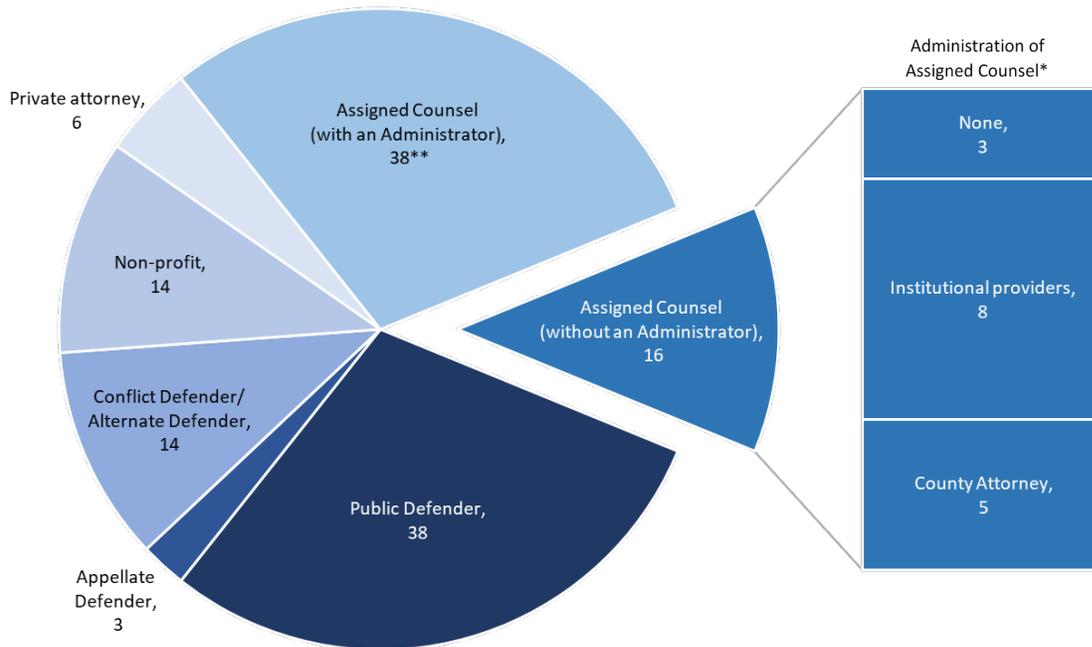
Approximately two-thirds of the ACPs did not contain sufficient structural elements to provide adequate support for quality representation among the panel of 18-B assigned counsel. Many counties reported not having access to a full-time ACP administrator and/or supervising attorney; a process for certification and review of performance; a training or mentoring program; resources for legal research and non-attorney professional services; protocols governing client communication; or adequate resources for appeals and post-conviction representation. Instead, attorneys on assigned counsel lists were often left unsupported and unaccountable for the representation provided. Moreover, many ACPs lacked the capability to gather and report reliable and accurate data on assigned counsel cases.

With Year One funding, many counties have begun to formalize and support their ACPs. Thirteen counties have created Administrator positions. *See Figure on page 19*<sup>19</sup>. Six programs have also upgraded their current Administrators from part-time to full-time or almost full-time. Thirteen programs added administrative assistants to support the Administrators. Three counties upgraded administrative staff from part-time to full-time or almost full-time.<sup>20</sup>

<sup>19</sup> Figure below does not include the Rural Law Center of New York.

<sup>20</sup> In some instances, previously contracted ACP Administrator positions were converted to County-employed full-time or part-time positions.

Providers of mandated representation



Total number of providers: 129

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

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

ILS has worked with providers to develop data infrastructures, including case management systems and, where appropriate, electronic vouchering systems. In 2018, only 18 programs had a CMS. With Year One funding, eight additional programs allocated funding for a CMS, and another six upgraded their existing systems.

Another component of a well-managed ACP is providing oversight and support of panel attorneys. In 2018, only eight programs had a supervising attorney or mentoring program, and only 15 programs had any kind of specialized panels (e.g. misdemeanors, felony, violent felonies, homicides). With Year One funding, 12 providers statewide have added approximately 22 supervisory positions. Fifteen programs added second-chair and/or mentoring services.

Another requirement for quality representation is training, which is necessary for both inexperienced and experienced attorneys in providing quality representation. Prior to Year One, only 10 counties reported having a training budget for 18-B attorneys. Most such budgets were limited and had only been provided in recent years through ILS grants or distribution funding. With Year One funding, 29 programs are providing training budgets totaling \$280,000.

In 2018, only two ACPS provided panel attorneys with any legal research services, which are costly for solo practitioners. With Year One funding, 17 programs devoted a total of \$105,000 to such resources, including online research services and access to legal treatises.

Another important aspect of quality representation is access to non-attorney professional services, including investigators and experts. In 2018, only nine programs had access to such services. Typically, 18-B counsel had to apply to the court for access, but services were often not available on a timely or otherwise adequate basis. The end result was the failure to investigate cases before taking a plea or going to trial. This troubling situation is changing in Year One. Thirty-two counties and NYC allocated a total of nearly \$1.4 million to non-attorney professional services so that their clients can make informed decisions about their defense early in the case and achieve better outcomes.

Finally, as will be detailed more fully in the Counsel at Arraignment Update in Fall 2019, assigned counsel attorneys play a very significant role in creating sustainable counsel at arraignment programs. In 2018, only 14 ACPs across the State were providing attorneys or assisting with Counsel at Arraignment. With the first-year *Hurrell-Harring* funding, 19 programs are now providing or assisting with Counsel at Arraignment implementation.

For ACPs, regional systems offer a promising path to quality and efficiency. Many rural counties do not possess the resources needed to establish a professional ACP. By creating a regional ACP with a neighboring county or counties, they can elevate their programs, while efficiently sharing resources. In 2018, 37 programs shared attorneys across county lines. A more structured regional approach has been used very successfully as part of the *Hurrell-Harring* settlement: Schuyler (one of the settlement counties) and Tompkins (which has always had a robust ACP program). ILS plans to explore similar opportunities in the future.

Finally, to guide counties as they move forward in this process of designing and implementing structured ACPs, ILS issued Standards for Establishing and Administering ACPs, which took effect July 1, 2019. *See a copy of the ILS Standards for Establishing and Administering Assigned Counsel Programs Black Letter Standards are attached as Appendix L.*

## **VII. Quality Improvement of Appellate Representation**

Appellate attorneys can serve a dual function: representing clients upon appeal and providing litigation support to trial counsel in analyzing, presenting and preserving legal arguments. Moreover, effective appellate representation can not only produce an outcome that best serves the individual client; it may also shape the law in a way that protects the rights of similarly situated criminal defendants. Only attorneys with the proper training and expertise should handle appeals. The attorneys must be supervised, communicate with clients, effectively complete direct appeals, and, where appropriate, provide post-conviction representation. NYC providers and appellate units in the largest upstate cities provide such representation. However, there is an enormous gap between the high quality of appellate representation delivered by such programs versus the approach taken in many counties. The norm in much of the State is for appellate representation to be provided by assigned counsel who receive scant training and supervision. There are a few exceptions, such as small appellate units at provider offices, a nonprofit serving five rural counties, and a few individual appellate attorneys who have contracts

with counties. However, these promising initiatives require adequate resources to fulfill their promise of providing quality appellate representation.

### ***A. Caseload Reduction***

In 2015, ILS published Appellate Standards and Best Practices (Appellate Standards) setting forth aspirational standards for mandated representation.<sup>21</sup> Effectuating these standards, however, and establishing a cadre of qualified appellate attorneys, cannot be done without first addressing heavy caseloads. Just as their trial counterparts, appellate attorneys are also burdened by a lack of time to adequately perfect appeals, receive and/or give trainings, and provide supervision to less experienced appellate and trial attorneys in need of appellate consultation. Based on the lack of formal, funded litigation support, many experienced appellate attorneys will often provide informal support to their trial counterparts. Although their generosity is laudable, litigation support is a vital element of a sound criminal defense system and should be adequately funded.

ILS Caseload Standards apply to all providers of appellate representation. Thus, quality efforts must address appellate caseloads, as well as provide adequate training and supervision for appellate counsel to enable them to lend their support to trial counsel. Several counties have begun tackling these issues in Year One by increasing staff, contracting with third parties, and supplementing existing resources for appellate matters.

#### ***i. Staff Expansion***

As identified in the Quality Improvement Plan, most appellate representation is provided by assigned counsel, with a few provider offices housing an appellate attorney and even fewer providers (outside of NYC) with a dedicated appellate unit. In Year One, four providers are adding or increasing appellate staff in their offices. Clinton County, which before had only an ACP to provide mandated representation, has created its first Public Defender's Office and hired three full-time attorneys, who will provide both trial and appellate representation. The Greene County Public Defender's Office is expanding its ability to cover local court appeals by adding two new full-time attorneys. In Livingston County, the Conflict Defender's part-time appellate attorney has been converted to full-time to take on additional appeals and provide caseload relief. The Legal Aid Society of Westchester is increasing its staff and hiring a new part-time attorney to handle special litigation matters, including appeals.

#### ***ii. Contracted Services***

The Orange County Legal Aid Society and the Public Defender's Offices in Broome and Rockland Counties will be contracting with attorneys to handle their appeals. While the Broome County Public Defender's Office does currently handle appeals and will continue to do so, the additional contract position(s) will lessen the existing overwhelming appellate caseload. The Legal Aid

<sup>21</sup>These Appellate Standards apply to both criminal and family law appeals. For purposes of this report, discussions are limited to criminal appeals.

Bureau of Buffalo will increase the number of appeals it handles for the Cattaraugus County Public Defender and ACP. Similarly, the Rural Law Center of New York will increase its contracts to allow for a greater number of appellate assignments for Fulton, St. Lawrence, and Warren Counties. The Wayne County Public Defender's office and the Yates County ACP have increased or made funding available for appellate needs such as transcript costs.

### ***iii. Backlog Measures***

Many institutional providers face significant appellate backlogs, due to the delay in receiving transcripts and the lack of qualified attorneys available to handle appeals. Inadequate staffing results in triage, as attorneys seek to complete new cases while also addressing stale cases. The older appeals often present a challenge in retrieving trial counsel's files and exhibits from trial court clerks. To tackle its backlog, the Livingston County Conflict Defender has contracted with the Legal Aid Bureau of Buffalo. The Public Defender in Monroe County has increased the funding available to contract with experienced appellate counsel in order to address the growing burden on the Office's appellate bureau.

### ***B. Supervision and Training***

Improving the quality of appellate and post-conviction representation requires adequate supervision and training. ACPs have begun to realize the benefits of adding supervision and quality control to their programs. ACPs in Erie, Monroe, and Westchester Counties have set aside first-year funding to add supervisors or consultants whose duties include providing support to panel attorneys who do appeals. The Erie ACP has created a position to review appeals handled by panel attorneys, as well as to coordinate training for trial attorneys regarding how and what to preserve for appellate review.

In 2018, ILS established the Appellate Defender Council, which has identified training appellate practitioners as one of its missions. A working group within the Council has focused on creating intensive, relevant trainings for appellate practitioners, and conducted a comprehensive survey to assess appellate attorney's needs and interests. Day one of a two-day pilot training was held in Albany in May 2019 with NYSDA as the CLE provider. The program drew a large number of participants and their enthusiasm and gratitude for the quality and relevance of the content and the speakers. The second part of this program is tentatively scheduled for September 2019. The working group's future plans include expanding the curriculum to encompass regional training programs as well. It is hoped that institutional providers and ACPs will encourage their staff and panel attorneys to attend such trainings.

Recognizing that the appellate mission must begin with trial counsel, a second working group within the Council has focused on creating trainings for trial counsel regarding how to preserve the right to appeal of criminal defendants by filing notices of appeal and applying for poor person relief. These trainings are ongoing, and it is anticipated that the working group will continue to identify other issues that will be helpful for trial counsel and develop curricula accordingly. Along these same lines, providers have recognized the value in having appellate counsel available to

provide not only trainings for trial counsel, but also litigation support—i.e., research, motions, legal analysis, etc., to assist throughout trial-level proceedings.

### ***C. Litigation Support for Trial Attorneys***

Appellate attorneys at institutional offices regularly provide trial counsel with legal analysis, research issues, and assist with motions. Suggestions and advice from appellate counsel are invaluable for trial attorneys as they negotiate plea deals and argue pre-trial matters. Appellate practitioners within an office are also able to keep its attorneys apprised of current legal issues. Many providers have identified such support as a first-year priority. The Jefferson County Public Defender and the Lewis County Conflict Defender are increasing attorney staff available to provide this support. The former will be hiring a new attorney whose duties include litigation support, while the latter is increasing an existing contract for a part-time attorney that has been providing this service. In Western New York, Cattaraugus, Genesee, and Orleans Counties have entered into, or increased contracts to include this support. Two ACPs have also set aside first-year funding to make appellate litigation support available to the trial attorneys. In Erie County, the ACP will be contracting with legal writing specialists, overseen by the new Deputy of Appeals, to provide similar support to the 18-B panel. The Oswego County ACP has developed an initiative to offer litigation support to 18-B attorneys from experienced appellate attorneys at the Hiscock Legal Aid Society.

### ***D. Regionalization***

As set forth above, many counties have contracted with third-party entities specializing in appeals to accept appellate assignments from their respective jurisdictions—the Rural Law Center of New York in the Third Department and the Legal Aid Bureau of Buffalo in the Fourth Department. ILS supports these regional efforts as an effective approach to quality appellate representation and anticipates expanded resources for these initiatives throughout the implementation period, in order to ensure the sustainability of such joint endeavors.

## **VIII. Next Steps: Year Two**

Mandated criminal defense representation is provided by a patchwork of 130 providers across 52 counties and in NYC. Executive Law § 832 (4) recognizes that quality representation must be provided to each and every defendant in every part of the State. Toward that end, the statute requires that ILS develop a written plan to improve the quality of mandated representation in criminal cases by ensuring that all public defense attorneys: receive effective training and supervision; have access to non-attorney professional services (such as experts, investigators, sentencing mitigation specialists and interpreters); communicate effectively with their clients; have the necessary experience and qualifications; and, in the case of assigned counsel, provide representation in a manner that accounts for the attorney's level of experience and caseload/workload in a county- and city-based system.

In the *Hurrell-Harring* counties, ILS developed a successful road map for improving the quality of criminal defense representation.<sup>22</sup> That experience guided the development of the Quality Improvement Plan, as well as the early stages of statewide implementation of reforms in Year One. The first phase of the Quality Improvement Plan involved working with providers to identify and address the most immediate quality needs in order to develop a five-year contract to achieve the Plan's goals by April 2023.<sup>23</sup>

ILS is currently taking steps to further develop the second year of implementation. This phase will involve the ongoing identification and prioritization of quality improvement needs. ILS will continue to work with each county to gather data, measure progress, and strategize about how methodically, efficiently, and effectively to provide all counties and providers with the staff and resources needed during the implementation period. The new ILS-195 data form and County Data Officers throughout the State will play an instrumental role in assessing progress and needs of each County and each provider. ILS will continue to gather more information from a wide variety of sources to evaluate caseloads and staff needs; client communication; training needs; and the effective use of experts, investigators, and other non-attorney professional services. In addition, the Statewide Team will work closely with counties interested in developing ACPs, stand-alone programs or regional enterprises.

## **IX. Quality Improvement Challenges**

Some of the challenges to achieving sustained quality improvement, and the ILS approach to addressing them, are described below.

### ***A. Recruitment of Qualified Defense Attorneys***

A significant challenge to meeting Caseload Standards and improving the quality of representation is the lack of an adequate number of qualified criminal defense attorneys. In 2017 and 2018, several counties reported a significant reduction in the number of private attorneys available to accept 18-B assignments. Institutional defenders have also experienced problems in recruiting and retaining staff, for myriad reasons, including low salaries, high caseloads, and remote rural locations. ILS is working closely with statewide defender organizations<sup>24</sup> to develop recruitment strategies, including holding job fairs. In October 2018, ILS co-sponsored the first New York State Public Defenders Career Fair, held at the State University of New York (SUNY) at Buffalo Law School, with participation by provider organizations from throughout the State and more than 100 participants seeking employment opportunities. A second career fair was held at Albany Law School in April 2019. *See a copy of flyers for the New York State Public Defenders*

<sup>22</sup>See ILS Director, Bill Leahy's Transmittal Memo dated January 25 2019 reporting achievement of caseload compliance by the Hurrell-Harring counties, available at <https://www.ils.ny.gov/files/Hurrell-Harring/Caseload%20Reduction/Hurrell-Harring%20Providers%20Meet%20ILS%20Caseload%20Standards%20Transmittal%20Memo%20062519.pdf>.

<sup>23</sup>At the time of this report's submission, ILS successfully negotiated contracts with all 52 counties and each of the 11 NYC providers.

<sup>24</sup>Partners engaged in ongoing discussion of these efforts include NYSDA, CDANY, and the NYSACDL.

*Career Fair Advertisements attached as Appendix M.* A third career fair is planned for October 2019 and will be co-hosted by SUNY at Buffalo Law School.

Despite such efforts, challenges remain for upstate rural counties facing a declining population of the attorneys needed to staff offices or take 18-B cases. Essential components in improving quality and attracting attorneys to rural counties will be the training, supervision, and second-chair and mentoring programs that offer newer attorneys an opportunity for professional growth and career development. An increase in the hourly rates paid to assigned counsel will be another vital element in achieving reform goals.<sup>25</sup>

### ***B. Compliance with ILS Data-Reporting Requirements***

ILS continues to encourage the implementation of technology and/or other resources necessary to meet our data reporting requirements. All 130 providers will have the support in place to begin gathering data in the seven case categories designated for reporting to ILS as of January 2020.<sup>26</sup> Pursuant to its recently enacted authority under County Law §722-f, ILS will require that data be reported on the new ILS-195 data form, which will be gradually introduced over a three-year period. Data captured will include program expenditures; staffing and salaries; caseloads; case processing; and case outcomes, including arraignments, case dispositions, rates of conflict, and other matters. See a copy of the Data Timeline in Appendix H.

A common resource being implemented by most providers is an automated case management system. Such systems allow providers and programs to: enter data helpful to assessing quality representation, while ensuring efficient management and supervision of caseloads; provide an overview of all pending cases; identify conflicts of interest; track pertinent data; prepare mandatory reports; and, in some instances, monitor fiscal developments related to the assignment of counsel. In addition, ILS has prioritized use of the current funding to ensure that each county and NYC has a “County Data Officer” who will be responsible to ILS, the County or NYC and each provider to gather and report accurate case-related data in accordance with ILS data reporting requirements.<sup>27</sup> *See Appendix J Data Officer Role and Responsibilities.*

ILS will work closely with each provider to ensure that each has the capacity to meet the initial January 2020 deadline for data.

<sup>25</sup>Since 2004, the statutory rates for assignment of counsel have been \$60/hour for misdemeanors and \$75/hour for felonies and appeals with presumptive maximum payment caps that frustrate fully effective representation. See County Law § 722-b. Section 722-c authorizes courts to set an hourly rate for non-attorney professional services and caps such payments at \$1,000, absent a showing of “extraordinary circumstances.”

<sup>26</sup>See *A Determination of Caseload Standards Pursuant to section IV of the Hurrell-Harring v State of NY Settlement*,” available at

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

<sup>27</sup> The primary function of the County Data Officer is to work with ILS in operationalizing the data requirements on behalf of each provider within the designated county in accordance with ILS data reporting requirements.

### ***C. Continued Support with the Implementation of Regional Support Centers***

Coordinating mandated representation statewide requires regular communication with providers and county/NYC officials. The 2017 Plan emphasized that the establishment of Regional Support Centers, strategically located throughout the State, was an essential component of effective and lasting public defense reform. Such Centers will provide invaluable on-the-ground assistance to providers in implementing reforms and addressing problems that arise. They will also be instrumental in monitoring and evaluating the impact of statewide reforms and the effective use of the State funding.

### **X. Conclusion**

ILS commends the commitment and dedication of the providers and officials in the 52 counties and NYC for their efforts in identifying how to use Year One funding to address pressing quality priorities, such as increasing attorney and non-attorney support staff and developing ACPs and/or institutional provider offices where none previously existed. In addition, almost every county has recognized the value of enhanced non-attorney services, such as investigators, experts, interpreters, social workers, and sentencing advocates, and has thus enhanced those resources. Many stakeholders have similarly embraced the value of increased supervision and training measures and have incorporated second-chair and mentoring programs for large programs and dwindling ACP panels alike. ILS's next report will detail the impact of these initial quality measures, as the State moves toward full implementation of criminal defense reform.

## COUNTY PROFILES

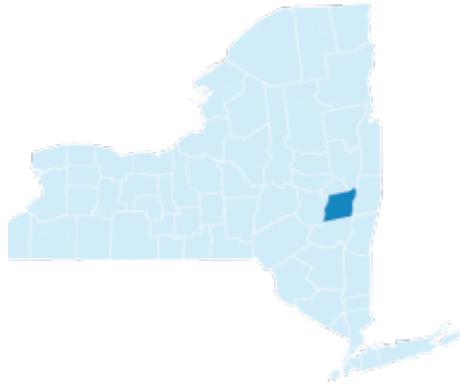
The following County Profiles reflect highlights from each county's Year One budget proposals to fund initiatives for the statewide implementation of the *Hurrell-Harring* settlement reforms. Although several counties have temporarily postponed engaging in a number of the newly proposed initiatives until receipt of a fully executed and approved contract, described below are the intentions of their implementation.

Each County Profile offered below, provides a detailed listing of the priorities identified for that county and indicates initial steps in those areas. In addition, highlights of implementation are offered as they relate to quality improvement, caseload reduction and providing counsel at arraignment. ILS worked closely with each provider, county and city official and other stakeholders to ensure that each County's initiatives are attainable while also understanding that adjustments may be necessary as the implementation process unfolds and assessments completed. Over the course of the implementation, ILS will continue to support and monitor the execution and impact of these initial efforts and those yet to be established, to ensure that each county is effectuating reform in a sustainable and effective manner.

# COUNTY PROFILES

## ALBANY COUNTY

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### County Overview

Albany County, located in the Capital Region, covers 533 square miles and has a population of 304,204. The County consists of 39 legislative districts governed by a Board of 39 legislators, currently chaired by Andrew Joyce. About 12.4% of residents live below federal poverty levels, and the median household income is \$62,293. Albany is the county's largest city and the State capital. Located there are Supreme, County, Family, and Surrogate's Courts; the Court of Claims; a City Court; the Appellate Division—Third Department, and the Court of Appeals. The County has three other City Courts and 13 Town and Village Courts.

### Mandated Representation Overview

Mandated representation is provided by a Public Defender's Office, led by Stephen Herrick, Esq.; an Alternate Public Defender's (Conflict Defender) Office, headed by Sherri Brooks, Esq.; and an ACP, administered by Larry Rosen, Esq.

### Year One Initiatives

ILS estimates that Albany County will need approximately \$8.75 million in the fifth year of statewide implementation to address caseload relief, quality improvement, and CAFA. Approximately \$1.75 million is available for the first year of implementation.

#### ***a) Public Defender's Office***

With the first-year budget, the Public Defender was able to begin addressing seven of the nine priorities outlined in the Quality Improvement Plan. The Office has been challenged by higher caseloads and more recently by the demands of trying to implement a CAFA program nearly countywide. Caseload relief is highly dependent upon the ability to obtain office space that will support the increase in attorney and non-attorney hires.<sup>28</sup> Given caseloads and the demands of CAFA, the Office prioritized caseload relief by hiring seven new attorneys, including a supervisor for their local courts. There are plans to add several non-attorney positions, including a receptionist, legal secretary, paralegal, and social services coordinator. The social services coordinator will assist clients with navigating systems for benefits, treatment, and other services.

<sup>28</sup>At the time of this report, the Public Defender's Office was in temporary shared office space with the local probation office, while awaiting completion of renovations of a location that will allow for additional hiring.

State funding is being used to provide parity for the lowest-paid attorneys and to hire a Data Officer to ensure compliance with ILS data reporting requirements by all three County providers.

The Public Defender’s Office has also used their current funding to update and purchase computers and tablets for staff use. The tablets will support regular case work and will give attorneys remote access during arraignment representation. The Office also intends to use State funding to update its legal resources, including legal publications, and to enhance expert services.

***b) Alternate Public Defender’s Office***

The Alternate Public Defender’s Office used their first-year budget to begin addressing four of the five priorities outlined in their Quality Improvement Plan. The Office intends to hire a full-time, supervising administrative assistant to support attorney staff and to increase its budget for non-attorney professional services and for staff training. Finally, the office is adding and updating its computer equipment.

***c) Assigned Counsel Program***

The ACP used its first-year allocation to begin addressing four of the six priorities addressed in the Quality Improvement Plan. Currently, the ACP is administered by a part-time Administrator, who has no staff, office space or other resources to support the 18-B attorneys. The County intends to formalize and upgrade the ACP. This initiative will result in the hiring of a full-time supervising attorney, who will report to the current part-time Administrator and be responsible for providing mentoring, support, and oversight to assigned counsel. In addition, the Program will invest in the establishment of new mentoring and second-chair programs to advance the skills of current panel attorneys and to attract new attorneys to the panel. The second-chair program will provide the necessary support to complex litigation cases and can help in training less experienced attorneys. The ACP also intends to give 18-B counsel access to legal research resources and non-attorney professional services.

**Progress summary**

The priorities identified in the Quality Improvement Plan for Albany County’s providers are listed below, accompanied by the symbol (♦) if the County has implemented an initiative to address a priority.

<b>Public Defender’s Office</b>	<b><i>Year 1</i></b>	<b><i>Year 2</i></b>	<b><i>Year 3</i></b>	<b><i>Year 4</i></b>	<b><i>Year 5</i></b>
Provide support to recruit and retain staff.	♦				
Increase attorney staff, including appellate attorneys for litigation support.	♦				
Increase funding for training opportunities.					

<b>Public Defender's Office</b>	<i>Year 1</i>	<i>Year 2</i>	<i>Year 3</i>	<i>Year 4</i>	<i>Year 5</i>
Provide support for increased staff supervision.	◆				
Increase administrative support.	◆				
Expand legal research resources, including electronic legal research resources.	◆				
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).	◆				
Provide support to expand office space.					
Provide support for technology upgrades, including computers and the CMS.	◆				

<b>Alternate Public Defender's Office</b>	<i>Year 1</i>	<i>Year 2</i>	<i>Year 3</i>	<i>Year 4</i>	<i>Year 5</i>
Provide support to recruit and retain staff.					
Increase administrative support.	◆				
Fund training opportunities.	◆				
Provide support to upgrade technology, including CMS and computers.	◆				
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).	◆				

<b>Assigned Counsel Program</b>	<i>Year 1</i>	<i>Year 2</i>	<i>Year 3</i>	<i>Year 4</i>	<i>Year 5</i>
Provide support to upgrade the ACP.	◆				
Hire an Administrator, supervising attorney, and sufficient administrative support.	◆				
Fund training and mentoring programs.	◆				
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).	◆				
Provide reimbursement for time and travel expenses to promote effective representation and client communication.					

<b>Assigned Counsel Program</b>	<b><i>Year 1</i></b>	<b><i>Year 2</i></b>	<b><i>Year 3</i></b>	<b><i>Year 4</i></b>	<b><i>Year 5</i></b>
Provide support to upgrade technology.					

### **Next Steps**

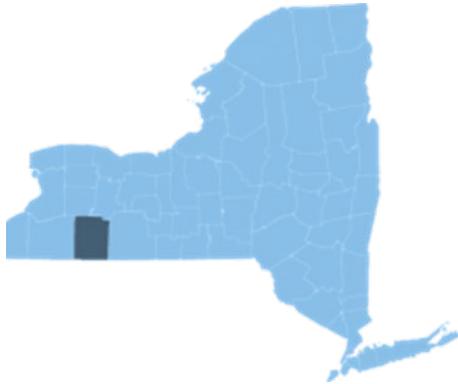
For the upcoming year, it is anticipated that the Public Defender’s Office will continue to prioritize the hiring of attorneys and legal support staff necessary to support further reduction of current caseloads. Accommodating these hires will require expanded office space. As staff expands, so should supervision, training, and non-attorney professional services.

The Conflict Defender’s office will need to expand attorney and support staff to reduce caseloads. Expanded office space may be required. This provider will also need to expand training opportunities and access non-attorney professional services.

The ACP will be expected to continue its professionalizing and upgrading, in accordance with ILS ACP Standards. The program will be expected to continue to enhance training opportunities through the mentoring and second-chair programs, as well as continue to provide non-attorney professional services to panel attorneys. Finally, the program will need to ensure it has access to sufficient technology and/or support necessary to monitor the program and provide required data to ILS.

## ALLEGANY COUNTY

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### County Overview

Allegany County, located in the Southern Tier in the Chautauqua–Allegany Region, has a population of 48,946, with 16.5% of residents living below federal poverty levels and a median household income of \$45,359. The largest town, Alfred, has a population of only about 5,000. While the County’s population is sparse, the county is relatively large, at 1,034 square miles. The County consists of five legislative districts governed by a Board of 15 legislators, currently chaired by Curtis W. Crandall. The Supreme, County, Family, and Surrogate’s Courts are in the Village of Belmont. In addition, the County has 34 Town and Village Courts.

### Mandated Representation Overview

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

### Year One Initiatives

ILS estimates that Allegany County will need approximately \$1.04 million in the fifth year of statewide implementation to address caseload relief, quality improvement and CAFA. Approximately \$208,000 is available for the first year of implementation.

#### ***a) Public Defender’s Office***

The Public Defender’s Office is expected to address a number of priorities recommended in the Quality Improvement Plan. Like many rural providers, the Office faces challenges in recruiting and retaining staff and is therefore beginning to offer more competitive salaries and greater opportunities for professional development. Because Allegany County faces a dearth of non-attorney professionals, funding has been set aside to contract with non-attorney professionals. State funding is also available for professional client evaluations, transcripts, and other litigation resources. The Office is also utilizing funding to implement an electronic CMS to provide case

oversight and meet ILS data reporting requirements. Data conversion and technology training and support will also be addressed.

***b) Assigned Counsel Program***

Year One funding is being used to professionalize the ACP, including by expanding the role of the Administrator. During fiscal year 2018-2019, a new part-time Administrator was appointed and has sought to expand the panel. The County sees the need for a CMS to better administer the panel and is considering certification of panel attorneys, training opportunities, and their assignment to provide CAFA during off-hour arraignments in five of the busiest courts.

***c) Conflict Defender’s Office***

Allegany-Cattaraugus Legal Services, which has undergone a period of transition in legal staffing, is focusing on the urgent need of providing attorneys at arraignments. S will continue to consult with the County to address the support required to provide adequate conflict representation.

**Progress summary**

The priorities identified in the Quality Improvement Plan for Allegany County providers are listed below, accompanied by the symbol (♦) if the County has implemented an initiative to address a priority.

<b>Public Defender’s Office</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Provide support to recruit and retain staff.	♦				
Increase attorney staff, including appellate attorneys for litigation support.					
Increase administrative staff.					
Provide support to expand office space.					
Provide funding to promote effective representation and improve attorney-client communications, including travel costs and technology.					
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).	♦				
Upgrade technology, including a CMS.	♦				

<b>Assigned Counsel Program</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Formalize an ACP.	◆				
Hire a full-time Administrator and supervising attorney.	◆				
Provide for administrative support.					
Fund training and mentoring programs.	◆				
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).					
Provide reimbursement for time and travel expenses to promote effective representation and client communication.					
Upgrade technology including providing support for a CMS and an electronic voucher system.	◆				

<b>Conflict Defender's Office</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Provide support to expand office space.					
Fund additional administrative support.					
Support additional resources to allow for increased supervision of attorneys.					
Provide funding to promote effective representation and improve attorney-client communications, including travel costs and technology.					
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).					
Upgrade technology, including a CMS.					

### **Next Steps**

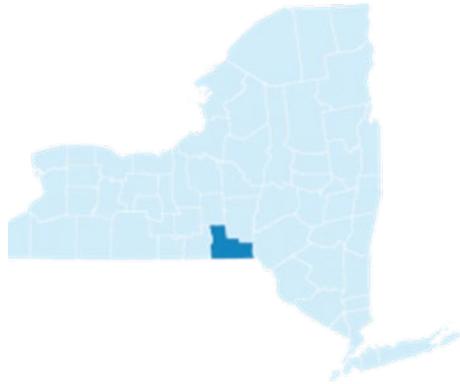
Next steps for Allegany County include providing support to the Public Defender's Office to hire additional attorney and non-attorney staff in support of caseload relief and to address the need for expanded coverage of counsel at arraignments countywide. The Office has also expressed a need to further assess its data and technology requirements and to ensure that it has sufficient administrative support.

Regarding the ACP, the County is expected to assess the support necessary to attract additional counsel to its panel. The County will also be asked to continue to support the administration of the Program and may consider a partnership with other adjoining counties. The Program will also be expected to consider increasing resources for expert services, training, and mentoring/second-chair programs) to improve quality and recruit 18-B counsel. Finally, the Program will need technology and support to meet ILS data reporting requirements. ILS expects to consult with the County regarding how to provide additional conflict defense services.

The County is currently assessing the need for continuing the services of a designated conflict defender office. ILS will continue to support is efforts in this process.

## BROOME COUNTY

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### County Overview

Broome County, located in Central New York in the Southern Tier, has an area of 715 square miles and a population of 200,600. The County consists of 15 legislative districts governed by a Board of 15 legislators, currently chaired by Daniel Reynolds. About 17.1% of the population lives below federal poverty levels, and the median household income is \$49,064. The Supreme, County, Family, Surrogate's, and City Courts are in Binghamton, the County's largest city. In addition, the County has one City Court and 19 Town and Village Courts.

### Mandated Representation Overview

Mandated representation is provided by the Public Defender's Office, led by Michael Baker, Esq. Previously, there was no formal ACP or Conflict Defender's Office. As described below, the County intends to develop a formal ACP.

### Year One Initiatives

ILS estimates that Broome County will need approximately \$8.7 million in the fifth year of statewide implementation to address caseload relief, quality improvement, and CAFA. Approximately \$1.7 million is available for the first year of implementation.

#### ***a) Public Defender's Office***

The Public Defender's Office, the County's primary provider, is situated in densely populated metropolitan area, surrounded by a number of rural communities. The Office must manage an urban caseload, including a majority of the arraignments held within a centralized arraignment part, while also serving the needs of clients appearing in a number of surrounding Town and Village Courts. As a result, the Public Defender has prioritized the hiring of attorney staff to relieve some of the caseload burden on staff. He also intends to hire additional supervisors to oversee staff. In addition, for complex felony cases, the supervisors will provide oversight, as well as handle some of the cases. The Public Defender also intends to promote three experienced staff attorneys to handle expanded supervisory roles, while carrying reduced caseloads. One supervising attorney will also serve as Training Director, while two others will oversee representation by staff attorneys in the local courts. The Office is also striving to reduce appellate caseloads by transferring cases from the current staff to experienced appellate attorneys.

The Public Defender’s Office has added two full-time administrative assistants and a full-time Data Officer. The latter employee will be expected to ensure that the County is able to meet ILS data reporting requirements and to evaluate the capacity of services provided by the Office. Moreover, the CMS will be upgraded. The Office expects to add two full-time paralegal positions and two full-time investigator positions and to allocate funds to hire a Client-Based Advocate/Director of Program Services. Expanded training opportunities and upgraded technology are also planned. The Public Defender envisions eventually sharing technology and/or resources with neighboring providers.

***b) Assigned Counsel Program***

Historically, there has been no structured ACP in Broome County and no Administrator, so activities were limited to processing vouchers. The County intends to rectify the situation by developing a structured program with an Administrator, a full-time support person, and office space. In addition, the County plans to implement a second-chair program and to give panel attorneys timely access to non-attorney professional services.

**Progress summary**

The priorities identified in the Quality Improvement Plan for Broome County’s providers are listed below, accompanied by the symbol (♦) if the County has implemented an initiative to address a priority.

<b>Public Defender’s Office</b>	<b><i>Year 1</i></b>	<b><i>Year 2</i></b>	<b><i>Year 3</i></b>	<b><i>Year 4</i></b>	<b><i>Year 5</i></b>
Increase attorney staffing to include appellate attorneys for litigation support.	♦				
Provide support to expand office space.					
Provide support to recruit and retain staff.	♦				
Fund administrative support, including paralegal support.	♦				
Support training opportunities.	♦				
Support legal research resources, including electronic legal research resources.					
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).	♦				
Provide for technology upgrades, including a CMS.	♦				

<b>Assigned Counsel Program</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Formalize and upgrade an ACP.	◆				
Support the hiring of an Administrator, supervising attorney and administrative staff.	◆				
Fund attorney training and mentoring programs.	◆				
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).	◆				
Fund reimbursement of attorneys for time and travel expenses to promote client communication.					
Support technology upgrades, including a CMS and an electronic voucher system.	◆				

**Next Steps**

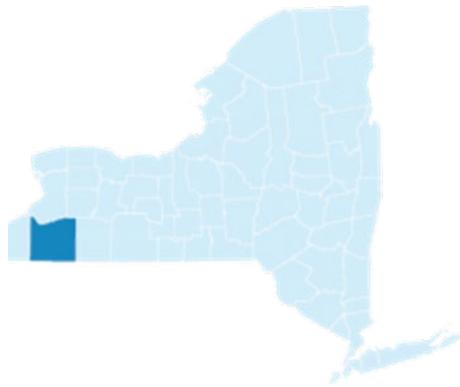
Next steps will include providing support to the Public Defender’s Office in its hiring of attorney and non-attorney staff in order to meet ILS caseload standards by April 2023. The need for caseload relief will likely also have to involve expansion of office space and any necessary on-boarding costs (i.e., technology, legal resources, etc.) and other expenses (i.e., training and expert services).

ILS also anticipates supporting the County’s efforts in addressing any additional needs of the ACP which may include the hiring of additional support staff and the development of a mentoring program and/or increasing existing resources. In addition, funding will be considered to provide caseload relief.

Finally, ILS will work with the County in assessing whether a Conflict Defender’s Office should be created or conflict defense should otherwise be expanded.

## CATTARAUGUS COUNTY

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### County Overview

Cattaraugus County, located in the Chautauqua–Allegany Region in the Southern Tier, has an area of 1,310 square miles and a population of 80,317. The County consists of eight legislative districts governed by a Board of 16 legislators, currently chaired by James J. Snyder. About 16.9% of the population lives below federal poverty levels, and the median household income is \$45,571. The Supreme, County, and Surrogate’s Courts are in Little Valley, while Family Court and a City Court are in Olean, the County’s largest city. In addition, the County has 36 Town and Village Courts and a second City Court in Salamanca.

### Mandated Representation Overview

Mandated representation is provided by the Public Defender’s Office, headed by Darryl Bloom, Esq., and an ACP, administered by Nicholas DiCerbo, Esq.

### Year One Initiatives

ILS estimates that Cattaraugus County will need approximately \$3.4 million in the fifth year of statewide implementation to address caseload relief, quality improvement, and CAFA. Approximately \$684,800 is available for the first year of implementation.

#### *a) Public Defender’s Office*

Cattaraugus County recognizes the need to increase attorney and non-attorney staffing. Due to the County’s size and geography, providing representation is onerous. A major challenge is ensuring there is sufficient staff to cover local courts scattered throughout the County. By increasing attorney staffing, the Office will reduce caseloads and achieve greater flexibility in arranging for countywide court coverage. In Year One, the Office will gain two new full-time assistant public defenders and a third new full-time attorney in a supervisory role. The Office has had to increase salaries to recruit qualified candidates, given the more competitive salaries offered in several neighboring counties. The first year of funding is also being used to expand representation at arraignment.

The Public Defender’s Office is adding a second new full-time social worker to its staff; creating a Professional Client Liaison position; providing additional support to staff investigators; and expanding non-attorney professional services. Further, the Office is using Year One funding to ensure that attorneys have access to all relevant transcripts and to expand training opportunities.

In addition, a clerk has been designated as the Data Officer to meet ILS data reporting requirements.

***b) Assigned Counsel Program***

The ACP intends to use funding to provide panel attorneys access to non-attorney professional services and to create a second-chair program.

***c) Appellate Support***

The County is enhancing a long-term agreement with the Legal Aid Bureau of Buffalo (LAB), which will continue to provide representation upon appeal and will also provide 18-B attorneys and the Public Defender’s Office with litigation support.

**Progress summary**

The priorities identified in the Quality Improvement Plan for Cattaraugus County providers are listed below, accompanied by the symbol (♦) if the County has implemented an initiative to address a priority.

<b>Public Defender’s Office</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Provide support for an increase in attorney staffing and continue to support appellate resources for litigation support.	♦				
Provide support for increased staff supervision.	♦				
Support increase in administrative staff.					
Support establishing a satellite office to accommodate client representation.					
Provide support to enhance recruitment and retention of staff attorneys.	♦				
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).	♦				
Expand the budget for training.	♦				
Support technology upgrades, including a CMS.					

<b>Assigned Counsel Program</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Support the ACP.					
Provide support for the hiring of an Administrator, supervising attorney, and administrative staff.					
Provide additional funding for training and mentoring programs.	◆				
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).	◆				
Support technology upgrades, including a CMS and an electronic voucher system.					

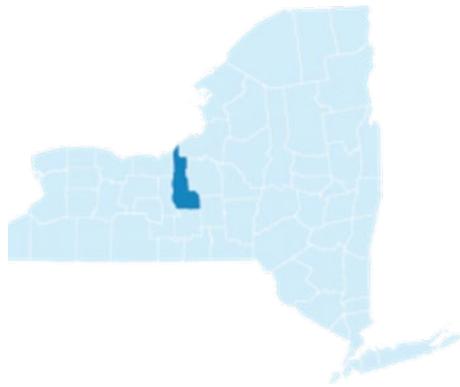
**Next Steps**

It is anticipated that the Public Defender’s Office will begin to reduce caseloads, thanks to the hiring of additional attorneys. However, still more attorney and non-attorney staff are necessary to meet ILS caseload standards, along with a commensurate expansion of office space.

The County expects to continue to enhance its ACP, including by: implementing a CMS and/or an electronic voucher system for administrative and 18-B attorney use; creating an independent contracted attorney position to administer the Program; having office space at a new location, independent of the County Attorney’s office, that will be used by panel attorneys, for onsite support, and for trainings. The Program is also considering incentives to encourage additional attorneys to consider joining the local 18-B panel that continues to reduce in size.

## CAYUGA COUNTY

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### County Overview

Located in the Finger Lakes–Wine Country Region, Cayuga County is home to 80,026 residents, with 28,574 residing in the City of Auburn. The County consists of 15 legislative districts governed by a Board of 15 legislators, currently chaired by Tucker Whitman. Twelve percent of County residents have income below federal poverty levels. Auburn is the location of the Supreme, County, Family, Surrogate’s, and City Courts. In addition, the County has 27 Town/Village Courts.

### Mandated Representation Overview

Mandated representation is provided solely through an ACP, administered by Lloyd Hoskins. The Program was developed by the County Bar Association and is administered by the County. It provides representation in criminal, parole, Family Court, and appellate matters.

Currently, there are approximately 35 participating panel attorneys. Most take assignments in both criminal defense and Family Court matters, while some handle cases exclusively in one realm. To join the panel, an attorney must have a residence or office in the County and undergo an interview process. Panel attorneys are reimbursed through a voucher system.

### Year One Initiatives

ILS estimates that Cayuga County will need approximately \$1 million in the fifth year of statewide implementation to address caseload relief, quality improvement, and CAFA. Approximately \$205,000 is available for the first year of implementation.

#### ***a) Assigned Counsel Program***

For several years, the ACP has been administered by a part-time Administrator and assistant. The Program’s continued success will require full-time administration and oversight to ably manage the additional resources being made available for use by the 18-B panel. Thus, current part-time positions are being converted to full-time posts. In addition, the County has committed to transforming the informal, largely voluntary mentoring program into a structured endeavor, in which selected experienced panel attorneys will be compensated to lend their expertise as second chairs in complex litigation cases and will mentor less experienced attorneys.

The County will expand a successful pilot program for counsel at arraignment, which was previously supported by an ILS competitive grant. Participating 18-B attorneys receive a

moderate stipend to provide representation at arraignments in Auburn City Court on a rotating basis. Due to the success of that program, the Administrator has received requests from other courts asking to have their arraignment sessions similarly staffed. The ACP will also begin to provide representation in 27 of its Town and Village Courts.

**Progress summary**

The priorities identified in the Quality Improvement Plan for Cayuga County’s providers are listed below, accompanied by the symbol (♦) if the County has implemented an initiative to address a priority.

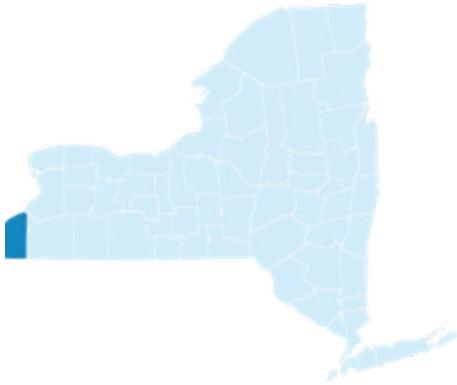
<b>Assigned Counsel Program</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Fund and support mentoring programs for both trial and appellate litigation.	♦				
Fund training opportunities and programs.	♦				
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).					
Support technology upgrades, including implementation of a CMS and an electronic vouchering system.					
Fund reimbursement of the cost of transcripts of court proceedings and other litigation support resources.					
Provide support to increase the frequency and comprehensiveness of effective client communication.					

**Next Steps**

The ACP hopes to expand its panel; possibly hire a resource attorney and/or non-attorney professional; and improve its data and vouchering management. In addition, the County will consider regionalization with several surrounding attorneys, given the effective and efficient representation made possible by such innovative arrangements.

## CHAUTAUQUA COUNTY

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### County Overview

Chautauqua County, located in the Chautauqua-Allegany Region in the Southern Tier, has an area of 1,500 square miles and a population of 134,905. The County consists of 19 legislative districts governed by a Board of 19 legislators, currently chaired by Paul Wendel. About 18.5% of the population lives below federal poverty levels, and the median household income is \$44,304. The Supreme, County, and Surrogate's Courts are in Mayville. In addition, the County has two City Courts and 31 Town and Village Courts.

### Mandated Representation Overview

Mandated representation is provided by the Public Defender's Office, led by Nathaniel L. Barone, Esq.; and an ACP to be administered by a newly created part-time Administrator position.

### Year One Initiatives

ILS estimates that Chautauqua County will need approximately \$5 million in the fifth year of statewide implementation to address caseload relief, quality improvement, and CAFA. Approximately \$1 million is available for the first year of implementation.

#### ***a) Public Defender's Office***

The Public Defender's Office has historically managed a high volume of cases with limited part-time staff. To reduce caseloads, several part-time positions have been converted to full-time and additional attorneys have been recruited. Given the number of cases handled by this Office and the demands of providing attorneys at arraignment, the Public Defender's Office has hired four new full-time attorneys and intends to hire a senior caseworker, senior investigator, and two clerks. The senior caseworker will supervise clerical staff and provide social work support to criminal court clients. The Public Defender's Office also expects to expand representation at arraignment countywide and to develop satellite offices in Dunkirk and Jamestown, where the busiest City Courts are located. Finally, the Office has appointed a part-time Data Officer, who will work with ILS and the ACP to meet ILS data reporting requirements.

#### ***b) Assigned Counsel Program***

The County, which has not had an ACP Administrator, has decided to use the first-year funding to create a structured program and hire a part-time Administrator to oversee its development.

## Progress summary

The priorities identified in the Quality Improvement Plan for Chautauqua County providers are listed below, accompanied by the symbol (♦) if the County has implemented an initiative to address a priority.

<b>Public Defender's Office</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Increase attorney staff to include appellate resources for litigation support.	♦				
Increase administrative staffing.	♦				
Provide support to recruit and retain staff.	♦				
Support expansion of office space to accommodate staff and client communication.	♦				
Fund training opportunities.					
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).	♦				
Support technology upgrades, including a CMS.					

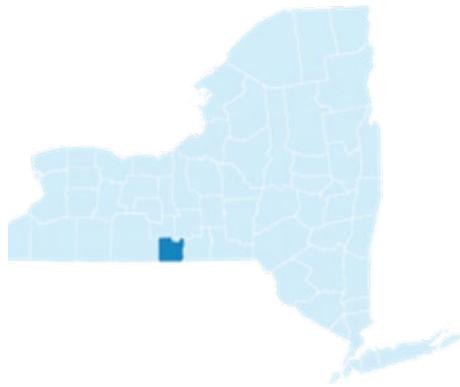
<b>Assigned Counsel Program</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Formalize an ACP.	♦				
Support hiring an administrator or supervising attorney and administrative staff.	♦				
Fund training and mentoring programs.					
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).					
Provide technology support to implement a CMS and an electronic voucher system.					

## **Next Steps**

The Public Defender's Office plans to continue to prioritize the hiring of attorney and non-attorney staff to reduce caseloads and provide representation at arraignment. There will be a need to expand training opportunities and increase non-attorney professional services. The office will also use funding to develop its proposed satellite offices and ensure that it has access to appropriate technology for data collection. In the future, to comply with ILS ACP Standards, the ACP may find that it needs to expand the Administrator position to a full-time post, to add support staff, and to create a second-chair and/or mentoring program and provide support for use of non-attorney professionals.

## CHEMUNG COUNTY

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### County Overview

Chemung County, located in the Finger Lakes–Wine Country Region in the Southern Tier, has an area of only 411 square miles and a population of 88,830. The County consists of 15 legislative districts governed by a Board of 15 legislators, currently chaired by David L. Manchester. About 15.8% of the population lives below federal poverty guideline levels, and the median household income is \$51,251. The Supreme, County, Family, Surrogate’s, and City Courts are in the City of Elmira. In addition, the County has 14 Town and Village Courts.

### Mandated Representation Overview

Mandated representation is provided by the Public Defender’s Office, led by Peter Finnerty, Esq., as well as the Public Advocate’s (Conflict Defender’s) Office, headed by John Brennan, Esq. The County does not yet have a formal ACP but is in the process of establishing a structured ACP. About half a dozen attorneys regularly take assigned cases.

### Year One Initiatives

ILS estimates that Chemung County will need approximately \$2 million in the fifth year of statewide implementation to address caseload relief, quality improvement, and CAFA. Approximately \$405,000 is available for the first year of implementation.

#### *a) Public Defender’s Office*

For the first year of implementation, the Public Defender’s Office is addressing five of the seven priorities set forth in the Quality Improvement Plan. To begin addressing caseload relief, the Office will be increasing its staff by adding one full-time Assistant Public Defender and one part-time Assistant Public Defender. The Office has been unable to promote long-term staff and achieve parity with District Attorney Office salaries, due to a lack of county resources. With the first year of funding, however, the Office can promote two long-time attorneys to supervisory positions and provide them with merit increases. These attorneys will now carry a reduced caseload and oversee representation in local and superior courts, thus adding a layer of supervision in the Office. That element will be critical as the Office continues to expand and add newer attorneys. The Office will also be able to expand training opportunities for full-time attorneys.

Non-attorney professional services will be greatly expanded, so they will no longer have to be confined to only selected serious cases. First-year funding will also be used to cover the overhead for the new hires, as well as upgrade outdated technology and to provide mileage reimbursement for court appearances and other activities by full-time attorneys.

***b) Public Advocate’s Office***

In Year One, the Public Advocate’s Office has begun to address three of its five priorities. The Office recently added a new attorney and expanded a part-time secretary position to a full-time post to provide additional administrative support. The Office will also fund some technical upgrades. Like the Public Defender’s Office, this Office will expand non-attorney professional services, so they will not be confined to certain serious felony cases. The Office has also increased its training budget and plans to cover professional membership dues for staff.

The County will also use first-year funding to provide stipends for arraignment coverage in the event that a backup attorney is needed. For several years, the County has been providing arraignment coverage through its Arraignment Bureau, overseen by the Public Advocate, and staffed by a set number of volunteer attorneys. Now, the County has created a safety net to be ready for scheduling conflicts and inadequate attorney coverage. The County will also begin covering mileage costs for the arraignment attorneys, who previously have not received such compensation.

***c) Assigned Counsel Program***

To date, the County has not had a formal ACP. Therefore, one of its six Quality Improvement Plan priorities is to formalize or upgrade the existing arrangement. The County has decided to use first-year funding to create a program and hire a part-time Administrator to oversee it. Installation of a CMS is among the other measures planned. Funds have also been set aside to give panel attorneys access to non-attorney professional services. The ACP will contract with two part-time attorneys to cover parole revocation hearings and handle parole appeals. With the first-year funding, the County has also created a Data Officer position to meet ILS data reporting requirements.

**Progress summary**

The priorities identified in the Quality Improvement Plan for Chemung County providers are listed below, accompanied by the symbol (♦) if the County has implemented an initiative to address a priority.

<b>Public Defender’s Office</b>	<b><i>Year 1</i></b>	<b><i>Year 2</i></b>	<b><i>Year 3</i></b>	<b><i>Year 4</i></b>	<b><i>Year 5</i></b>
Increase attorney staff to include appellate attorneys for litigation support.	♦				

<b>Public Defender's Office</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Increase administrative staff, including a full-time receptionist and a full-time paralegal.					
Enhance salaries for staff to achieve parity with other staff in the District Attorney's office.	◆				
Expand office space.					
Fund training opportunities.	◆				
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).	◆				
Provide support for technology upgrades, including a CMS.	◆				

<b>Public Advocate Office</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Increase attorney staff to include appellate attorneys for litigation support.					
Increase administrative staff.	◆				
Enhance attorney salaries to retain experienced attorneys and to achieve parity with the District Attorney's office.					
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).	◆				
Support technology upgrades, including a CMS and computers.	◆				

<b>Assigned Counsel Program</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Formalize and upgrade an ACP.	◆				
Hire an Administrator, supervising attorney, and sufficient administrative staff.	◆				
Fund training and mentoring programs.	◆				

<b>Assigned Counsel Program</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).	◆				
Fund reimbursement for travel time and expenses to enhance client communication.					
Support technology upgrades, including a CMS and an electronic voucher system.	◆				

### **Next Steps**

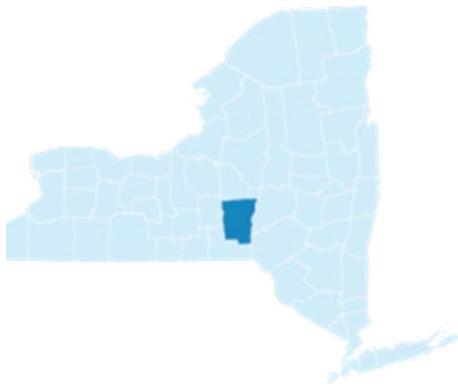
For the upcoming year, the Public Defender’s Office expects to reduce caseloads, thanks to the new attorneys. The Office will continue to add attorney and non-attorney staff over the implementation period to meet ILS caseload standards. This will necessitate expanded office space to accommodate the growth. County stakeholders have already begun discussions about these needs.

In the upcoming year, the Public Advocate’s Office should be able to work toward reducing caseloads and adding attorney or non-attorney staff and may wish to consider elevating some existing positions to supervisory roles.

A part-time ACP Administrator will be hired to oversee and develop the new program, in accordance with ILS ACP Standards.

## CHENANGO COUNTY

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### County Overview

Chenango County, located in Central New York, has an area of 899 square miles and a population of 50,477. The County consists of 23 legislative districts governed by a Board of 23 supervisors, currently chaired by Lawrence N. Wilcox. About 14.5% of the population lives below federal poverty levels, and the median household income is \$48,567. The Supreme, County, Family, Surrogate's, and City Courts are in the City of Norwich. In addition, the County has 26 Town and Village Courts.

### Mandated Representation Overview

Mandated representation is provided by the Public Defender's Office, led by John Cameron, Esq. The County also has an ACP, administered by Karri Beckwith, who serves a dual role as the paralegal for the Public Defender's Office.

### Year One Initiatives

ILS estimates that Chenango County will need approximately \$750,000 in the fifth year of statewide implementation to address caseload relief, quality improvement, and CAFA. Approximately \$150,000 is available for the first year of implementation.

#### *a) Public Defender's Office*

The Public Defender's Office has begun addressing five of the seven priorities identified in the Quality Improvement Plan. The County plans to hire a new attorney to work toward reducing caseloads. Low salaries have made it hard to retain attorneys and attract new ones, so more competitive salaries are to be offered. Hiring new staff will require expanding office space. To provide additional administrative support for the growing office, the County has upgraded the receptionist/typist from a part-time to a full-time position.

Historically, the Office has shared funding resources for professional services such as investigators and interpreters with the ACP, often resulting in the rationing of such services between clients and the two programs. The County has earmarked funding specifically for these services. In Year One, the County has also budgeted funds to expand the server to accommodate CMS upgrades.

**b) Assigned Counsel Program**

In Year One, the ACP is addressing one of the five priorities identified in the Quality Improvement Plan. The Administrator will serve as the Data Officer for the County and will receive a stipend for these additional duties. To administer the ACP, technology is to be upgraded. County stakeholders have expressed a commitment to addressing structural needs for the long-time ACP<sup>29</sup> in Year Two.

**Progress summary**

The priorities identified in the Quality Improvement Plan for Chenango County providers are listed below, accompanied by the symbol (♦) if the County has implemented an initiative to address a priority.

<b>Public Defender’s Office</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Increase attorney staff, including appellate attorneys for litigation support.	♦				
Increase administrative staff.	♦				
Enhance salaries to recruit and retain staff.	♦				
Support expansion of office space to accommodate increased staff.					
Provide additional funding for training opportunities.					
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).	♦				
Provide technology upgrades, including CMS.	♦				

<b>Assigned Counsel Program</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Formalize and upgrade an ACP.					
Hire an Administrator, supervising attorney, and sufficient administrative staff.					

<sup>29</sup>In the County, mandated representation was initially provided by the assigned counsel panel and some part-time public defenders. The County eventually created full-time public defender positions. The two programs have always been intertwined and shared office space and administrative staff.

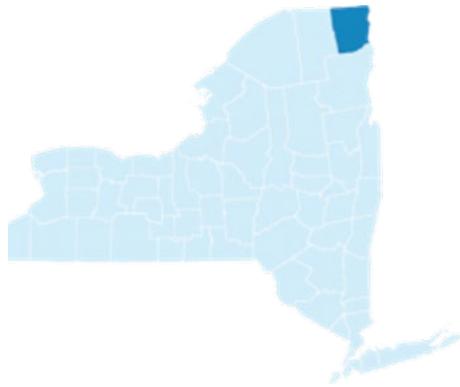
<b>Assigned Counsel Program</b>	<i>Year 1</i>	<i>Year 2</i>	<i>Year 3</i>	<i>Year 4</i>	<i>Year 5</i>
Provide funding to establish training and mentoring programs.					
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).					
Support technology upgrades for CMS and an electronic voucher system.	◆				

**Next Steps**

The Public Defender’s Office is expected to reduce caseloads with the addition of a full-time Assistant Public Defender position. Office space will be needed to accommodate expanded staff. In the future, the County should have a structured ACP, that is separated from the Public Defender’s Office, in accordance with the ILS ACP Standards.

## CLINTON COUNTY

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### County Overview

Clinton County, located north of the Adirondack Park, has an area of 1,118 square miles and a population of 82,128. The County consists of 10 legislative districts governed by a Board of 10 legislators, currently chaired by Harry J. McManus. About 15.7% of the population lives below federal poverty levels, and the median household income is \$52,759. The Supreme, County, Family, Surrogate's, and City Courts are in the City of Plattsburgh. In addition, the County has 15 Town and Village Courts.

### Mandated Representation Overview

Mandated representation is provided by a new Public Defender's Office, led by Jamie Martineau, Esq.; and an ACP, administered by Justin Meyer, Esq.

### Year One Initiatives

ILS estimates that Clinton County will need approximately \$2.25 million in the fifth year of statewide implementation to address caseload relief, quality improvement, and CAFA. Approximately \$450,000 is available for the first year of implementation.

#### ***a) Public Defender's Office***

The County began to address all of the priorities outlined in the Quality Improvement Plan through the creation of a full-time Public Defender's Office. The County, which historically provided mandated representation exclusively through an ACP, prioritized the creation of an institutional office, staffed with professionals dedicated to high-quality criminal defense work. Funding will provide for a Chief Public Defender, Chief Assistant Public Defender, and First Assistant Public Defender. All attorney positions are full-time. A part-time investigator position was also established, as well as two administrative staff positions. The County was able to renovate, lease, and fully equip a building to house the new Public Defender.<sup>30</sup>

<sup>30</sup>The Public Defender's Office is located near the busiest court in Plattsburgh in a previous military base. The Office is negotiating with county officials to have a transit bus stop located in front of their offices to give clients convenient access to their services.

**b) Assigned Counsel Program**

While much of the first-year budget for the County was devoted to launching the new Public Defender’s Office, the ACP used a portion of the current funding to invest in the appointment of a Data Officer position in order to ensure that the County is able to provide accurate data to ILS on behalf of both County providers. To support this new position, the ACP used part of its first-year budget to purchase office equipment and supplies. In addition, stipends for grants administration will allow existing County employees to be responsible for the oversight of all ILS grants and distributions in criminal cases.

**Progress summary**

After consultation with providers, ILS developed plans in December 2017 for each county and NYC to improve the overall quality of mandated representation supporting the reforms adopted in the *Hurrell-Harring* settlement agreement. The priorities identified in the Quality Improvement Plan for Clinton County’s providers of mandated representation are listed below, accompanied by the symbol (◆) if the County has implemented an initiative that begins to address the corresponding priority.

<b>Public Defender’s Office</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Formalize and upgrade an ACP.* <i>*The County created an institutional provider</i>	◆				
Hire a supervising attorney and sufficient administrative staff.* <i>The County hired a Chief Defender, assistant public defenders and administrative staff</i>	◆				
Fund training, increased mentoring, and second-chair opportunities.	◆				
Provide support for independent office space.	◆				
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).	◆				
Provide reimbursement for travel time and expense to support client communication.	◆				
Upgrade technology, including a CMS and an electronic voucher system.	◆				

<b>Assigned Counsel</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Formalize and upgrade an ACP.					
Hire a supervising attorney and sufficient administrative staff.	◆				
Fund training, increased mentoring, and second-chair opportunities.					
Provide support for independent office space.					
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).					
Provide reimbursement for travel time and expense to support client communication.					
Upgrade technology, including a CMS and an electronic voucher system.					

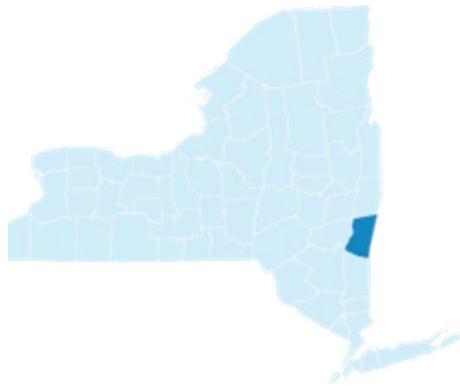
**Next Steps**

For the upcoming year, the Public Defender’s Office is expected to hire attorneys to address the need for caseload relief and to expand CAFA coverage. The office will need to invest in a CMS to ensure that they have adequate administrative staff for data requirements. Attorneys will need expanded training opportunities and access to non-attorney professional services.

The ACP will need to assess whether a part-time Administrator is sufficient. The Program should provide increased attorney training and develop mentoring and second-chair programs, as well as access to non-attorney professional services. Finally, the Program will need to assess technology needs for administration and data management.

## COLUMBIA COUNTY

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### County Overview

Columbia County, located southeast of Albany in the Hudson Valley, has an area of 648 square miles and a population of 63,096. The County consists of 18 legislative districts governed by a Board of 18 Supervisors, currently chaired by Matt Murell. About 11.4% of the population lives below federal poverty levels, and the median household income is \$61,093. The Supreme, County, Family, Surrogate's, and City Courts are in the City of Hudson. In addition, the County has 21 Town and Village Courts.

### Mandated Representation Overview

Mandated representation is provided by the Public Defender's Office, led by DJ Cornelius, Esq. The County has contracts with four attorneys to serve as part-time Conflict Defenders. The attorneys are not affiliated with each other; each has his or her own private law office in addition to their contract with the County. There is no formal ACP.

### Year One Initiatives

ILS estimates that Columbia County will need approximately \$1.68 million the fifth year of statewide implementation to address caseload relief, quality improvement, and CAFA. Approximately \$336,000 is available for the first year of implementation.

#### ***a) Public Defender's Office***

With the first-year budget, the Public Defender's Office began to address four of the five priorities outlined in the Quality Improvement Plan. The Office, which has struggled with caseloads will hire a new, full-time attorney and a full-time administrative clerk. Attorney supervision and support are needed for complex litigation. Two current staff attorneys who will be responsible for addressing complex felony cases. The Office plans to expand training opportunities and access to non-attorney professional services. Finally, the Office is expanding access of the CMS to all staff.

#### ***b) Conflict Defender's Offices***

The four conflict attorneys, who work in separate offices and have varying levels of support available to them in each of their respective law offices, have opted to develop a budget that would provide them with access to a shared pool of non-attorney professional services.

**c) Assigned Counsel Program**

There is no formal ACP in Columbia County. The de facto administration of the 18-B panel is based within the County Attorney’s office. The County has set up a formal fund to provide assigned counsel with non-attorney professional services. A current employee in the County Attorney’s office has been designated as the County’s Data Officer.

**Progress summary**

The priorities identified in the Quality Improvement Plan for Columbia County providers are listed below, accompanied by the symbol (♦) if the County has implemented an initiative to address a priority.

<b>Public Defender’s Office</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Increase attorney staff, including appellate attorneys for litigation support.	♦				
Increase administrative staff, including paralegal services.	♦				
Expand office space.					
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).	♦				
Support technology upgrades for a CMS.	♦				

<b>Conflict Defender’s Office</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Formalize and upgrade the Conflict Defender programs.					
Consider establishing one office with sufficient staff and resources.	♦				

<b>Assigned Counsel Program</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Formalize and upgrade an ACP.					
Consider establishing one office with an Administrator, supervising attorney, and sufficient staff and resources.	♦				

Assigned Counsel Program	<i>Year 1</i>	<i>Year 2</i>	<i>Year 3</i>	<i>Year 4</i>	<i>Year 5</i>
Provide technology upgrades, including a CMS and an electronic voucher system.					

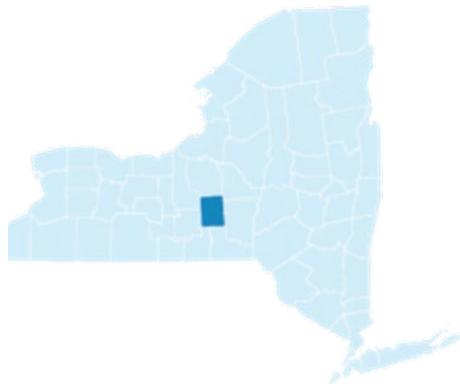
**Next Steps**

For the upcoming year, it is anticipated that Public Defender’s Office will prioritize hiring of attorneys to achieve caseload relief and to provide better CAFA coverage. Having a small cadre of panel attorneys provide representation at arraignment is unsustainable. The Office is expected to develop the supervisory role of the Chief Defender. In addition, training opportunities and non-attorney professional services will be enhanced.

In the future, the County will be asked to assess the structure of the Conflict Defender’s Office consisting of three independent contract attorneys to determine if this is the most effective approach to addressing conflict representation within the County. An Administrator will be hired for the ACP. Both the Conflict Defender’s Office and the ACP will need a CMS to meet data requirements. Lastly, the County must assess whether the Data Officer will need additional support to meet the data needs of the three providers.

## CORTLAND COUNTY

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### County Overview

Cortland County, located in the Finger Lakes–Wine Country Region, has an area of 502 square miles and a population of 49,336. The County consists of 17 legislative districts governed by a Board of 17 Legislators, currently chaired by Charles Sudbrink. About 14.7% of the population lives below federal poverty levels, and the median household income is \$52,451. The Supreme, County, Family, Surrogate’s, and City Courts are in the City of Cortland. In addition, the County has 15 Town Courts.

### Mandated Representation Overview

Mandated representation is provided by the Public Defender’s Office, led by Keith Dayton, Esq.; and an ACP, administered by Michael Cardinale, Esq.

### Year One Initiatives

ILS estimates that Cortland County will need approximately \$1.5 million in the fifth year of statewide implementation to address caseload relief, quality improvement, and CAFA. Approximately \$320,000 is available for the first year of implementation.

#### ***a) Public Defender’s Office***

The Public Defender’s Office has begun addressing three of the six priorities set forth in the Quality Improvement Plan. The Office is converting a current part-time attorney position to a full-time position to support representation at off-hour arraignments. Based on the complexity of felony cases, the Office is increasing non-attorney professional services. Finally, added technology resources will facilitate increased client communication.

#### ***b) Assigned Counsel Program***

The ACP has initiated five of the six priorities outlined in the Quality Improvement Plan. The Program has been upgraded in many important respects, including increased training and mentoring opportunities, as well as non-professional services. The Program will also implement mentoring services and litigation resources. The Program has established a part-time Data Officer position to meet ILS data reporting requirements. The Data Officer, along with all ACP staff, in an Assigned Counsel Resource Office that will provide panel attorneys with a place to go for legal research, other services, and confidential meetings.

Finally, the ACP has purchased a CMS and electronic vouchering program. This system will vastly upgrade the technology now used and help in monitoring representation provided by panel attorneys.

**Progress summary**

The priorities in the Quality Improvement Plan identified for Cortland County providers are listed below, accompanied by the symbol (♦) if the County has implemented an initiative to address a priority.

<b>Public Defender’s Office</b>	<i>Year 1</i>	<i>Year 2</i>	<i>Year 3</i>	<i>Year 4</i>	<i>Year 5</i>
Increase attorney staff, including appellate attorneys for litigation support.	♦				
Hire a full-time investigator and social worker.	♦				
Enhance salaries for all staff.					
Expand office space to accommodate increases in staff.					
Provide funding for enhancement of training and expert services.					
Provide technology upgrades, including case management.	♦				

<b>Assigned Counsel Program</b>	<i>Year 1</i>	<i>Year 2</i>	<i>Year 3</i>	<i>Year 4</i>	<i>Year 5</i>
Upgrade an ACP.	♦				
Hire a supervising attorney and sufficient administrative staff.					
Fund training and mentoring programs.	♦				
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).	♦				
Provide reimbursement for time and travel expenses to promote effective representation and client communication.	♦				
Provide technology upgrades, for a CMS and an electronic voucher system.	♦				

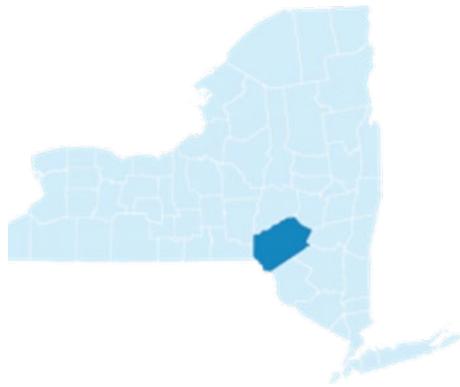
## **Next Steps**

The Public Defender's Office is expected to hire attorney and non-attorney staff to reduce caseloads and expand representation at arraignment. The Office will also consider expansion of space to accommodate additional staff and is expected to enhance training opportunities and broaden access to non-attorney professional services.

The ACP is expected to further support its current initiatives and to ensure adequate support and training are available to expand the current 18-B panel. A second-chair program and/or additional training opportunities should be considered. The Program should also continue to assess the need for additional attorney and non-attorney support staff for administration and arraignment coverage.

## DELAWARE COUNTY

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### County Overview

Delaware County, located in eastern New York, has approximately 47,980 residents. The County consists of 19 towns and 10 villages covering approximately 1,446 square miles. Nineteen legislative districts are governed by a Board of 19 Supervisors currently chaired by Tina Molé. The Board is responsible for the general management, such as establishing a plan for mandated representation and for controlling the County's financial affairs. Approximately

16.5% of the population lives below federal poverty levels, and the median household income is \$47,921. The Supreme, County, and Family Courts are in the City of Delhi. In addition, the County has 19 Town Courts and 3 Village Courts.

### Mandated Representation Overview

Historically, mandated representation in Delaware County has been provided by 18-B counsel. The panel was previously overseen by the Delaware County Bar Association (DCBA) and a volunteer Administrator. After the Administrator resigned in 2014, the County Attorney and the judiciary, in consultation with the DCBA, assumed the oversight of the panel. The County has now approved the establishment of a Public Defender's Office to work in tandem with the 18-B panel.<sup>31</sup>

### Year One Initiatives

ILS estimates that Delaware County will need approximately \$865,000 in the fifth year of statewide implementation to address caseload relief, quality improvement, and CAFA. Approximately \$173,000 is available for the first year of implementation.

#### ***a) Public Defender's Office***

The County will establish a Public Defender's Office to serve as the primary provider of mandated criminal defense representation and to support efforts in providing representation at arraignments countywide. Year One funding will be used for a full-time Public Defender and full-time Assistant Paralegal position, to assist the new Public Defender, as well as administrative and technology resources. This institutional provider is expected to develop structures for supervision, mentoring, training, and access to non-attorney professional services.

<sup>31</sup>At the time of this report, the County was engaging in the process of appointing Chief Public Defender who would be responsible for developing the new Public Defender's Office.

**b) Assigned Counsel Program**

Once the Public Defender’s Office is established, the County will address the need for a structured ACP to handle conflict cases and provide quality representation, in accordance with ILS ACP Standards.

**Progress Summary**

The priorities identified in the Quality Improvement Plan for Delaware County providers are listed below, accompanied by the symbol (♦) if the County has implemented an initiative to address a priority.

<b>Public Defender’s Office</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Formalize and upgrade an ACP.* <i>*The County created an institutional provider office</i>	♦				
Support the hire of an Administrator, supervising attorney, and administrative staff.* <i>*The County hired a Public Defender and an administrative assistant to assist with the creation of the office</i>	♦				
Fund training, mentoring, and second-chair programs.					
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).					
Provide reimbursement for time and travel expenses to promote effective representation and client communication.					
Upgrade technology, including installing a CMS and an electronic voucher system.* <i>*The county has invested in technology for the new office</i>	♦				
Support the option for the County to pursue regionalization of the ACP services.					

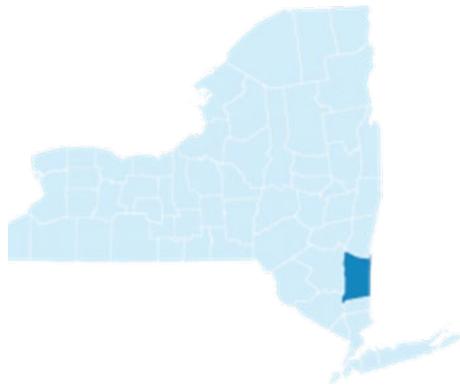
<b>Assigned Counsel Program</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Formalize and upgrade an ACP.					
Support the hire of an Administrator, supervising attorney, and administrative staff.					
Fund training, mentoring, and second-chair programs.					
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).					
Provide reimbursement for time and travel expenses to promote effective representation and client communication.					
Upgrade technology, including installing a CMS and an electronic voucher system.					
Support the option for the County to pursue regionalization of the ACP services.					

**Next Steps**

By August 2019, the new Public Defender's Office is expected to be in operation with the hiring of the Public Defender, who will determine staffing needs and identify legal resource and technology needs and will receive support from ILS in that process. The County is also expected to designate a Data Officer to work closely with ILS to meet data reporting requirements. In addition, the County should consider investing in a part- or full-time ACP. Finally, regionalization of the ACP may be a sound option.

## DUTCHESS COUNTY

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### County Overview

Dutchess County, located in southeastern New York in the Hudson Valley, has an area of 825 square miles and a population of 297,488. The County consists of 25 legislative districts governed by a Board of 25 legislators, currently chaired by Gregg Pulver. Only about 9.1% of the population lives below federal poverty levels, and the median household income is relatively high, at \$75,585. The largest city, Poughkeepsie, is the location of the Supreme, County, Family, and Surrogate's Courts, as well as a City Court. In addition, the County has 26 Town and Village Courts and another City Court.

### Mandated Representation Overview

Mandated representation is provided by the Public Defender's Office, led by Tom Angell, Esq. There is no formal, independent ACP, though the County has created a position within the Public Defender's Office to start the process of creating a structured ACP.

### Year One Initiatives

ILS estimates that Dutchess County will need approximately \$4.5 million in the fifth year of statewide implementation to address caseload relief, quality improvement, and CAFA. Approximately \$917,000 is available for the first year of implementation.

#### ***a) Public Defender's Office***

The Public Defender's Office has begun addressing seven of the nine priorities outlined in the Quality Improvement Plan. A portion of the funding has been dedicated to renovations of new space for the Public Defender's Office. In addition, the Office is promoting two experienced Senior Assistant Public Defenders to Bureau Chiefs with supervisory responsibility. A new Training Director/Bureau Chief position was also created to oversee training of the Criminal Defense Unit, and a full-time Assistant Public Defender position and full-time legal secretary position were added. Funds were budgeted to support incidental and operational expenses related to the new positions, including office furniture, supplies, software, and legal reference materials. The Public Defender is also applying resources to augment the availability of non-attorney professional services.

**b) Assigned Counsel Program**

The County has opted to initiate three of the six priorities outlined in the Quality Improvement Plan. The ACP Administrator will be an acting Bureau Chief until the formation of an independent Program. The Administrator will be responsible for reviewing vouchers, developing training programs, and administering resources. The County is ensuring that the position has the necessary technology for administration of the Program. A separate budget will support training programs for panel attorneys. In addition, a current legal secretary will be available to the ACP on a part-time basis.

**Progress summary**

The priorities identified in the Quality Improvement Plan for Dutchess County providers are listed below, accompanied by the symbol (♦) if the County has implemented an initiative to address a priority.

<b>Public Defender's Office</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Increase attorney staff, including appellate attorneys for litigation support.	♦				
Augment the Public Defender's Office's ability to provide supervision of attorneys.	♦				
Increase administrative staff.	♦				
Enhance salaries to recruit and retain experienced and qualified staff.					
Support expansion of office space.	♦				
Upgrade technology for such matters as courtroom presentations, litigation support, document scanning, and file management.					
Fund attorney training opportunities.	♦				
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).	♦				
Support technology upgrades, including a CMS.	♦				

<b>Assigned Counsel Program</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Formalize and upgrade an ACP.	◆				
Hire an Administrator, supervising attorney, and sufficient administrative staff.	◆				
Fund training and mentoring programs.	◆				
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).					
Provide reimbursement for time and travel expenses to promote effective representation and client communication.					
Provide technology upgrades to implement a CMS and an electronic voucher system.					

**Next steps**

The Public Defender’s Office is expected to continue to prioritize the hiring of attorney staff and necessary administrative staff to support caseload relief and to broaden non-attorney professional resources and training opportunities. The County is expected to continue to formalize and upgrade the ACP, in compliance with ILS ACP Standards, and it should assess whether that the Bureau Chief position is sufficient to administer the Program and determine whether any staff is necessary. In addition, the Program should ensure sufficient technology is available to address ILS data reporting requirements and to provide training, mentoring and/or second-chair programs.

## ERIE COUNTY

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### County Overview

Erie County, located in the Greater Niagara Region in Western New York, has an area of 1,227 square miles and a population of 919,040. The County consists of 11 legislative districts governed by a Board of 11 legislators, currently chaired by April Baskin. The County Executive is Mark C. Poloncarz. About 14.9% of the population lives below federal poverty levels, and the median household income is \$54,006. The Supreme Court (four locations), County Court, Family Court, Surrogate's Court, and a City Court are in the City of Buffalo. In addition, the County has two other City Courts and 35 Town and Village Courts.

### Mandated Representation Overview

Mandated representation is provided by the Legal Aid Bureau of Buffalo, Inc. (LAB), headed by David Schopp, Esq. and the ACP Erie County Bar Association Aid to Indigent Prisoners Society, Inc., administered by Robert Convissar, Esq.

### Year One Initiatives

ILS estimates that Erie County will need approximately \$16 million in the fifth year of statewide implementation to address caseload relief, quality improvement, and CAFA. Approximately \$3.2 million is available for the first year of implementation.

#### ***a) Legal Aid Bureau of Buffalo, Inc.***

To reduce caseloads, LAB is adding five full-time entry-level attorneys. They will help with the high volume of cases arising out of the Buffalo City Court, where the office is the primary provider for all misdemeanor cases and a growing number of non-violent felony cases. LAB is also providing a full-time managing attorney to supervise attorneys handling felonies and provide support in complex cases. To address the growing need for representation in specialty courts, the Office to add a part-time attorney to handle integrated domestic violence cases. With the increased attorney staff, the Office is also adding a new full-time paralegal. State funding is also being used to hire a full-time investigator and a full-time social worker. To comply with ILS's data requirements, LAB is increasing the hours of a current staff member to address data collection practices. The Office also plans to sponsor legal interns to promote future recruitment of attorneys. The LAB will augment its training budget.

LAB is the sole provider of arraignment coverage for weekend arraignments in Buffalo City Court. To date, the Office has been staffing those sessions on a voluntary basis and often relies on its Family Court and other attorneys to volunteer. LAB will begin making weekend arraignment coverage mandatory for all its criminal defense attorneys, on a rotating basis. In addition, support will be offered to those paralegals who have begun providing additional intake support during weekend arraignments.

***b) ACP Erie County Bar Association Aid to Indigent Prisoners Society, Inc.***

The ACP is significantly increasing its staff and thereby addressing several Quality Improvement Plan priorities. A primary goal for the first year was to hire three investigators, including a Chief Investigator, as well as two social workers and a mitigation specialist. The Program is also adding three new full-time administrative assistants. First-year funding will be used to cover the costs affiliated with the new hires, including office furniture and computer and technology requirements.

The Program is also developing a Forensic Unit and an Appellate Bureau and has created deputy positions for both. The ACP will also contract with legal writing specialists and a digital evidence and computer technician to provide litigation support and technical expertise to panel attorneys. New Deputies for Quality Assurance and Training will be involved in developing in-house programs for panel attorneys. A new mentoring program will pair newer attorneys with more experienced attorneys and an expanded co-counsel program will allow more attorneys to access litigation support in complex cases. Non-attorney professional services will be expanded, as will funding for transcripts.

For several years, the ACP has been providing representation at arraignment through an “Attorney of the Day” program in seven of the county’s largest courts. With additional funding, the Program intends to expand the “Attorney of the Day” CAFA coverage. The Program will also enhance support for attorneys who participate in its other arraignment program, covering outlying local courts.

**Progress summary**

The priorities identified in the Quality Improvement Plan for Erie County providers are listed below, accompanied by the symbol (♦) if the County has implemented an initiative to address a priority.

<b>Legal Aid Bureau</b>	<b><i>Year 1</i></b>	<b><i>Year 2</i></b>	<b><i>Year 3</i></b>	<b><i>Year 4</i></b>	<b><i>Year 5</i></b>
Increase attorney staff, including supervisory staff.	♦				

<b>Legal Aid Bureau</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Enhance attorney salaries to promote attorney retention.	◆				
Fund additional training programs.	◆				
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).	◆				
Expand appellate and post-conviction resources to support a regional appellate program.					
Provide technology upgrades, including a CMS.					

<b>Assigned Counsel Program</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Increase attorney supervisory staff.	◆				
Hire staff, including an investigative supervisor.	◆				
Enhance training opportunities for attorneys.	◆				
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).	◆				
Provide technology upgrades for CMS and an electronic voucher system.					

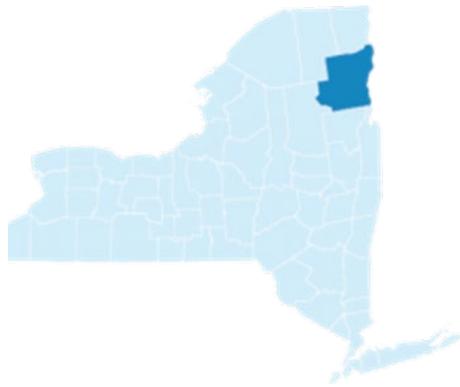
### **Next Steps**

LAB plans to hire additional criminal defense attorneys and support staff. Given the expansion of staff, supervision, and legal resources, attorneys will be able to devote more time and resources to each case. LAB will likely need to address more office space to accommodate new hires.

The ACP will need to develop policies and protocols so that new quality measures are implemented effectively. Panel attorneys should be able to dedicate more resources to each of their cases, including non-attorney professional services and a digital evidence technician. The ACP will also need to address office space needs.

## ESSEX COUNTY

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### County Overview

Essex County, located in the Adirondack High Peaks, has a population of 39,370, with 8.9% of residents living below federal poverty levels and a median household income of \$55,294. The largest town is North Elba. The County, which covers a huge area of 1,916 square miles, has 18 legislative districts, governed by a Board of 18 legislators, currently chaired by Shaun Gilliland. The Supreme, County, Family, and Surrogate's Courts are in the Town of Elizabethtown. In addition, the County has 19 Town and Village Courts. Given the large size of the County and the numerous courts, attorneys spend a considerable amount of time driving to court.

### Mandated Representation Overview

Mandated representation is provided by a Public Defender's Office, led by Brandon Boutelle, Esq. There is no formal ACP, but the County is in the process of developing a Conflict Defender Office and a structured ACP.

### Year One Initiatives

ILS estimates that Essex County will need approximately \$1.1 million in the fifth year of statewide implementation to address caseload relief, quality improvement, and CAFA. Approximately \$226,000 is available for the first year of implementation.

#### ***a) Public Defender's Office***

The Public Defender's Office is utilizing current funding for the office space that will be needed to increase the number of its staff. In addition, funds are being applied to expand counsel at arraignment. The County has appointed a Public Defender's Office employee to serve as the Data Officer, and this will likely become a full-time position.

#### ***b) Conflict Defender's Office***

To improve the quality of representation in conflict cases, the County is establishing a Conflict Defender's Office. The Conflict Defender will be responsible for accepting conflict cases identified by the Public Defender's Office.

**c) Assigned Counsel Program**

Essex County will create an ACP and hire a part-time Administrator and provide funding for a supervising attorney. Finally, the County intends to expand coverage for felony arraignments in the county’s busiest courts during off-hour sessions. The Public Defender’s Office lacks sufficient staff to provide representation at off-hour arraignments.

**Progress summary**

The priorities identified in the Quality Improvement Plan for Essex County’s providers are listed below, accompanied by the symbol (♦) if the County has implemented an initiative to address a priority.

<b>Public Defender’s Office</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Increase attorney staff, including at least one supervisory position and appellate attorneys for litigation support.					
Enhance attorney salaries to promote staff retention and achieve parity with Assistant District Attorneys.	♦				
Increase funding for training.					
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).					
Provide technology upgrades, including a CMS.					

<b>Conflict Defender’s Office</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Formalize and upgrade an ACP* <i>* County created an institutional provider office.</i>	♦				
Hire an Administrator, supervising attorney, and sufficient administrative staff.* <i>*County will begin the office with one attorney.</i>	♦				
Fund training and mentoring programs.					
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).					

<b>Conflict Defender's Office</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Provide reimbursement for time and travel expenses to promote client communication and effective representation.					
Provide technology upgrades for a CMS.					

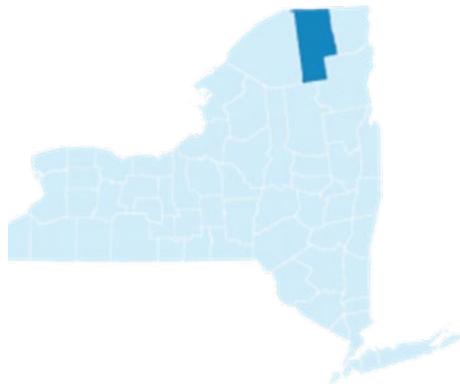
<b>Assigned Counsel Program</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Formalize and upgrade an ACP.	◆				
Hire an Administrator, supervising attorney, and sufficient administrative staff.	◆				
Fund training and mentoring programs.					
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).					
Provide reimbursement for time and travel expenses to promote client communication and effective representation.					
Provide technology upgrades for a CMS and an electronic voucher system.					

### **Next Steps**

The Public Defender's Office is to prioritize the hiring of additional attorney and non-attorney staff needed for caseload reduction. The Office should also consider enhancing its training budget and non-attorney professional services. For the new Conflict Defender's Office, funding should be used for sufficient attorney and non-attorney administrative staff; a CMS; training; and non-attorney professional services. The County should continue to formalize the ACP, in accordance with ILS ACP Standards. The Program should assess whether a part-time Administrator is sufficient and the need for a supervising attorney position. A CMS and training opportunities should be developed. The County should determine whether the Data Officer position should be expanded.

## FRANKLIN COUNTY

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### County Overview

Franklin County, located in the Adirondack Mountains, has an area of 1,697 square miles and a population of 51,599. The County consists of seven legislative districts governed by a Board of seven legislators, currently chaired by Barbara Rice. About 19.4% of the population lives below federal poverty levels, and the median household income is \$50,733. The Supreme, County, Family, and Surrogate's Courts are in the Town of Malone. In addition, the County has 20 Town and Village Courts.

### Mandated Representation Overview

Mandated representation is provided by a three-tiered system: a Public Defender's Office, led by Tom Soucia, Esq.; a Conflict Defender's Office, led by Claire Knittel, Esq.; and an ACP, administered by Jill Dyer-Jock.

### Year One Initiatives

ILS estimates that Franklin County will need approximately \$1 million in the fifth year of statewide implementation to address caseload relief, quality improvement, and CAFA. Approximately \$200,000 is available for the first year of implementation.

#### ***a) Public Defender's Office***

The County has begun addressing three of the seven priorities outlined in the Quality Improvement Plan for the Public Defender's Office. The Office has created a full-time clerk position and will use funding to upgrade technology and augment the availability of funds for investigator services.

#### ***b) Conflict Defender's Office***

With the first-year budget, the County has begun addressing three of the six priorities outlined in the Quality Improvement Plan for the Conflict Defender's Office. The Office has created a full-time clerk position. A budget was also created to purchase necessary office equipment, software, and furniture for this new position. The Conflict Defender's Office also use funding to increase access to non-attorney professional services.

**c) Assigned Counsel Program**

As the Defender Offices, the ACP required additional administrative support. A full-time clerk position will perform administrative tasks and act as the Data Officer. A budget was also provided for the purchase of necessary office equipment, software, and furniture for this new position. In addition, a portion of the funding was applied toward 18-B attorney costs related to providing representation at arraignment.

**Progress summary**

The priorities identified in the Quality Improvement Plan for Franklin County providers are listed below, accompanied by the symbol (♦) if the County has implemented an initiative to address a priority.

<b>Public Defender's Office</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Increase attorney staff, including appellate expertise for litigation support.					
Enhance attorney salaries to attract and retain attorneys.					
Increase administrative support particularly paralegal services.	♦				
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).	♦				
Expand office space, with consideration of establishing a satellite office in the southern part of the County to promote effective client communication and representation.					
Increase funding for training.					
Provide technology upgrades, including CMS.	♦				

<b>Conflict Defender's Office</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Increase attorney staff, including appellate attorneys for litigation support.					
Increase administrative staff.	♦				
Enhance salaries to recruit and retain qualified staff.					

<b>Conflict Defender's Office</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Provide funding for training opportunities.					
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).	◆				
Provide technology upgrades, including CMS.	◆				

<b>Assigned Counsel Program</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Upgrade an ACP.					
Hire a supervising attorney and additional administrative staff.	◆				
Fund training and mentoring programs.					
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).					
Reimburse attorneys for time and travel expenses to promote effective representation and client communication.					
Provide technology upgrades for CMS and an electronic voucher system.	◆				

### **Next steps**

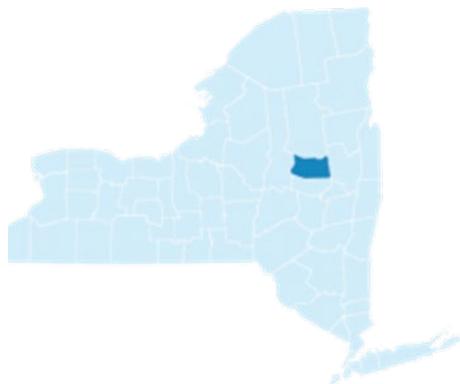
In Year Two, the Public and Conflict Defender Offices will likely emphasize hiring additional attorney and non-attorney staff to address caseload reduction. Due to recruitment challenges, both offices participated in the New York State Public Defenders Career Fairs held in 2018 and 2019 at SUNY at Buffalo Law School and Albany Law School, respectively. Each office will need to expand training opportunities; access to non-attorney professional services; and representation at arraignment.

The ACP will likely contract with a supervising attorney to assist the 18-B panel and recruit attorneys from the surrounding counties for the panel. There should be an enhancement of training and mentoring opportunities, as well as non-attorney professional services. Franklin County may decide to consider a regional initiative for its ACP.

All three providers should continue to assess case management needs to ensure that their systems can meet ILS data reporting requirements.

## FULTON COUNTY

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### County Overview

Fulton County, located in the Adirondack Mountains, has an area of 533 square miles and a population of 55,531. The County consists of six legislative districts governed by a Board of six legislators, chaired by G. Jack Wilson. About 16.0% of the population lives below federal poverty levels, and the median household income is \$48,033. The Supreme, County, Family, and Surrogate's Courts are in the City of Johnstown. There are City Courts in Johnstown and Gloversville. In addition, the County has 11 Town and Village Courts.

### Mandated Representation Overview

Prior to January 1, 2019, mandated representation had been provided by a part-time Public Defender and 18-B attorneys, when necessary. There was no formal ACP. The County decided to expand the Public Defender position to full-time responsibility and has also created its first structured, independent ACP

### Year One Initiatives

ILS estimates that Fulton County will need approximately \$1.4 million in the fifth year of statewide implementation to address caseload relief, quality improvement, and CAFA. Approximately \$298,000 is available for the first year of implementation.

#### *a) Public Defender's Office*

The County has begun to address five of the six priorities identified in the Quality Improvement Plan. In addition to upgrading the Public Defender position, the Office will add a position for a confidential secretary to the Public Defender. A site has been provided by the County to house the Public Defender's Office, which was historically operating out of a private law firm.<sup>32</sup> The County is providing legal reference materials for the new office and enhancing previously nominal budgets for expert witnesses and other professional services. The County has also increased its contract with the Rural Law Center of New York to cover additional appeals and provide litigation support to the office. The County has contracted with an individual to assist in developing both programs as independent offices and to serve as the Data Officer.

<sup>32</sup>A second part-time Assistant Public Defender was recently converted to a full-time position in further support of staffing the Public Defender's Office. This position is being supported by competitive grant funding to provide representation at arraignment.

***b) Assigned Counsel Program***

Historically, administration of the 18-B panel was the responsibility of the Public Defender. The new structured ACP will have an Administrator, thus eliminating the conflict inherent in the former model. The part-time ACP Administrator will be supported by a full-time confidential secretary. The County is providing office space for this new Program and is using available funding to purchase office furniture and equipment, technology and legal reference materials. Funding has also been earmarked to support off-hour arraignment coverage by 18-B attorneys, as the County initiates efforts to implement coverage of attorney representation.

**Progress summary**

The priorities identified in the Quality Improvement Plan for Fulton County providers are listed below, accompanied by the symbol (♦) if the County has implemented an initiative to address a priority.

<b>Public Defender’s Office</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Increase attorney staff, including appellate attorneys for litigation support.	♦				
Increase administrative staff.	♦				
Support improvements for office space to accommodate staff.	♦				
Fund training opportunities.					
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).	♦				
Provide technology upgrades, particularly for implementation of CMS.	♦				

<b>Assigned Counsel Program</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Formalize and upgrade an ACP.	♦				
Hire an Administrator, supervising attorney, and sufficient administrative staff.	♦				
Fund training and mentoring programs.					

<b>Assigned Counsel Program</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).					
Provide technology upgrades, including CMS and an electronic voucher system.					
Reimburse attorneys for time and travel expenses to promote effective representation and client communication.	◆				

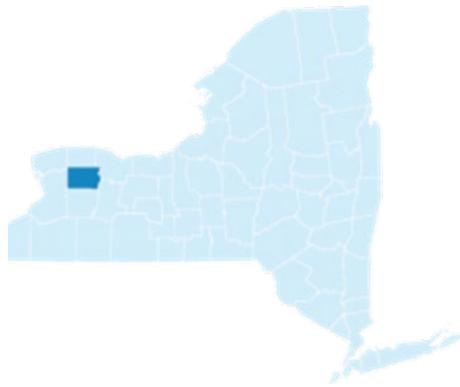
**Next Steps**

The Public Defender’s Office is expected to use future funding to hire additional attorney and non-attorney staffing to meet ILS caseload standards. In addition, the Office will likely continue to develop resources for its new office and establish protocols for existing and future staff. The County has recently established a new central location for the full-time Public Defender's Office that will likely require technology and other resources for new staff.

It is also expected that the ACP Administrator will develop policies for the 18-B panel, in accordance with ILS ACP Standards. While it will take some time for the program to fully develop, it is believed that one of the Program’s first tasks will be to coordinate with the Public Defender’s Office to begin countywide, in-person coverage of arraignments. Finally, it is expected that both providers will enhance access to non-attorney professional services and increase training and mentoring opportunities.

## GENESEE COUNTY

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### County Overview

Genesee County, located in the Greater Niagara Region in western New York, has an area of 495 square miles and a population of 60,079. The County consists of nine legislative districts governed by a Board of nine legislators, currently chaired by Raymond F. Cianfrini. About 12.8% of the population lives below federal poverty levels, and the median household income is \$54,033. The Supreme, County, Family, Surrogate's, and City Courts are in the City of Batavia. In addition, the County has 14 Town Courts.

### Mandated Representation Overview

Mandated representation is provided by a Public Defender's Office, led by Jerry Ader, Esq., and an ACP, administered by Benjamin J. Bonarigo, PLLC and his associate, Kristie DeFreze, Esq.

### Year One Initiatives

ILS estimates that Genesee County will need approximately \$2 million in the fifth year of statewide implementation to address caseload relief, quality improvement, and CAFA. Approximately \$390,000 is available for the first year of implementation.

#### ***a) Public Defender's Office***

The Public Defender's Office has struggled with high caseloads and the inability to recruit and retain experienced attorney staff. With current funding, the Office intends to hire two full-time attorneys and to purchase needed furniture, technology, software licenses, membership fees, and legal research resources. In addition, the Office seeks to expand space to accommodate the new staff and provide space for both providers to use for trainings and attorney meetings.

The Public Defender's Office will increase non-attorney professional services and expand counsel at arraignment, particularly during off-hour arraignment sessions. The Office has also augmented the salaries of two full-time clerks, who will assume the additional duty of overseeing appellate contracts. Funding is also being used to increase the salary of the full-time confidential secretary, who will also be the Data Officer.

#### ***b) Assigned Counsel Program***

After reaching out to panel attorneys, the ACP Administrator determined that the Program should use current funding to expand access to non-attorney professional services; to increase

training programs opportunities; and to promote more effective client communication by developing a dedicated telephone line for 18-B panel attorneys to use when calling incarcerated clients.

**Progress summary**

The priorities identified in the Quality Improvement Plan for Genesee County providers, accompanied by the symbol (♦) if the County has implemented an initiative to address a priority.

<b>Public Defender’s Office</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Increase attorney staffing.	♦				
Provide support for increased attorney supervision.					
Increase administrative staff and fund conversion of part-time staff to full-time staff.	♦				
Expand office space.	♦				
Increase funding for litigation and appellate resources and support.	♦				
Fund training programs.	♦				
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).	♦				
Provide technology upgrades, including a CMS.					

<b>Assigned Counsel Program</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Formalize and upgrade an ACP.	♦				
Hire an Administrator, supervising attorney, and sufficient administrative staff.					
Fund training and mentoring programs.	♦				
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).	♦				
Reimburse attorneys for time and travel expenses to promote effective representation and client communication.	♦				

Assigned Counsel Program	<i>Year 1</i>	<i>Year 2</i>	<i>Year 3</i>	<i>Year 4</i>	<i>Year 5</i>
Provide technology upgrades for a CMS and an electronic voucher system.					

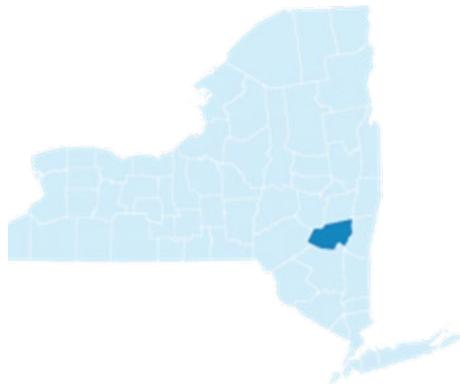
**Next Steps**

The Public Defender’s Office should continue to give priority to the hiring of additional attorneys and non-attorneys to reduce caseloads. Expansion of staff may require more office space. In addition, the Office should be developing additional training opportunities. An increase in supervision and in the use of non-attorney professional services is further encouraged. Finally, the Office will need to assess the confidential secretary’s ability to carry the dual roles as administrative staff to the Office and County Data Officer.

The ACP will likely continue to formalize its structure and assess whether a part-time Administrator is sufficient and whether regionalization makes sense. The Program should consider developing mentoring and/or second-chair programs and providing non-attorney professional services. Lastly, the Program will need to assess the technology needed to provide reliable data.

## GREENE COUNTY

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### County Overview

Greene County, covering 658 square miles, is in southeast Central New York State, in the Catskills Region. The County is governed by a Legislature, which is chaired by Patrick Linger and consists of 14 districts. The population of the County is 49,221, with 12.4% of residents living below federal poverty levels and a median household income of \$53,214. The Supreme, County, Family, and Surrogate's Courts are in Catskill. In addition, the County has 16 Town and Village Courts.

### Mandated Representation Overview

Mandated representation is provided by the Public Defender's Office, led by Angelo Scaturro, Esq. The Office represents clients in criminal cases, parole revocation proceedings, parole appeals, Family Court cases, and local court appeals to County Court, but not appeals to the Appellate Division. There is no formal ACP or designated 18-B panel. However, as noted more fully below, the County is taking steps to formalize a structured ACP.

### Year One Initiatives

ILS estimates that Greene County will need approximately \$2.63 million in the fifth year of statewide implementation to address caseload relief, quality improvement, and CAFA. Approximately \$526,000 is available for the first year of implementation.

#### ***a) Public Defender's Office***

The Public Defender's Office is challenged by high caseloads and has attempted to manage the volume with part-time attorney staff. This is due in part to the inability to provide competitive salaries and manageable caseloads to encourage recruitment and retention. To reduce caseloads and support representation at arraignment, the Office intends to hire two new full-time Assistant Public Defenders and a new part-time Assistant Public Defender. The Office is also providing merit salary increases to expand representation at arraignment with current part-time Assistant Public Defenders and to fairly compensate attorneys assuming additional supervisory roles. The Office also plans to hire a full-time paralegal. Finally, to address ILS data reporting requirements, the County contracted with a part-time Data Officer. The County has also included additional licenses and upgrades to its current CMS in preparation of ILS data reporting requirements.

**b) Assigned Counsel Program**

Greene County, which did not have a structured 18-B panel or ACP, has decided to develop a structured Program and has designated a part-time Administrator to coordinate training, review and approve vouchers, develop policies and procedures, and ensure compliance of the recently approved ILS ACP Standards. The County is allocating funds to expand representation at arraignment countywide by designating interested 18-B attorneys to be on-call for off-hour arraignments.

**Progress summary**

The priorities identified in the Quality Improvement Plan for Greene County providers are listed below, accompanied by the symbol (♦) if the County has implemented an initiative to address a priority.

<b>Public Defender’s Office</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Increase attorney staff, including appellate attorneys for litigation support.	♦				
Increase attorney compensation to achieve parity with Assistant District Attorneys.	♦				
Fund attorney training.					
Fund legal research resources, including online legal research tools.					
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).	♦				
Increase administrative staff.	♦				
Expand office space.					
Provides support for technology upgrades, including a CMS.	♦				

<b>Assigned Counsel Program</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Formalize and upgrade an ACP.	♦				
Hire an Administrator, supervising attorney, and sufficient administrative staff.	♦				
Fund training and mentoring programs.					

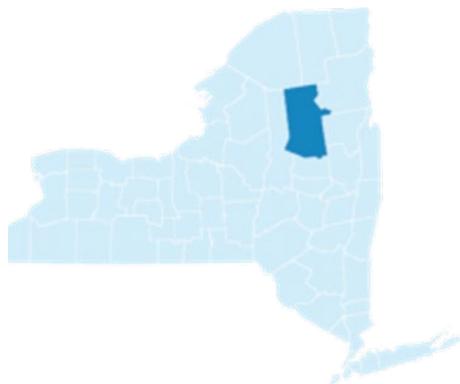
<b>Assigned Counsel Program</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).					
Reimburse attorneys for time and travel expenses to promote effective representation and client communication.					
Provide technology upgrades for a CMS and an electronic voucher system.					

**Next Steps**

It is anticipated that the Public Defender’s Office will continue to prioritize the hiring of attorney and non-attorney positions to address caseload reduction. The Office will also likely have to expand office space for the additional staff. Funds will likely be used to enhance training opportunities for staff and to provide them with greater access to non-attorney professional services.

As to the ACP, it is anticipated that the Administrator will formalize panel membership, which will benefit from providing training opportunities; non-attorney professional services; mentoring and second-chair programs; and access to technology that will support client communication. The County is encouraged to consider expanding the Administrator position to a full-time post and/or providing support staff. Finally, a CMS and sufficient staff time must be available to the appointed Data Officer to address ILS reporting requirements. The County will need to assess whether the Data Officer should be a part-time or full-time position.

## HAMILTON COUNTY



### County Overview

Hamilton County is located in the north-central portion of the State. It is the State's third largest county, consisting of 1,857 square miles, all within the Adirondack Park, but it is also the least populated, consisting of approximately 4,836 residents. The County is governed by a Board of Supervisors with nine district supervisors, which is chaired by William G. Farber. Approximately 9.7% of the population lives below federal poverty levels, and the median household income is \$55,587. The County contains nine Town Courts and has its County, Family and Surrogate Courts in Lake Pleasant. Supreme Court sessions are not held in Hamilton County, but are conducted in neighboring Fulton County. Seasonal tourism is a primary industry.

### Mandated Representation Overview

Hamilton County has had no institutional provider and no structured ACP. Instead, a list of private counsel is made available to the judiciary on a periodic basis. In December 2018, the County appointed an ACP Administrator, Sterling Goodspeed, Esq., who is now responsible for administering the 18-B panel and for recruiting additional attorneys.<sup>33</sup>

### Year One Initiatives

ILS estimates that Hamilton County will need approximately \$256,000 in the fifth year of statewide implementation to address caseload relief, quality improvement, and CAFA. Approximately \$51,000 is available for the first year of implementation.

#### *a) Assigned Counsel Program*

With current funding, the County has initiated steps to develop a structured ACP by first hiring an attorney Administrator whose primary focus is to ensure that the County provides counsel at arraignment. The Administrator has also taken steps to recruit more attorneys to join the panel and to oversee eligibility recommendations for several case assignments. Because the County's challenging geography hinders the ability to provide representation, the Administrator will likely focus recruitment efforts on rural areas where counsel is required on a sporadic basis. Funding will be applied for an administrative assistant. In addition, funds may be used to acquire the technology needed for data collection. ILS will work closely with the Administrator, who is also

<sup>33</sup>At the time of this report, Hamilton County was suffering from a dwindling panel of counsel willing to accept criminal defense assignments and to provide representation at arraignment. For this reason, the Administrator also expected to accept assignments on a limited basis until other attorneys can be recruited to the panel.

the Data Officer, to ensure that data requirements are being met. Finally, the County will apply funds to support on-call representation at arraignment and/or to assist with the ACP on an as-needed basis.

**Progress summary**

The priorities identified in the Quality Improvement Plan for Hamilton County providers are listed below, accompanied by the symbol (♦) if the County has implemented an initiative to address a priority.

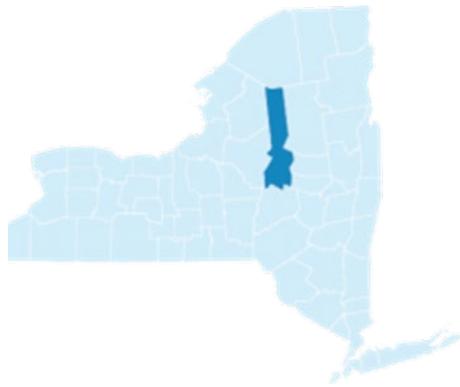
<b>Assigned Counsel Program</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Formalize and upgrade an ACP.	♦				
Hire an Administrator, supervising attorney, and sufficient administrative staff to assist in administering the program.	♦				
Fund training support and mentoring programs.					
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).					
Provide technology upgrades, including a CMS and an electronic voucher system.	♦				
Fund adequate office space.					
Support the option for the County to pursue regionalization of the ACP services.					

**Next Steps**

It is anticipated that the Hamilton County ACP will continue to formalize and upgrade its Program, in accordance with ILS ACP Standards. The current focus is to recruit a sufficient number of attorneys to the panel to ensure that mandated representation can be provided as required. However, if this is not viable, the County should consider merging its panel with another an ACP in a neighboring county. Alternatively, the Administrator may consider developing a mentoring and/or second-chair program in order to recruit more attorneys. In addition, training opportunities might also provide an incentive for attorneys to participate. In addition, the Program should monitor any need for additional administrative support and/or other resources.

## HERKIMER COUNTY

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### County Overview

Herkimer County, located in Central New York, covers 1,458 square miles and has a population of 64,519, with 14.9% of residents living below federal poverty levels, and a median household income of \$49,077. The County consists of 17 legislative districts governed by a Board of 17 legislators, currently chaired by Bernard Peplinski, Sr. The Supreme, County, Family, and Surrogate’s Courts are in the Village of Herkimer. In addition, the County has a City Court in Little Falls and 22 Town and Village Courts.

### Mandated Representation Overview

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

### Year One Initiatives

ILS estimates that Herkimer County will need approximately \$1.3 million in the fifth year of statewide implementation to address caseload relief, quality improvement, and CAFA. Approximately \$266,000 is available for the first year of implementation.

#### *a) Assigned Counsel Program*

The County has begun to address three of the five priorities identified in the Quality Improvement Plan. With first-year funding, the County has entered into a contract with the Administrator to compensate him for additional responsibilities associated with the development and administration of a more formal ACP. The County will also begin providing compensation for the administrative staff. This approach will produce a more sustainable and efficient model for quality mandated representation.

The Program has increased resources for pretrial and trial resources, including investigators, social workers and, and expert witnesses and plans to train panel attorneys in how to effectively use these resources. Mentorship and second-chair programs are being developed and these initiatives have drawn great interest from panel attorneys. Training opportunities will also be provided. In addition, funding is being utilized for representation at arraignment countywide.

The ACP plans to develop a “Resource Center” (Center) for panel attorneys who need office space to meet with clients and to serve as a central location for the mentoring program, trainings, and litigation support. To support the Center, funding has been designated to obtain technology,

furniture, and legal reference materials. With the remaining funding, the County has converted an existing county employee from a part-time to a full-time position to assume the role of Data Officer.

**Progress summary**

The priorities identified in the Quality Improvement Plan for Herkimer County providers are listed below, accompanied by the symbol (♦) if the County has implemented an initiative to address a priority.

<b>Assigned Counsel Program</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Formalize and upgrade the ACP.	♦				
Convert the Administrator position to full-time and add a supervising attorney and sufficient administrative staff.					
Fund training, mentoring, and second-chair programs.	♦				
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).	♦				
Provide technology for a CMS and an electronic voucher system.					

**Next Steps**

It is anticipated that the ACP will continue to expand 18-B representation following the upgrading of the current Administrator role and that the Administrator will implement mentorship and second-chair programs and support expanded representation at arraignment. The Administrator will also ensure that 18-B attorneys have access to non-attorney professional services, including investigators, social workers, and experts. In the coming year, the Program will likely develop policies and protocols for attorneys to access the new initiatives and ensure that panel attorneys are aware of the new resources available to them.

## JEFFERSON COUNTY

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### County Overview

Jefferson County, located in the northern tier of New York, covers 1,857 square miles and has a population of 116,229, with 14.8% of residents living below federal poverty levels, and a median household income of \$50,322. The County consists of 15 legislative districts governed by a Board of 15 legislators, currently chaired by Scott Gray. The Supreme, County, Family, and Surrogate's Courts are in Watertown. In addition, to Watertown City Court, the County hosts 29 Town and Village Courts.

### Mandated Representation Overview

Mandated representation is provided by the Public Defender's Office, overseen by Julie Hutchins, Esq. Historically, there has been no formal ACP. The Public Defender's Office maintained an assigned counsel list, which was distributed to local judges annually. However, the County intends to develop a structured ACP.

### Year One Initiatives

ILS estimates that Jefferson County will need approximately \$3.85 million in the fifth year of statewide implementation to address caseload relief, quality improvement, and CAFA. Approximately \$770,000 available for the first year of implementation.

#### *a) Public Defender's Office*

The Public Defender's Office has been challenged by high caseloads and few attorneys available. With current funding, the Office is expecting to hire a full-time, senior attorney, who will have supervisory duties and provide appellate support to trial attorneys. The Office also intends to create two full-time positions Assistant Public Defender positions to reduce attorney caseloads. The Office is also hiring an additional part-time investigator and full-time paralegal. Because the current office space cannot accommodate the additional staff, funding will be used to renovate the space.

The Office will also use funding to contract with social workers, sentencing advocates, and other experts. Thus, attorneys will not have to rely upon court grants of requests for such services, which often involved delays and the mandated disclosure of written reports to the prosecution. In addition, the Office will increase training opportunities and assist with travel related to

improving client communication. Finally, the Office will use funding to upgrade its current CMS and provide additional licenses.

***b) Assigned Counsel Program***

An ACP Administrator will also serve as the Data Officer and will have a CMS to provide accurate data and track the caseloads of panel attorneys. Since the Administrator will likely not be an attorney, the County will use current funding to also create a position for a part-time attorney to consult with the Administrator and 18-B attorneys. The attorney will also advise the Administrator on the use of funding earmarked for non-attorney professional services. The attorney and the Administrator are expected to develop policies and procedures intended to expand the panel, which has been shrinking.

**Progress summary**

The priorities identified in the Quality Improvement Plan for Jefferson County providers are listed below, accompanied by the symbol (♦) if the County has implemented an initiative to address a priority.

<b>Public Defender’s Office</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Increase attorney staff, including appellate attorneys for litigation support.	♦				
Increase administrative staff.	♦				
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).	♦				
Increase salaries to retain and recruit attorney and administrative support.					
Support expansion of office space.	♦				
Upgrade office technology, including a CMS.	♦				
Increase funding for training opportunities.	♦				

<b>Assigned Counsel Program</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Formalize and upgrade the ACP.	♦				
Hire an Administrator, supervising attorney, and sufficient administrative staff.	♦				

<b>Assigned Counsel Program</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Fund training, mentoring, and second-chair programs.					
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).	◆				
Reimburse attorneys for time and travel expenses to promote effective representation and client communication.	◆				
Implement a CMS and an electronic voucher system.	◆				

### **Next Steps**

It is anticipated that the Public Defender’s Office will continue to prioritize the hiring of attorney and non-attorney staff to address caseload reduction. The Office should develop more training opportunities and broaden access to non-attorney professionals. The development of resources for military personnel should be considered, given the volume of cases referred to the Office from nearby Fort Drum.

The County is encouraged to continue its efforts to create a structured ACP, in accordance with ILS ACP Standards and should also revisit the possibility of expanding the role of the supervising attorney. Funds should be directed toward enhanced training opportunities and non-attorney professional services. Moreover, the County should determine whether mentoring program and/or second-chair program could help in recruitment efforts. Improving client communication is another goal. Finally, the County should ensure that the Data Officer is sufficiently resourced to address ILS data requirements.

## LEWIS COUNTY

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### County Overview

Lewis County, located in the Adirondack Park, encompasses 1,290 square miles. The County has a population of 27,087, with 14.2% of residents living below federal poverty levels and a median household income of \$51,475. The County consists of 10 legislative districts governed by a Board of 10 legislators, currently chaired by Lawrence Dolhof. Supreme, County, Family, and Surrogate's Courts are located in Lowville. In addition, the County has 19 Town and Village Courts.

### Mandated Representation Overview

Mandated representation is provided by Lewis Defenders, PLLC. Michael Young, Esq. serves as the Public Defender. Timothy McClusky, Esq. is the Conflict Defender. There is no formal ACP, only a small panel from which the courts assign counsel for conflict cases. The Appellate Division—Fourth Department assigns counsel for appeals.

### Year One Initiatives

ILS estimates that Lewis County will need approximately \$720,000 in the fifth year of statewide implementation to address caseload relief, quality improvement, and CAFA. Approximately \$144,000 is available for the first year of implementation.

#### *a) Lewis Defenders, PLLC*

With the first year of funding, the Lewis Defenders will begin addressing five of the six priorities identified by ILS in the Quality Improvement Plan. The Office will add a part-time attorney to help with caseload reduction and to be the County Data Officer. A new part-time paralegal will provide administrative support and assist in data collection, particularly as the Office transitions to using its new CMS, which is also supported by current funding. State funding will also be applied toward expenses affiliated with the new hires, including office furniture and computers.

The Office has also set aside funding for expanded non-attorney professional services and enhanced online legal research capabilities. The remaining funding is being used to expand representation at arraignment, which has not always been available during off-hour sessions.

**b) Conflict Defender's Office**

The Conflict Defender's Office is adding new part-time administrative position, has increased the work to be done by an existing part-time contract attorney, and will expand its contract with an outside appellate attorney who provides litigation support in criminal defense matters. Finally, the Office will use funds to increase access to non-attorney professional services.

**c) Assigned Counsel Program**

In the Quality Improvement Plan, ILS identified six priorities for the ACP, including formalizing the Program, which is overseen by Public Defender Michael Young, Esq. The County is exploring how to structure and support the ACP to meet ILS ACP Standards. In the interim, the County has set aside funding to provide access to non-attorney professional services and legal research resources.

**Progress summary**

The priorities identified in the Quality Improvement Plan for Lewis County providers are listed below, accompanied by the symbol (♦) if the County has implemented an initiative to address a priority.

<b>Public Defender's Office</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Increase attorney staff including appellate attorneys for litigation support.	♦				
Increase administrative staff.	♦				
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).	♦				
Upgrade office technology, including a CMS and computers.	♦				
Fund legal research, including increased access to online legal research resources.	♦				
Increase funding for attorney training.					

<b>Conflict Defender's Office</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Increase attorney staff, including appellate attorneys for litigation support.	♦				

<b>Conflict Defender's Office</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Support legal research, including access to online legal research resources.	◆				
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).	◆				
Upgrade office technology, including CMS and computers.	◆				
Fund attorney training.					

<b>Assigned Counsel Program</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Formalize and upgrade the ACP.					
Hire an Administrator, supervising attorney, and sufficient administrative staff.					
Fund training and mentoring programs.					
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).	◆				
Reimburse attorneys for time and travel expenses to promote effective representation and client communication.					
Implement a CMS and an electronic voucher system.					

## **Next Steps**

Lewis Defenders should achieve caseload relief with the addition of the new part-time attorney and paralegal. As hiring continues, additional office space will be needed, and the Office is already exploring options. Recruitment continues to be a challenge to be addressed. Increased non-attorney professional services will benefit the representation provided by the Conflict Defender's Office. That Office will also need to address data collection and management to comply with ILS requirements.

Lewis Defenders has historically overseen the data functions for all three providers. To be addressed in the future are conflicts inherent in having one provider manage resources for all mandated representation within the County, including conflict cases. It is anticipated that the County will address this issue by appointing a part-time or full-time ACP Administrator who will

be responsible for the 18-B panel and will seek to expand membership. This effort will likely require training and mentoring programs to comply with ILS ACP Standards.

## LIVINGSTON COUNTY

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### County Overview

Livingston County, located in the Finger Lakes–Wine County Region, has a population of 65,393, with 14.6% of residents living below federal poverty levels, and a median household income of \$53,654. The County covers 640 square miles. The County consists of 19 legislative districts governed by a Board of 19 Supervisors, currently chaired by David LeFeber. The Supreme, County, Family, and Surrogate’s Courts are in the Village of Geneseo. In addition, the County has 23 Town and Village Courts.

### Mandated Representation Overview

Mandated representation is provided by a Public Defender’s Office, led by Lindsay Quintilone, Esq.; a Conflict Defender’s Office, led by Hayden Dadd, Esq.; and an ACP, administered through the Conflict Defender’s Office by Dadd.

### Year One Initiatives

ILS estimates that Livingston County will need approximately \$2 million in the fifth year of statewide implementation to address caseload relief, quality improvement, and CAFA. Approximately \$390,000 is available for the first year of implementation.

#### ***a) Public Defender’s Office***

The Public Defender’s Office faces challenges in the recruitment and retention of experienced criminal defense attorneys, and these challenges impact any efforts to reduce caseloads. The Office has historically had a mix in staffing full-time and part-time attorneys. A part-time Assistant Public Defender position has been expanded to full-time, and a part-time clerk has been added to the staff. The clerk will support efforts to provide representation for clients who appear for arraignment in the Centralized Arraignment Part (CAP) and will collect intake and eligibility information and assist in the completion of requests for assignment of counsel. In addition, the Office will use funding for access to technology, software licenses, and legal research resources. The Office will expand its space to accommodate the new hires.

Two part-time Assistant Public Defenders will assume additional responsibilities regarding representation at arraignments conducted in the CAP. A confidential secretary and senior legal

typist are to assume additional responsibilities to meet ILS data reporting requirements. The confidential secretary has been appointed as the Data Officer for all providers in the County.

In addition to advances in staffing, the Public Defender’s Office has increased access to non-attorney professional services. Funding has been designated for upgrades to the CMS. Funds are also being allocated for increased training opportunities and to encourage attorneys to participate in providing representation at arraignments in the CAP during evenings, weekends, and holidays.

***b) Conflict Defender’s Office***

The Conflict Defender’s Office was established in February 2017. The Conflict Defender handles a felony caseload and oversees the ACP. Caseload reduction is a priority. The Office intends to apply current funding to convert a part-time appellate attorney position to full-time employment to reduce a backlog of appeals. In addition, the Conflict Defender is requesting to add a part-time attorney to address assignments in Town and Village courts. Other steps being taken to improve quality include greater access to non-attorney professionals and increased training opportunities. Funds have also been designated to upgrade the CMS and support a text messaging service designed to facilitate attorney-client communication and ensure client court appearances.

***c) Assigned Counsel Program***

Until the creation of the Conflict Defender’s Office, the 18-B panel had minimal oversight and support. Panel attorneys will now benefit from increased access to non-attorney professional services. The County recognizes that the Conflict Defender may not be in a position to continue to administer these resources to assigned counsel, given the inherent conflicts. In the future, the County will consult with ILS on how to best address these matters and separate these programs.

**Progress summary**

The priorities identified in the Quality Improvement Plan for Livingston County providers are listed below, accompanied by the symbol (♦) if the County has implemented an initiative to address a priority.

<b>Public Defender’s Office</b>	<b><i>Year 1</i></b>	<b><i>Year 2</i></b>	<b><i>Year 3</i></b>	<b><i>Year 4</i></b>	<b><i>Year 5</i></b>
Increase attorney staff including appellate attorneys for litigation support.	♦				
Increase administrative support staff.	♦				
Support expansion of office space.	♦				

<b>Public Defender's Office</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).	◆				
Upgrade technology, including a CMS.	◆				
Increase funding for training.	◆				
Support legal research resources, including online legal research.	◆				

<b>Conflict Defender's Office</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Increase attorney staff including appellate attorneys for litigation support.	◆				
Increase administrative support staff.					
Support expansion of office space.					
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).	◆				
Fund training opportunities.	◆				
Support legal research resources, including online legal research.	◆				
Provide technology upgrades, including a CMS.	◆				

<b>Assigned Counsel Program</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Formalize and upgrade the ACP.					
Hire an Administrator, supervising attorney, and sufficient administrative staff.					
Fund training and mentoring programs.					
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).	◆				

<b>Assigned Counsel Program</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Reimburse attorneys for time and travel expenses to promote effective representation and client communication.					
Support implementation of a CMS and an electronic voucher system.					

**Next Steps**

The Public Defender’s Office is expected to continue to focus on caseload reduction by hiring additional attorney and non-attorney staff, once office space is expanded. The Office is encouraged to explore full-time employment positions for a more sustainable model of mandated representation. In addition, the Office should consider increased supervision, as the staff continues to grow. It is also anticipated that the Office will provide additional training opportunities and will further broaden non-attorney professional services, which could include hiring or contracting with investigators and/or social workers to provide regular assistance.

The Conflict Defender’s Office will be expected to address caseload reduction by prioritizing hiring of attorney and non-attorney staff. That may also require addressing office space expansion. There should be an enhancement of training opportunities and access to non-attorney professional services. For assigned counsel, the County may consider the development for training, mentoring, and/or second chair opportunities, in part to attract attorneys to the panel. An infrastructure for the Program should eventually include supervision and administrative support, in accordance with ILS ACP Standards.

It is anticipated that the County will revisit the practice of having the Conflict Defender oversee resources for 18-B counsel and will consider the development of a structured ACP in accordance with the ILS ACP Standards, including the hiring of a part-time or full-time Administrator. Alternatively, the County is encouraged to explore other means of providing oversight to its 18-B panel, which may include joining the panel with that of a neighboring county and sharing administration. ILS will continue to work with the County to explore viable options.

## MADISON COUNTY

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### County Overview



Madison County, located in central New York, east of Syracuse, covers 662 square miles and has a population of 73,442, with 11.1% of residents living below federal poverty levels. The median household income of \$53,365. The County consists of 19 legislative districts governed by a Board of 19 Supervisors currently chaired by John Becker. The Supreme, County, Family, and Surrogate's Courts are located in Wampsville. In addition, the County has a City Court in Oneida, and 21 Town and Village Courts.

### Mandated Representation Overview

Mandated representation is provided by a Public Defender's Office, a nonprofit organization led by Paul Hadley, Esq., and an ACP, administered by Jeffrey Aumell, Esq., of the County Attorney's office.

### Year One Initiatives

ILS estimates that Madison County will need approximately \$1 million in the fifth year of statewide implementation to address caseload relief, quality improvement, and CAFA. Approximately \$210,000 is available for the first year of implementation.

#### ***a) Public Defender's Office***

The Public Defender's Office intends to undertake a significant change to its staffing structure by requiring that any interested attorney wishing to accept full-time employment with the Office may not take private cases. As a result, three Assistant Public Defenders have accepted full-time positions with the Office. A part-time paralegal position has also been added. The County also supports the appointment of an office manager who will serve as a Data Officer to meet ILS data reporting requirements for both the Public Defender's Office and the ACP.

#### ***b) Assigned Counsel Program***

The administration of the 18-B panel is handled by the County Attorney's Office. Access to non-attorney professional services, as well as increased training opportunities, will be provided to 18-B panel attorneys. The County also plans to purchase a CMS. Oversight of these resources should be handled by an Administrator, who is independent of any potential conflict with the County Attorney's Office.

## Progress summary

The priorities identified in the Quality Improvement Plan for Madison County providers are listed below, accompanied by the symbol (♦) if the County has implemented an initiative to address a priority.

<b>Public Defender's Office</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Increase attorney staff including appellate attorneys for litigation support.	♦				
Increase administrative support staff.	♦				
Provide support to expand office space.					
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).					
Upgrade technology, including a CMS.	♦				
Increase funding for training.					
Support legal research resources, including online legal research resources.					

<b>Assigned Counsel Program</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Formalize and upgrade the ACP.					
Hire an Administrator, supervising attorney and sufficient administrative support.					
Fund training and mentoring programs.	♦				
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).	♦				
Reimburse attorneys for time and travel expenses to promote effective representation and client communication.					
Implement a CMS and an electronic voucher system.	♦				

## **Next Steps**

It is anticipated that the Madison County Public Defenders will continue to support offering full-time employment to current part-time staff, as well as recruit additional attorneys and non-attorneys to achieve caseload reduction. The Office is also encouraged to provide additional training opportunities and access to non-attorney professional services. Additionally, the Office should assess its current data management capabilities and the sufficiency of the part-time position designated to serve as the Data Officer, as well as the capabilities of the CMS to ensure compliance with ILS data reporting requirements.

With respect to the ACP, the County should consider implementing a structure for oversight and support which may include the appointment of an Administrator and any support staff needed. In addition, the County should consider the benefit of providing additional resources, such as mentoring and second chair programs, to encourage other attorneys to join the 18-B panel. Alternatively, the County is encouraged to consider other options, such as combining its 18-B panel and resources with a neighboring county's panel, which may be of particular benefit in providing representation at off-hour arraignments.

## MONROE COUNTY

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### County Overview

Monroe County, located in the Finger Lakes–Wine Country Region, encompasses 1,366 square miles. The population is 744,344, with a median household income of \$52,272 and 14.8% of residents living below the federal poverty level. The County consists of 29 legislative districts governed by a Board of 29 legislators, currently chaired by Dr. Joe Carbone. Supreme, County, Family, and Surrogate’s Courts, as well as the Court of Claims and the Appellate Division–Fourth Department, are found in Rochester, the third largest city in the State. The County has a Rochester City Court and 23 Town and Village Courts.

### Mandated Representation Overview

Mandated representation is provided by the Public Defender’s Office, led by Timothy Donaher, Esq. The County also has a Conflict Defender’s Office and Assigned Counsel Program administered by Mark Funk, Esq.

### Year One Initiatives

ILS estimates that Monroe County will need approximately \$12.75 million in the fifth year of statewide implementation to address caseload relief, quality improvement, and CAFA. Approximately \$2.5 million is available for the first year of implementation.

#### ***a) Public Defender’s Office***

The Public Defender’s Office is burdened with a high number of cases and limited staffing. Although ILS competitive grants and distributions have helped to alleviate the caseload burden, a long-term solution is required. As a temporary measure, the Public Defender’s Office proposes a temporary option for interim caseload relief through the implementation of a “Felony Conflict Plan” (FCP). The FCP involves reducing the Office’s caseloads by referring a number of felony cases, normally assigned to the Public Defender’s Office, to the 18-B panel, as more fully described below. A long-term sustainable solution will be needed.

To address caseload reduction, the Public Defender’s Office will use funding to hire two additional experienced, felony attorneys and to contract with experienced appellate attorneys to reduce the backlog of pending appeals and assist in perfecting recently assigned appeals. The

Public Defender's Office also intends to provide increased access to non-attorney professional services and additional training opportunities. The Office proposes contracting for local pretrial services and having pretrial services case managers in the Public Defender's Office. These positions will assist with data entry and communication with clients, including scheduling client interviews when seeking reassessment of release conditions. In addition, the Public Defender seeks to create a pilot program to use text messaging services to provide clients with an automated notification/reminder of upcoming court dates and office meetings.<sup>34</sup>

***b) Conflict Defender's Office***

The Conflict Defender's Office is seeking to increase the Office's access to non-attorney professional services and to offer more training opportunities and legal research resources.

***c) Assigned Counsel Program***

The primary focus of the ACP is supporting the implementation of the Public Defender's FCP. Pursuant to the Public Defender's proposal, a portion of felony cases that would otherwise have been handled by the Office will now be assigned to 18-B attorneys. ILS has recommended that implementation of the FCP be accompanied by sufficient resources, including funding for non-attorney professional services for these cases and supervision and oversight via the appointment of three part-time supervising attorneys. In addition, a full-time support staff position will be created in the Conflict Defender's Office to oversee the additional ACP administrative responsibilities (i.e., processing of a greater number of vouchers, increased intake and processing of assignments, etc.) that will accompany implementation of the FCP.

The FCP is intended to provide necessary caseload relief to the Public Defender's Office. The ACP must also take steps to improve the quality of representation provided by panel attorneys, such as a new Mentorship/Resource Attorney Program, under which less experienced felony attorneys will be mentored by highly experienced felony attorneys. This program is designed to improve the mentees' skills in all aspects of litigation: client interviews, motion practice, pre-trial hearings, trial practice, and sentencing advocacy. In addition, a new Homicide Quality Improvement Program will include a second-chair program, wherein an experienced second-chair attorney will be assigned to all homicide cases. A trial techniques program will educate the 18-B panel on the use of expert witnesses and investigators for homicide litigation.

The ACP also intends to create a position for a Training/Mentorship Program Coordinator, who will be responsible for planning and implementing CLE training programs and providing legal guidance and support on criminal matters to 18-B attorneys. Finally, the ACP intends to convert a part-time clerical position to a full-time position to assist with conflict checks and data entry.

<sup>34</sup>The pilot program is supported by a CMS widely used by providers statewide. ILS has been assured by the Public Defender that successful implementation of the pilot will result in the text messaging service being offered free to other providers using the same CMS.

## Progress summary

The priorities identified in the Quality Improvement Plan for Monroe County providers are listed below, accompanied by the symbol (♦) if the County has implemented an initiative to address a priority.

<b>Public Defender's Office</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Increase attorney staff, including appellate attorneys for litigation support.	♦				
Increase administrative support staff.					
Support the expansion of office space.					
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).	♦				
Upgrade technology, including a CMS.	♦				
Increase funding for training including a full-time training director.	♦				
Support legal research resources, including online legal research resources.					
Provide funding for a pilot mentoring program for 18-B attorneys in the Seventh Judicial District.					

<b>Conflict Defender's Office</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Increase attorney staff including appellate attorneys for litigation support.					
Increase administrative support staff.					
Support expansion of office space.					
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).	♦				
Provide support for technology, including a CMS.					
Fund training opportunities.	♦				
Support legal research resources, including online legal research.	♦				

<b>Assigned Counsel Program</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Formalize and upgrade the ACP.					
Hire an Administrator, supervising attorney and sufficient administrative support.	◆				
Fund training and mentoring programs.	◆				
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).	◆				
Reimburse attorneys for time and travel expenses to promote effective representation and client communication.					
Provide support for a CMS and an electronic voucher system.					

**Next steps**

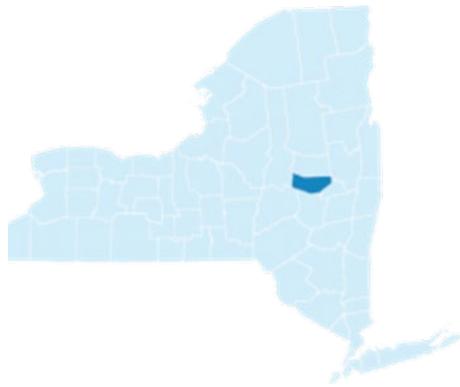
The Public Defender’s Office is expected to continue to prioritize caseload reduction with the hiring of attorney and non-attorney staff and/or the expansion of the FCP. The Office will most likely need to address expansion of office space. Continuation of the FCP will require that the ACP to receive additional funding to support the transfer of felony cases. Funding should also continue for additional training resources and access to non-attorney professionals. Finally, the Office will need to assess whether additional support staff and/or other resources are necessary for data management.

The Conflict Defender’s Office will have similar priorities. The hiring of attorney and non-attorney staff are essential for caseload reduction, which will create space concerns to be addressed. Access to training programs and non-attorney professional services should be broadened.

The ACP’s growing responsibilities for the FCP necessitate a more structured Program, in accordance with ILS ACP Standards. Continued administration of the FCP and any expansion of this Program should be managed by a full-time Administrator and support staff. Furthermore, the Program will need to continue, and most likely enhance, the second-chair and mentoring programs and to provide access to advanced training programs and non-attorney professional services.

## MONTGOMERY COUNTY

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### County Overview

Montgomery County, located in the Mohawk Valley, has an area of 410 square miles and a population of 50,219. About 19.6% of the population lives below federal poverty levels, and the median household income is \$47,449. The County consists of nine Legislative Districts, which are governed by a Board of nine legislators, currently chaired by Robert Headwell Jr. The Supreme, County, Family, Surrogate's, City, and Town Courts are located in the City of Amsterdam. In addition, the County has 12 Town and Village Courts.

### Mandated Representation Overview

Mandated representation is provided by a Public Defender's Office, led by William Martuscello, Esq., who is also responsible for maintaining a list of 18-B attorneys.

### Year One Initiatives

ILS estimates that Montgomery County will need approximately \$963,000 in the fifth year of statewide implementation to address caseload relief, quality improvement, and CAFA. Approximately \$192,000 is available for the first year of implementation.

#### ***a) Public Defender's Office***

The Public Defender's Office has historically relied on part-time attorneys but recognizes the benefits of moving toward full-time attorney positions. Thus, the Office has set aside funds to add a full-time attorney for Amsterdam City Court cases, the busiest court, and to provide representation at all arraignment sessions held in the City Court. The Office will also hire a full-time administrative assistant to assist with CAFA implementation and other administrative duties, and to provide relief for the confidential secretary, who will be assuming new responsibilities as the Data Officer and in management of grants. The Office is also committing funds to implement a CMS to meet ILS data reporting requirements and help with case management.

#### ***b) Assigned Counsel Program***

As indicated above, the County has no formal ACP, and the Public Defender is responsible for maintaining a list of private attorneys who take assignments. The County has prioritized

addressing staffing needs in the Public Defender’s Office to reduce caseloads and expand CAFA representation. The County has also set aside funding for representation of individuals scheduled to appear for arraignment in adult court, but subsequently removed to Family Court based on Raise the Age legislation.<sup>35</sup> With the remaining funding, the County has established a small budget to subsidize panel attorneys’ training opportunities.

**Progress summary**

The priorities identified in the Quality Improvement Plan for Montgomery County providers are listed below, accompanied by the symbol (♦) if the County has implemented an initiative to address a priority.

<b>Public Defender’s Office</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Increase attorney staff, including appellate attorneys for litigation support.	♦				
Expand training opportunities.					
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).					
Provide technology upgrades, including a CMS.	♦				

<b>Assigned Counsel</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Support a formalized and upgraded ACP.					
Hire an Administrator, supervising attorney and sufficient support staff.					
Support office expansion.					
Fund technology including a CMS and an electronic voucher system.					
Support training opportunities.	♦				
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).	♦				

<sup>35</sup>The Raise the Age law largely went into effect in October 2018. See L 2017, c 59, pt WWW.

Assigned Counsel	<i>Year 1</i>	<i>Year 2</i>	<i>Year 3</i>	<i>Year 4</i>	<i>Year 5</i>
Reimburse attorneys for time and travel expenses to promote effective representation and client communication.					

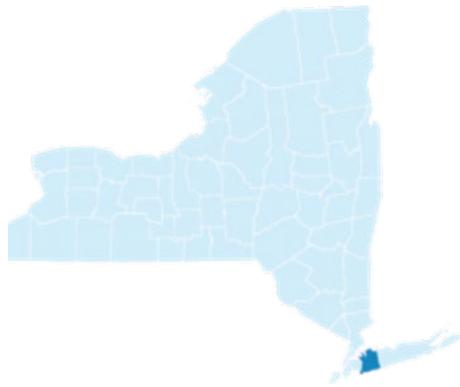
**Next Steps**

The Montgomery County Public Defender’s office will be expected to continue its efforts in hiring additional full-time attorneys and non-attorney staff to advance caseload reduction goals. To accommodate the growing staff, increased office space will likely be required. The Office should also provide advanced trainings and increase access to non-attorney professionals.

The County will be expected to develop a structured ACP, in conformance with ILS ACP Standards. Options may include the hiring of an Administrator and/or any necessary support staff or partnering with a neighboring county to develop a regional program, which may address recruitment challenges. The County is also encouraged to consider developing increased access to training programs and non-attorney professional services for 18-B counsel. Mentoring and/or second-chair programs may attract new attorneys to the panel. Finally, the County is also expected to install a CMS and/or staff necessary to meet ILS reporting requirements.

## NASSAU COUNTY

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### County Overview

Nassau County, which occupies the western portion of Long Island, has an area of 453 square miles and a population of 1,339,532. About 5.9% of the population lives below federal poverty levels, and the median household income is \$105,744. The County consists of 19 Legislative Districts, which are governed by a Board of 19 Legislators, currently chaired by Richard Nicoletto. The Supreme, County, and Surrogate's Courts are in the City of Mineola. Family Court is in the Village of Westbury, and District Court in the Town of Hempstead. In addition, the County has two City Courts, a District Court, and 64 Village Courts.

### Mandated Representation Overview

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

### Year One Initiatives

ILS estimates that Nassau County will need approximately \$4.4 million in the fifth year of statewide implementation to address caseload relief, quality improvement, and CAFA. Approximately \$880,000 is available for the first year of implementation.

#### ***a) Legal Aid Society***

NCLAS, which is the primary provider of mandated criminal defense representation, struggles with high caseloads and has difficulty recruiting and retaining attorneys, due to the high cost of living, low entry-level salaries, and competition with NYC providers. To reduce caseloads, the Office will be adding six new attorneys and provide increased supervision. Three of these new attorneys will be assigned to the busy District Court, where caseload relief is needed most. A highly experienced attorney will be added to supervise attorneys providing representation in the District Court and will be available in the courtroom to assist. A fifth attorney hired will be assigned to supervise the felony disposition Part, and the sixth attorney hired will provide supervision of arraignments and manage the Office's transition following the implementation of bail reform.

NCLAS has also set a side funding to provide training opportunities for its staff and to support increased client communication, particularly for clients incarcerated outside of the County. The Office has also upgraded its technology to provide County Court Bureau attorneys with remote access to case files during representation. This technology upgrade will allow attorneys to be more efficient with their time when in court. NCLAS will also increase its budget for non-attorney professional services budget, which has historically been inadequate.

***b) Assigned Counsel Program***

The ACP has focused on enhancing support to the 18-B panel by having a part-time Training Director and developing a mentoring and second-chair program to train and recruit counsel. It is expected that selected experienced attorneys will be compensated for mentoring other panel attorneys. Attorneys will also be compensated for second-chair opportunities, which are available for less experienced attorneys, as well as for counsel seeking second-chair assistance on specific cases. Funds have also been set aside to allow attorneys to attend relevant training programs. In addition, providing greater access to non-attorney professional services is a high priority. Finally, the County Bar Association has offered to provide space to house the expanding Program.

**Progress summary**

The priorities identified in the Quality Improvement Plan for Nassau County providers are listed below, accompanied by the symbol (♦) if the County has implemented an initiative to address a priority.

<b>Legal Aid Society</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Increase attorney staff, including appellate attorneys for litigation support.	♦				
Enhance staff salaries for staff retention.					
Support expansion of office space.					
Increase training resources.	♦				
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).	♦				
Provide technology upgrades, including for a CMS.	♦				

<b>Assigned Counsel Program</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Support a formalized and upgraded ACP.	◆				
Support the hiring of an Administrator, supervising attorney, and sufficient administrative staff.	◆				
Support adequate office space and technology, including a CMS and an electronic voucher system.	◆				
Support training opportunities.	◆				
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).	◆				
Reimburse attorneys for time and travel expenses to promote effective representation and client communication.					

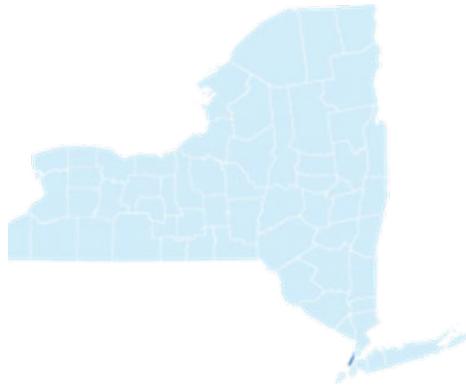
### **Next Steps**

The NCLAS will be expected to continue to prioritize caseload reduction by hiring additional staff. Office space may need to be expanded. ILS will also continue to support efforts to recruit and retain attorneys. NCLAS will also be expected to continue to broaden access to non-attorney professional services. The Office should also continue to support advanced training opportunities.

The ACP should consider retaining a supervising or resource attorney; may want to expand the part-time Training Director position to a full-time post; and may decide to hire an investigator and/or social worker. The Program is also encouraged to assess any required expansion of its mentoring and second-chair programs and to develop advanced training opportunities for panel members. Finally, the Program should consider implementing a CMS to meet ILS data reporting requirements.

## NEW YORK CITY

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### **Profile**

New York City is made up of five boroughs, each of which constitutes its own distinct county. Located in the southeastern tip of the State, NYC is the most populous and densely populated city in the United States. The Bronx and Queens are concurrent with counties of the same name. The Bronx is the only borough not located on an island and consists of 57 square miles. The population totals 1,385,108, the median household income is \$36,593, and 29.7% of residents live below federal poverty levels. Brooklyn, in Kings County, consists of 96.9 square miles and has a population of 2,504,700. The median household income is \$52,782, with 21.9% of individuals living below federal poverty guidelines. Manhattan, which is in New York County, has 33.77 square miles and a population of 1,585,873. The median household income is \$79,781, with 17.3% of individuals living below federal poverty guidelines. Queens has 178 square miles and has a population of 2,230,722. The median household income is \$62,008, with 13.7% of the population living below federal poverty levels. Staten Island is located in Richmond County and occupies 59 square miles. The population is 468,730 individuals, the median household income is \$76,244, and 12.9% of the population live below federal poverty levels. Each county in NYC has these courts: a Supreme Court—Criminal Term for felonies, Criminal Court for misdemeanors and lesser offenses, Supreme Court—Civil Term, Family Court, Surrogate’s Court, and Civil Courts for small claims and other matters. The NYC Council, the lawmaking body, has 51 members from 51 Council Districts throughout the five boroughs. The head of the City Council is the Speaker, a post currently held by Corey Johnson.

### **Mandated Representation Overview**

ILS is working in collaboration with the NYC Mayor’s Office for Criminal Justice (MOCJ) to ensure that the 11 mandated representation providers in NYC are supported in the implementation of the reforms adopted in the *Hurrell-Harring* settlement agreement. MOCJ is working closely with ILS to support implementation of the Quality Improvement Plan and to ensure that accurate and reliable information and data is made available to ILS in support of this effort.

NYC has six institutional trial-level providers, the two ACPs, and three appellate providers. The primary provider of criminal defense in all five boroughs of NYC is the Legal Aid Society (LAS) under the leadership of Janet Sabel, Esq., Interim Attorney-in-Chief and CEO, and Justine Luongo, Esq., Attorney-In-Charge. Other providers are the The Bronx Defenders (BXD), led by Executive Director, Justine Olderman, Esq.; Brooklyn Defender Services (BDS), under the supervision of Executive Director, Lisa Schreibersdorf, Esq.; Neighborhood Defender Services (NDS), led by Executive Director Rick Jones, Esq.; New York County Defender Services (NYCDS), under the

leadership of Stanislao German, Esq.; Queens Law Associates (QLA), led by Executive Director, Lori Zeno, Esq.; and the Assigned Counsel Plans for the Appellate Division, First and Second Departments, operating under the administration of Michael Alperstein, Esq. and Barbara DiFiore, Esq., respectively.

In addition to the providers of trial-level representation, NYC has four primary appellate representation providers: the LAS's Appeals and Impact Litigation Unit; the Center for Appellate Litigation, under the leadership of Robert Dean, Attorney-In-Charge; Appellate Advocates, under the supervision of Paul Skip Laisure, Esq., Attorney-In-Charge; and the Office of the Appellate Defender, led by Christina Swarns, Esq., Attorney-In-Charge.<sup>36</sup>

## **Year One Initiatives**

ILS estimates that NYC will need approximately \$88 million for all 11 mandated representation providers, in the fifth year of statewide implementation, to address caseload relief and quality improvement.<sup>37</sup> Approximately \$17.6 million is available for the first year of implementation.

### **TRIAL-LEVEL REPRESENTATION**

#### ***a) Legal Aid Society***

LAS's Criminal Defense Unit and appellate unit previously reported that support was required to hire additional attorney and non-attorney staff. Although starting salary levels remain competitive for recruitment of less experienced attorneys, salaries for more experienced attorneys are inadequate for recruitment of attorneys with four to 10 years' experience and for retention of existing experienced attorneys. To address these challenges, LAS has proposed hiring a Criminal Trials Supervising Attorney, DNA Supervising Attorney, and Wrongful Conviction Supervising Attorney. In addition, LAS intends to use current funding to support recent hires of 44 trial attorneys, seven appellate attorneys, two digital forensic staff attorneys, and four attorneys for the Parole Defense Revocation Unit. Funding is also being used to employ two law school graduates and 10 paralegals for the criminal defense unit.

In the Criminal Trials Unit, to ensure that the new hires are properly trained, LAS has hired two full-time trainers for attorneys and another full-time trainer for non-attorney staff. To address the growing need for non-attorney professional services, LAS will hire three full-time investigators, one social worker, and one case worker. Other resources to be funded are technology upgrades, the purchase of digital forensics equipment, and transcripts.

<sup>36</sup> Cases are assigned between the providers and NYC.

<sup>37</sup> CAFA is excluded from funding priorities as NYC has historically provided full coverage in representation at arraignment.

### ***b) The Bronx Defenders***

BXD's Criminal Defense Division has created a holistic model of representation. Teams of attorneys and non-attorneys partner to provide comprehensive, client-centered representation. An Impact Litigation Division strives to identify, develop, and litigate challenges to systemic problems and injustices. To support this model, BXD intends to utilize funding to hire two supervising attorneys and 13 criminal defense staff attorneys. In addition, BXD intends to hire two social workers and one investigator.

### ***c) Brooklyn Defender Services***

BDS also offers a holistic model of client representation. The Office has a high volume of cases and a large number of attorneys and administrative staff support. Thus, more supervisors and executive staffing are required to manage the Office. BDS intends to apply available funding to hire 15 full-time staff attorneys, two supervising attorneys, and three paralegals. In addition, BDS will add seven social workers, one client advocate, and six investigators to the Criminal Defense Unit. BDS also plans to hire an Administrative Supervisor and three clerks. To encourage retention of mid-level attorneys, BDS intends to promote selected attorneys to felony-level trial practice, which would result in nominal merit increases. Other retention incentives include expanded training opportunities and payment for professional association memberships.

### ***d) Neighborhood Defender Services***

NDS also provides holistic, client-centered representation through the collaboration of attorneys in the criminal, family, and civil defense practices. Although the office has several full-time administrative and support staff, expanded staffing is needed to adequately assist attorneys. To address this issue, NDS intends to use available funding to hire four criminal defense attorneys and one legal assistant. NDS will also allocate funds to provide staff attorneys with advanced trial technology.

### ***e) New York County Defender Services***

NYCDS also offers a comprehensive approach to client representation. Staff expertise is available not only in criminal defense, but also in immigration, integrated domestic violence representation, and other areas. NYCDS intends to use first-year funds to hire the additional attorneys and non-attorneys needed to sustain comprehensive representation. Two attorneys and two senior attorneys will work in the Criminal Defense Unit. In addition, one investigator, one social worker, and one paralegal will be added to the Criminal Defense Unit. A Managing data attorney will track the progress of representation. NDS has also sought funding to expand its office space in its current location.

### ***f) Queens Law Associates***

For caseload relief, QLA reports the need to hire 14 attorneys in its criminal defense unit and an additional supervising attorney. In addition, QLA is adding one social worker and one paralegal for the Criminal Defense Unit. QLA also plans to hire an office administrator to support the growth of its staff.

### ***g) ACPs, Appellate Division, First and Second Departments***

The most significant transformation occurring in NYC is the dramatic upgrade of the ACPs in the Appellate Division, First and Second Departments. Both ACPs, housed in the NYC Department of Finance in Manhattan, have been underfunded and under-resourced. Enhancing the Plans' infrastructures will make possible a significant improvement in the quality representation provided by a total of more than 1,100 attorneys. NYC plans to develop more formal, well-managed structures to effectively provide supervision, training and mentoring opportunities, and evaluations of panel attorneys. The Plans must be adequately staffed with administrative and other non-attorney staff to efficiently manage office operations and support panel members. Priority must be given to enhancing the supervisory capacities of the plans, which have each been managed by solo Administrators and two administrative support staff. Increasing supervisory and administrative positions will allow for the monitoring of 18-B attorneys to ensure that they are providing quality representation, including by: communicating with clients; doing legal research and discovery, filing motions, conducting investigations, preparing for trial, and utilizing non-professional services. The Plans are expected to develop mentoring and/or second-chair programs, to increase training opportunities, and to increase access to non-attorney professional services.

The First Department ACP consists of approximately 750 18-B panel attorneys who are assigned conflict cases in the Bronx and Manhattan. Each borough has separate panels for misdemeanors, felonies, and homicides. Panel attorneys are not supported or supervised, and the ACP Administrator does not have the resources needed to assess the quality of representation. Since the ACP does not have a training budget, the Administrator sets up monthly CLEs on criminal defense issues and relies on NYC organizations to allow panel attorneys to attend the programs for free. The Administrator also distributes a Center for Appellate Litigation newsletter, which alerts attorneys to issues that can be raised at trial. The ACP does not have legal research resources at its office and cannot reimburse attorneys for their research. Panel attorneys have been advised to use mitigation specialists and investigators for serious felonies; and they are doing so, but resources are limited. Inadequate availability of such services is particularly problematical in cases involving complex scientific evidence. Without a CMS, the Administrator has been unable to monitor progress in assigned cases or evaluate caseloads.

The Second Department ACP reported having more than 400 attorneys on its panel for assignments from Brooklyn, Queens, and Staten Island. There are panels for homicides, other felonies, and civil commitment proceedings. To join the panel, attorneys must complete a detailed written application, interview with a committee, and be approved by the Presiding

Justice. Every three years, the Administrator conducts a recertification process for one-third of the panel. About 95% of attorneys are recertified. Judges make the assignments. The ACP typically is not involved in the case and between the time of assignment and submission of vouchers. Thus, the ACP does not provide any real quality control or support during the period of representation. Panel admission, which was closed in 2013, has recently reopened. This will likely result in a significant increase in the number of 18-B attorneys and workload for the ACP staff.

To address these challenges, the City and the ACPs embrace the goal of developing well-staffed and well-resourced Offices. Even before completing its first-year proposal, the City sought to hire two supervisory attorneys to assist the Administrators. NYC offered salary increases for each Administrator to achieve parity with other institutional providers. With the support from the Mayor’s Office for Criminal Justice (MOCJ), efforts are underway to develop a CMS to monitor case assignments and collect and report data. Each plan will hire at least two full-time supervisors and will share five Directors to provide specialized support in mental health, DNA evidence, the legal needs of adolescent clients, social work services, and training programs. The Administrators have also requested funds for expanded non-attorney professional services. Successful implementation of this proposal will first require expanded office space.

**Progress Summary**

The priorities identified in the Quality Improvement Plan for the NYC providers are listed below, accompanied by the symbol (♦) if the provider has implemented an initiative to address a priority.

<b>The Legal Aid Society – (LAS)</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Increase attorney staff, including appellate resources for complex litigation support.	♦				
Increase attorney salaries to retain experienced staffing.					
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).	♦				
Increase funding for training opportunities and to support LAS efforts in mentoring and training of other in-state mandated representation providers.					
Expand funding to enhance client communication.	♦				
Support technology upgrades for a CMS and complex litigation.	♦				

<b>The Bronx Defenders (BXD)</b>	<i>Year 1</i>	<i>Year 2</i>	<i>Year 3</i>	<i>Year 4</i>	<i>Year 5</i>
Increase attorney staff, including appellate resources for complex litigation support.	◆				
Increase attorney salaries to retain experienced staffing.					
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).	◆				
Increase funding for training opportunities and to support BXS efforts in mentoring and training of other in-state mandated representation providers.					
Expand funding to enhance client communication.					
Support technology upgrades for a CMS and complex litigation.					

<b>Brooklyn Defender Services (BDS)</b>	<i>Year 1</i>	<i>Year 2</i>	<i>Year 3</i>	<i>Year 4</i>	<i>Year 5</i>
Increase attorney staff, including appellate resources for complex litigation support.	◆				
Increase attorney salaries to retain experienced staffing.	◆				
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).	◆				
Increase funding for training opportunities and to support BDS efforts in mentoring and training of other in-state mandated representation providers.	◆				
Expand funding to enhance client communication.	◆				
Support technology upgrades for a CMS and complex litigation.	◆				

<b>Neighborhood Defender Services (NDS)</b>	<i>Year 1</i>	<i>Year 2</i>	<i>Year 3</i>	<i>Year 4</i>	<i>Year 5</i>
Increase attorney staff, including appellate resources for complex litigation support.	◆				
Increase attorney salaries to retain experienced staffing.					
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).					
Increase funding for training opportunities and to support NDS efforts in mentoring and training of other in-state mandated representation providers.					
Expand funding to enhance client communication.					
Support technology upgrades for a CMS and complex litigation.	◆				

<b>New York County Defender Services (NYCDS)</b>	<i>Year 1</i>	<i>Year 2</i>	<i>Year 3</i>	<i>Year 4</i>	<i>Year 5</i>
Increase attorney staff, including appellate resources for complex litigation support.	◆				
Increase attorney salaries to address retention issues.					
Expand administrative staff.	◆				
Increase resources for training.	◆				
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).	◆				
Support technology upgrades for a CMS and complex litigation.	◆				

<b>Queens Law Associates (QLA)</b>	<i>Year 1</i>	<i>Year 2</i>	<i>Year 3</i>	<i>Year 4</i>	<i>Year 5</i>
Increase attorney staff, including appellate resources for complex litigation support.	◆				
Increase administrative staff and/or funding to support paralegal and administrative staff.	◆				

<b>Queens Law Associates (QLA)</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).	◆				
Support technology upgrades for a CMS and complex litigation.					

<b>ACP, Appellate Division, First Department</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Support the development of an independent ACP.					
Support hiring of additional attorneys to provide supervision of panel attorneys.	◆				
Support hiring of administrative staff to support the program.	◆				
Fund office space for the program.					
Support competitive salaries for the program.	◆				
Support technology including, a CMS and an electronic voucher system.	◆				
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).	◆				
Fund for training and mentoring programs.	◆				

<b>ACP, Appellate Division, Second Department</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Support the development of an independent ACP.					
Support hiring of additional attorneys to provide supervision of panel attorneys.	◆				
Support hiring of administrative staff to support the program.	◆				
Fund office space for the program.					
Support competitive salaries for the program.	◆				

<b>ACP, Appellate Division, Second Department</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Support technology, including a CMS and an electronic voucher system.	◆				
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).	◆				
Fund for training and mentoring programs.	◆				

**Next Steps**

For each of the above Offices, expanded staff and resources are needed to provide quality representation in all cases in these high-volume practices. Caseload reduction as an integral element to quality improvement. Funding should be used to advance recruitment of attorney and non-attorney staff, to maintain an acceptable supervisor/attorney ratio, and to retain experienced staff. To effectively supervise, supervisors must have a reduced caseload. Each of the institutional providers should continue to evaluate the number of supervisors necessary. The providers offer intensive training opportunities for new staff but should expand access to training opportunities on the local, State, and national levels for mid-level and highly experienced attorneys and non-attorneys. These steps can bring benefits in professional development and staff retention. Providing increased training opportunities is an acute need in the Second Department ACP. Greater access to non-attorney support services is essential. Each Office should continue to assess needs for experts, investigators, social workers and other non-attorney professionals and determine when having in-house professionals would be most efficient and effective.

In NYC, client communication is hampered by the logistics involved in visiting clients at facilities such as Rikers Island. Travel is time-consuming, and inadequate visiting rooms are provided. In some instances, providers have designated social workers, bail specialists and/or case managers to act as liaisons with incarcerated clients and client’s families. Each office is encouraged to continue to improve client communication through staffing and technology. In addition, offices are encouraged to consider upgrades to technology, such as text-messaging notification and video-conferencing.

A significant challenge for the providers is securing adequate office space to support expanded staff. ILS will continue to engage in discussions with NYC and each institutional provider to determine the level of funding necessary to support office expansion. This issue is particularly relevant to the ACPs.

## **APPELLATE REPRESENTATION**

Four NYC providers handle the majority of assigned appeals. The Legal Aid Society's (LAS) Appeals and Impact Litigation Unit provides appellate representation in each of the five boroughs. Both the Center for Appellate Litigation (CAL) and the Office of the Appellate Defender (OAD) provide representation for appeals to the Appellate Division, First Department. In the Second Department, Appellate Advocates (AA) is the primary appellate provider. The ACPs are responsible for a modest number of First and Second Departments appeals. These offices are committed to quality representation and to do so, they provide comprehensive training and structured supervision. However, they face challenges in hiring enough qualified staff, non-attorney professionals, and resources to handle the growing number of appeals filed each year.

### ***a) LAS Appeals and Impact Litigation Unit***

Since LAS's Appeals Unit is responsible for an estimated 48% of appellate assignments in the five boroughs, the Office needs to continue to build its staff. The Office intends to use current funding to hire seven full-time staff attorneys; three full-time paralegals; and three additional full-time paralegals, who will be responsible for identifying cases in which appeals should be taken appeal and assisting clients in completing notices of appeal. LAS is also devoting a limited portion of funding for a Wrongful Conviction Supervising Attorney, who will work closely with the Appeals and Impact Litigation Unit.

### ***b) Center for Appellate Litigation***

CAL currently provides representation on direct appeals and has received City funding to pursue *Padilla* claims, SORA hearings, and CPL 440 motions. A re-investigation unit pursues innocence claims. CAL has approximately 35 attorneys, as well as non-attorney positions. The Office expects to hire additional attorneys, non-attorneys, and additional resources to handle its expanding caseload. The Office is utilizing current funding to hire an additional full-time appellate attorney and paralegal.

### ***c) Office of Appellate Defender***

OAD, which has 20 full-time attorneys, is a structured appellate training office in which most positions call for three-year commitments. The Office has a small number of permanent employees and needs to expand mid-level and supervisory staff positions. In addition, OAD requires greater administrative staff. With current funding, OAD expects to hire a Senior Staff Attorney on a permanent, full-time basis. This will support the mission of serving as a training Office that will produce experienced appellate attorneys—some of whom may be recruited to serve in upstate communities after having completed a three-year period.

**d) Appellate Advocates**

AA currently employs a staff of approximately 59 full-time and part-time employees. The Office has reported a need for a full-time appellate attorney with experience in the immigration consequences of criminal convictions. In addition, the Office requires additional support staff and non-attorney professional services. Many senior-level attorneys must handle administrative matters, which takes them away from providing quality appellate representation. To address this concern, in addition to hiring a “crim-imm” attorney, the Office seeks to hire five full-time paralegals and an Operations Manager to take on administrative responsibilities. Finally, resources are being used to increase attorney access to investigation services.

**Progress Summary**

The priorities identified in the Quality Improvement Plan for the appellate providers are listed below, accompanied by the symbol (♦) if the provider has implemented an initiative to address a priority.

<b>The Legal Aid Society – Appellate Unit (LAS)</b>	<i>Year 1</i>	<i>Year 2</i>	<i>Year 3</i>	<i>Year 4</i>	<i>Year 5</i>
Support additional staffing for complex litigation.	♦				
Increase funding to enhance effective client communication.	♦				

<b>Center for Appellate Litigation (CAL)</b>	<i>Year 1</i>	<i>Year 2</i>	<i>Year 3</i>	<i>Year 4</i>	<i>Year 5</i>
Increase hiring of attorneys and/or salaries to retain staffing.	♦				
Increase funding for complex litigation.					
Increase funding to enhance effective client communication.					
Expand resources for training.					
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).	♦				

<b>Office of Appellate Defender (OAD)</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Increase hiring of attorneys and/or salaries to retain staffing.	◆				
Increase funding for complex litigation.					
Increase funding to enhance effective client communication.					
Expand resources for training.					
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).					

<b>Appellate Advocates (AA)</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Increase hiring of attorneys and/or salaries to retain staffing.	◆				
Increase funding for complex litigation.	◆				
Increase funding to enhance effective client communication.					
Expand resources for training.					
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).	◆				

### **Next Steps**

Each of the appellate providers are encouraged to continue increasing and develop staff to accommodate the growing number of appeals filed annually, as well as to investigate wrongful conviction claims and provide quality representation of non-citizen clients facing immigration consequences of criminal convictions. As with trial-level providers, having manageable caseloads is essential to providing quality representation.

Offices are encouraged to monitor the needs for non-attorney professionals and determining whether such services should be provided in-house via contracts. LAS may seek to expand its social work resources to assist incarcerated clients who will need assistance with SORA proceedings and re-entry into the community upon release. CAL will need additional investigator services and expert resources, particularly to address SORA hearings. OAD needs adequate social worker staffing to assist incarcerated clients, including in parole matters.

Each of the appellate providers provide intensive initial training to new staff and offer in-house trainings thereafter. However, as trial litigation become more complex, appellate staff must have increased training opportunities. The appellate providers are encouraged to consider funding for access to local, State, and national trainings in forensics, immigration, and other specialized areas; and trial practice trainings for matters such as 440 hearings and remands for *Batson* and reconstruction hearings.

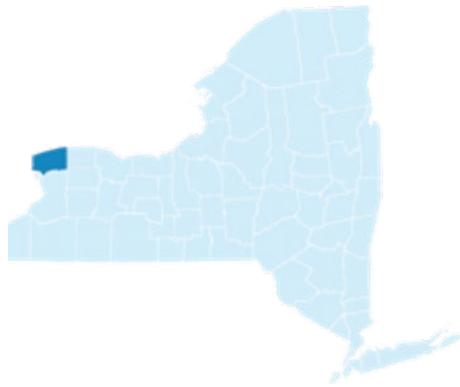
A growing concern for each appellate provider is the ability to support effective client communication, including by visiting clients at Correctional Facilities located throughout the State.<sup>38</sup> Many staff attorneys can travel to prisons to meet with clients and discuss legal issues, including for the direct appeal as well as for possible CPL Article 440 motions. Although the appellate offices appreciate the need to meet with clients, a lack of funding and time prevents such in-person meetings on a regular basis. The providers are encouraged to consider the use of future funding to enhance client communication, consistent with ILS Appellate Standards and Best Practices.

Finally, the appellate providers are encouraged to continue to maintain and/or upgrade their current CMSs and to ensure that adequate staffing and resources are available to collect and report data to meet ILS requirements.

<sup>38</sup> Insert Cite to ILS Appellate Standards encouraging client prison visits.

## NIAGARA COUNTY

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### County Overview

Niagara County, located in the Niagara Region in Western New York, has an area of 1,140 square miles and a population of 216,469. About 13.4% of the population lives below federal poverty levels, and the median household income is \$51,656. The County consists of 15 Legislative Districts, which are governed by a Board of 15 Legislators, currently chaired by Wm. Keith McNall. The Supreme, County, and Family Courts are located in Niagara Falls and Lockport; and Surrogate's Court is in Lockport. In addition, the County has three City Courts and 12 Town Courts.

### Mandated Representation Overview

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

### Year One Initiatives

ILS expects that Niagara County will need approximately \$3.4 million, in the fifth year of statewide implementation to address caseload relief, quality improvement and CAFA. Approximately \$687,000 is available for the first year of implementation.

#### ***a) Public Defender's Office***

The Public Defender's office has historically relied on part-time attorneys who also maintain private practices. Given growing caseloads, the Office is offering full-time employment to new Assistant Public Defenders. A new full-time First Assistant Public Defender position was created and charged with overseeing and evaluating staff attorneys. Further, three part-time attorneys will be converted to full-time status, and one will serve as the Second Assistant Public Defender. The Office is also adding two Court Assistants, one in Niagara Falls and another in Lockport, to assist attorneys and do on-site client intake.

#### ***b) Conflict Defender's Office***

The Conflict Defender's Office, also a part-time office, struggles with limited resources, caseload demands, and resulting retention concerns. The Office is adding a part-time Assistant Conflict Defender and ensuring parity between part-time and full-time attorneys as to health insurance

benefits. A merit increase is being given to the confidential secretary in light of her increased administrative responsibilities relating to the new hire and data collection and reporting tasks.

**c) Assigned Counsel Program**

The County has primarily focused on the Defender Offices. Addressing the needs of the ACP will require further attention. In Year One, the County gave a merit increase to the Administrator, in recognition of her increased responsibilities as the Data Officer. The remainder of the first-year funding is being used to cover CAFA stipends for Defender Office attorneys covering off-hours arraignments.

**Progress Summary**

The priorities identified in the Quality Improvement Plan for Niagara County providers are listed below, accompanied by the symbol (♦) if the County has implemented an initiative to address a priority.

<b>Public Defender’s Office</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Increase attorney staff, including appellate attorneys for litigation support.	♦				
Expand administrative staff.	♦				
Enhance salaries for full-time attorneys.	♦				
Increase training resources.					
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).					
Support technology upgrades, including a CMS.	♦				

<b>Conflict Defender’s Office</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Increase attorney staff, including appellate attorneys for litigation support.	♦				
Support resources to upgrade staff to full-time status and to recruit and retain staff.	♦				
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).					

<b>Conflict Defender's Office</b>	<i>Year 1</i>	<i>Year 2</i>	<i>Year 3</i>	<i>Year 4</i>	<i>Year 5</i>
Provide technology upgrades, including a CMS.					

<b>Assigned Counsel Program</b>	<i>Year 1</i>	<i>Year 2</i>	<i>Year 3</i>	<i>Year 4</i>	<i>Year 5</i>
Formalize and upgrade an ACP.					
Hire an Administrator, supervising attorney, and sufficient administrative staff.					
Support adequate office space and technology including a CMS and electronic voucher system.					
Support training opportunities.					
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).					
Reimburse attorneys for time and travel expenses to promote effective representation and client communication.					

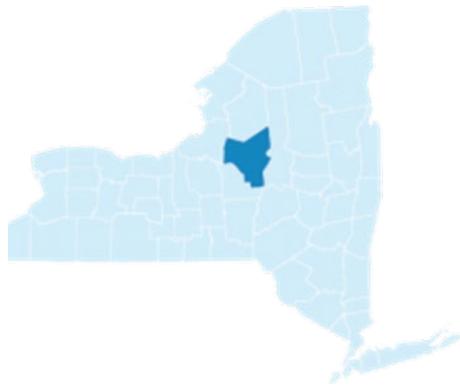
### **Next Steps**

The Public Defender's Office is expected to hire additional full-time attorneys, as well as non-attorneys, to achieve caseload relief and CAFA expansion. Given increased staff, office space may need to be expanded. Increased supervision may be also be required. Expanded training resources and increased access to non-attorney professionals are other priorities. The Office may need additional resources to provide representation at arraignments countywide. Like the Public Defender's Office, the Conflict Defender's Office should consider hiring of additional full-time staff to reduce attorney caseloads; and office space concerns may need to be addressed. The Office should provide advanced training opportunities and expanded access to non-attorney professional services.

The County will also need to determine how best to create an independent ACP, separate from the Conflict Defender's Office, in accordance with ILS ACP Standards. This can be achieved by hiring an Administrator and support staff or via a partnership with a neighboring county. The County should also expand resources for non-attorney professional services and develop procedures for accessing such resources. Other priorities include increasing training opportunities for panel attorneys and offering mentoring and/or second-chair programs.

## ONEIDA COUNTY

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### County Overview

Oneida County, located in Central New York, covers 1,257 square miles. The County has a population of 234,878, with 16.6% of residents living below federal poverty levels, and a median household income of \$51,316. The County consists of 23 Legislative Districts, which are governed by a Board of 23 Legislators, currently chaired by Gerald Fiorini. The Supreme, County, Family, and Surrogate's Courts are located in Utica and there are Supreme and Family Courts in Rome. Utica, Rome and Sherrill each have a City Court. In addition, the County hosts 35 Town and Village Courts.

### Mandated Representation Overview

Mandated representation is provided by the Public Defender's Office, led by Frank Nebush, Esq., (Criminal Division) and Raymond F. Bara, Esq. (Civil Division) and the Oneida County Supplemental ACP, administered by Michael Arcuri, Esq.

### Year One Initiatives

ILS estimates that Oneida County will need approximately \$6 million in the fifth year of statewide implementation to address caseload relief, quality improvement and CAFA. Approximately \$1.2 million is available for the first year of implementation.

#### ***a) Public Defender's Office – Criminal Division***

The Public Defender's Office intends to add up to four new full-time Assistant Public Defenders, ranging from entry-level positions to more experienced attorneys who will be available to provide supervision and oversight within the office. To accommodate the increase in attorney staff, the Office will also add three paralegals. The Chief Defender hopes to eventually have several complete litigation units within the Office, each with a team of attorneys, paralegals, and investigators. To that end, the Office will add at least two new full-time investigators with the current funding. In addition, the Office has created two new full-time positions for a Forensic Evaluation Specialist and a Senior Administrative Assistant, who will also be the Data Officer.

The Office has been providing attorneys to represent clients appearing before the Central Arraignment Part (CAP) since it began in the fall of 2017. Available funding will be used for back-up attorneys in the event additional coverage is needed due to the unavailability of the CAFA-designated attorney. While the program is reportedly operating well, the Public Defender recognizes that the sustainability of CAP representation will depend on having an adequate

number of attorneys. The Office also plans to develop a multi-use room, which will include a mock courtroom for trial skills training, including how to use technology in criminal trials. The Public Defender’s Office and the ACP are CLE providers and present a well-attended annual Criminal Defense Academy for the Central New York criminal defense bar. Thus, new training resources should benefit attorneys throughout the region.

***b) Assigned Counsel Program***

The County continues to administer the ACP through a contract with a part-time private attorney. The County is currently evaluating whether this structure is adequate. A new mentoring and second-chair program will provide training and support to the 18-B attorneys, while advancing recruitment goals. Funds have also been set aside to supplement a contract with the Oneida County Bar Association to increase the number of CLE trainings it will provide to the criminal defense bar. Panel attorneys will also be provided with increased non-attorney professional services and resources to support increased client communications.

**Progress Summary**

The priorities identified in the Quality Improvement Plan for Oneida County providers are listed below, accompanied by the symbol (♦) if the County has implemented an initiative to address a priority.

<b>Public Defender’s Office</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Increase attorney staff, including appellate attorneys for litigation support.	♦				
Provide additional support for staff supervision.	♦				
Support increased funding for training.	♦				
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).	♦				
Provide support for technology upgrades, including for a CMS.	♦				

<b>Assigned Counsel Program</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Support upgrading the ACP.	♦				
Hire an Administrator, supervising attorney, and sufficient administrative staff.	♦				

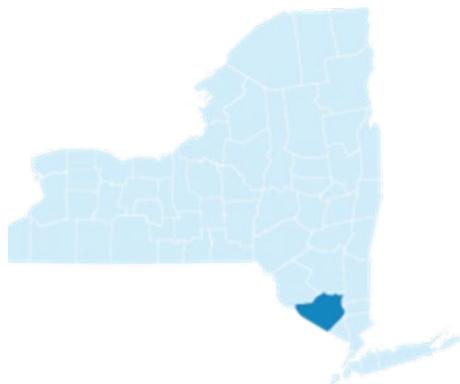
<b>Assigned Counsel Program</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Provide support for adequate office space and technology upgrades including the CMS and electronic voucher system.					
Support training opportunities.	◆				
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).	◆				
Reimburse attorneys for time and travel expenses to promote effective representation and client communication.	◆				

### **Next Steps**

The Public Defender’s Office should continue to expand staff to reduce caseloads. In addition, the Office is encouraged to develop additional training programs; provide attorneys opportunities to attend other advanced skill trainings; and increase access to non-attorney professional services. The ACP should continue to enhance its new mentorship and second-chair programs and provide panel attorneys with access to non-attorney professional services and ensure that attorneys are aware of such resources.

## ORANGE COUNTY

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### County Overview

Orange County, located in the Hudson Valley in southeastern New York, is the only county that borders both the Hudson and Delaware Rivers. The County covers 839 square miles, has a population of 372,813, with 12.2% of residents living below federal poverty levels and a median household income of \$75,146. The County consists of 21 Districts, which are governed by a Board of 21 Legislators, currently chaired by L. Stephen Brescia. The

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

### Mandated Representation Overview

Mandated representation is provided by the Legal Aid Society of Orange County, Inc. (LAS), a nonprofit headed by LAS Chief Attorney, Gary Abramson, Esq. The ACP, administered by James Monroe, Esq., receives assignments when LAS has a conflict of interest.

### Year One Initiatives

ILS expects that Orange County will need approximately \$7.9 million in the fifth year of statewide implementation to address caseload relief, quality improvement, and CAFA. Approximately \$1.5 million is available for the first year of implementation.

#### ***a) Legal Aid Society of Orange County, Inc.***

LAS intends to provide caseload relief by adding two new full-time attorneys and securing additional office space. Funding is also being applied to provide staff with greater access to forensic experts and sentencing mitigation experts and to contract with private attorneys to support LAS in complex litigation matters. In addition, funds are being used to offer merit-based salary increases for attorneys who will assume new duties in the areas of training, mentoring, and supervision.

#### ***b) Assigned Counsel Program***

The role of the part-time Administrator has been expanded, pursuant to a contract with the County. The Administrator's duties will include recruiting panel attorneys and improving Program structure. An administrative assistant will support the Administrator and coordinate trainings. Funding will also be used to provide 18-B attorneys with access to non-attorney professionals and a new second-chair program. The County also intends to contract with a Mentoring/Resource

Attorney. A Data Officer position has been created, and funding will be used for technology issues associated with ILS data reporting requirements, as well as to upgrade the e-vouchering system.

The County continues to struggle with providing representation at arraignment. Since LAS is not involved in off-hour sessions, the County must rely on panel attorneys. Through a competitive process, 18-B attorneys will be designated to provide such representation and trained to provide effective representation at arraignment.

**Progress Summary**

The priorities identified in the Quality Improvement Plan for Orange County providers are listed below, accompanied by the symbol (♦) if the County has implemented an initiative to address a priority.

<b>Legal Aid Society</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Increase attorney staff, including appellate attorneys for litigation support.	♦				
Support resources to recruit and retain experienced and qualified staff.	♦				
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).	♦				
Support expansion of office space.	♦				
Increase funding for training opportunities.					
Provide support for technology upgrades including a CMS.	♦				

<b>Assigned Counsel Program</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Support a formalized and upgraded ACP.	♦				
Hire an Administrator, supervising attorney and sufficient administrative staff.	♦				
Support adequate office space and technology including a CMS and an electronic voucher system.	♦				
Support training opportunities.	♦				

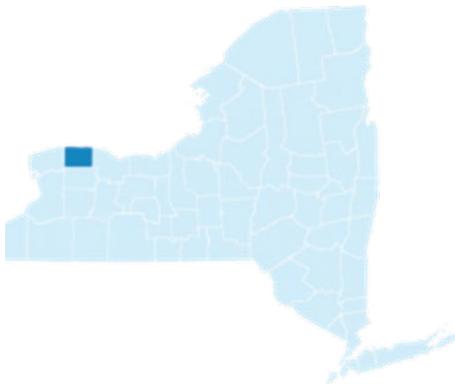
<b>Assigned Counsel Program</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).	◆				
Reimburse attorneys for time and travel expenses to promote effective representation and client communication.					

### **Next Steps**

LAS should experience limited caseload reduction with the hiring of two new full-time attorneys. To meet ILS Caseload Standards, the Office is expected to further expand staff and to lease suitable office space for the new hires. LAS is also expected to expand access to non-attorney professional services; training programs; and supervision. With respect to the ACP, it is anticipated that the County will continue to enhance resources available for panel attorneys, including training opportunities and non-attorney professional services. If necessary, the Administrator position should be expanded to full-time status. The County is also expected to expand arraignment coverage, through the combined effort of both providers. Both providers should also ensure that their respective case management systems are capable of collecting and reporting data, as required by ILS.

## ORLEANS COUNTY

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### County Overview

Orleans County, located in the Greater Niagara Region in Western New York, has an area of 817 square miles and a population of 42,883. About 15.9% of the population lives below federal poverty levels, and the median household income is \$49,223. The County consists of four Legislative Districts, which are governed by a Board of seven Legislators, currently chaired by Lynne M. Johnson. The Supreme, County, Family, and Surrogate's Courts are in Albion. In addition, the County has 10 Town Courts.

### Mandated Representation Overview

Mandated representation is provided by a Public Defender's office, led by Joanne Best, Esq., and assigned counsel named on a list administered by Jeffrey Martin, Esq.

### Year One Initiatives

ILS expects that Orleans County will need approximately \$1 million in the fifth year of statewide implementation to address caseload relief, quality improvement, and CAFA. Approximately \$214,000 is available for the first year of implementation.

#### ***a) Public Defender's Office***

The Public Defender's Office employs part-time attorneys and has no central office location. A long-term goal is to use funding to transition part-time staff to full-time. In furtherance of this goal, the Office will hire a confidential secretary to assist the Public Defender and add a part-time County Data Officer to meet the data collection and reporting needs of all of the County providers. The Office also purchased an additional CMS license and new, updated computers.

In addition, the Office has contracted with the Legal Aid Bureau of Buffalo to provide trial attorneys with appellate/litigation support. The Office has also contracted with a part-time court liaison to assist County Court clients in enrolling in appropriate programs and obtaining necessary services and benefits. The Office has also set aside first-year funding for expert resources and legal research resources. Additional funds were set aside for translation services. The Office has also created a training budget. The remaining funds are being used to expand CAFA coverage, provided by both the Public Defender's Office and the ACP.

**b) Assigned Counsel Program**

The Administrator’s role has been limited and will be expanded. The Program intends to purchase a CMS and necessary computers and hardware to track and assess data. In addition, the ACP has established a fund for expert and interpreter services and will also begin reimbursing attorneys for travel costs to meet with clients, witnesses, and investigators. Funding has also been allocated for criminal defense trainings for panel attorneys.

**Progress Summary**

The priorities identified in the Quality Improvement Plan for Orleans County providers are listed below, accompanied by the symbol (♦) if the County has implemented an initiative to address a priority.

<b>Public Defender’s Office</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Support increased attorney staff, including appellate attorneys for litigation support.	♦				
Support increased administrative staff.	♦				
Fund expansion of training opportunities.	♦				
Fund legal research resources, including electronic legal research tools.	♦				
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).	♦				
Provide technology upgrades, including a CMS.	♦				

<b>Assigned Counsel Program</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Support a formalized and upgraded ACP.	♦				
Hire an Administrator, supervising attorney and sufficient administrative support.	♦				
Fund adequate office space and technology including a CMS and an electronic voucher system.	♦				
Support training opportunities.	♦				

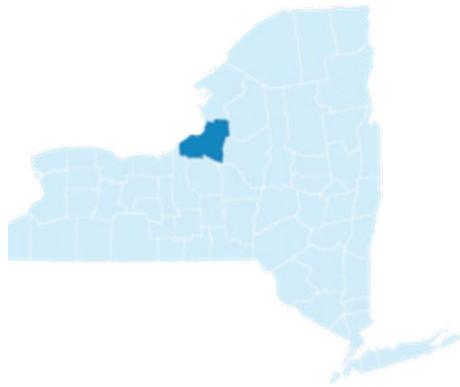
<b>Assigned Counsel Program</b>	<b><i>Year 1</i></b>	<b><i>Year 2</i></b>	<b><i>Year 3</i></b>	<b><i>Year 4</i></b>	<b><i>Year 5</i></b>
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).	◆				
Reimburse attorneys for time and travel expenses to promote effective representation and client communication.	◆				

### **Next Steps**

The Public Defender’s Office will continue the initiatives begun this year. The County should consider upgrading the part-time Chief Defender position to full-time status and adding additional full-time positions through new hires and/or the conversion of existing part-time staff positions. The ACP should continue to develop the initiatives to enhance client communication and broaden access to non-attorney professional services and may wish to explore regional opportunities with a neighboring county or counties.

## OSWEGO COUNTY

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### County Overview

Oswego County is located in northwestern New York in the Thousand Islands Seaway Region. The County has an area of 1,312 square miles and a population of 122,109, with 18.3% of residents living below federal poverty levels. The median household income is \$51,755. The County consists of 25 Legislative Districts, which are governed by a Board of 25 Legislators, currently chaired by James Weatherup. The Supreme, County, Family, and Surrogate's Courts are in Oswego. In addition, the County has two City Courts in Oswego and Fulton, as well as 23 Town and Village Courts.

### Mandated Representation Overview

Mandated representation is provided exclusively by an ACP administered by Sara Davis, Esq.

### Year One Initiatives

ILS expects that Oswego County will need approximately \$3.1 million in the fifth year of statewide implementation to address caseload relief, quality improvement, and CAFA. Approximately \$628,000 is available for the first year of implementation.

#### ***a) Assigned Counsel Program***

The County has significantly enhanced the supervision and support structure of the Program. The Administrator has increased hours and responsibilities and is receiving a commensurate increase in salary. The Program will add a full-time account clerk to assist an existing clerk, as well as a part-time Assistant Attorney, who will act as a liaison between the Program and the courts, coordinate trainings, and monitor the quality of the representation being provided. In addition, a part-time Social Worker (MSW) has been added to provide sentencing advocacy and other services to panel attorneys. Funds are also being used for office expansion, including limited renovation costs and the purchase of office equipment.

The Program has also set aside funding to contract with Hiscock Legal Aid for consultation on appellate issues, including access to sample briefs and assistance with research and writing of pre-and post-trial motions. Funding will also be used to compensate experienced attorneys who will mentor less experienced colleagues. The Program has also contracted with an attorney to provide continued specialized representation in the new Opiate Court. The ACP has established dedicated budgets for expert services, investigative services, and training/CLE opportunities. The

Program will also begin reimbursing panel attorneys for travel time and mileage costs to promote better client communication.

### Progress Summary

The priorities identified in the Quality Improvement Plan for Oswego County providers are listed below, accompanied by the symbol (♦) if the County has implemented an initiative to address a priority.

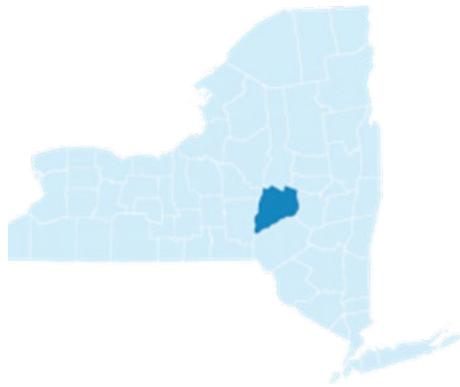
<b>Assigned Counsel Program</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Support a formalized and upgraded ACP.	♦				
Hire an Administrator, supervising attorney, and sufficient administrative support.	♦				
Fund adequate office space and technology, including a CMS and an electronic voucher system.	♦				
Provide support for training opportunities.	♦				
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).	♦				
Reimburse attorneys for time and travel expenses to promote effective representation and client communication.	♦				

### Next Steps

The ACP will continue the initiatives begun in the first year to upgrade the Program, including expanding CAFA coverage, enhancing training resources, and sufficiently funding access to non-attorney professionals. To achieve the most effective and efficient delivery of mandated representation, the County may wish to explore the possibility of establishing an institutional provider office.

## OTSEGO COUNTY

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### County Overview

Otsego County in central New York, covers 1,015 square miles, has 62,259 residents with a median household income of \$51,254, 16.1% of whom live below federal poverty levels. The County consists of 14 Legislative Districts, which are governed by a Board of 14 Legislators, currently chaired by David Bliss. The Supreme, County, Family, and Surrogate's Courts are in Cooperstown. A City Court is found in Oneonta, and the County also has 25 Town and Village Courts.

### Mandated Representation Overview

Mandated representation is provided by the Public Defender's office, led by Michael Trosset, Esq. There is no ACP. When conflicts arise, judges assign individual 18-B attorneys.

### Year One Initiatives

ILS expects that Otsego will need approximately \$840,000 in the fifth year of statewide implementation to address caseload relief, quality improvement, and CAFA. Approximately \$168,000 is available for the first year of implementation.

#### ***a) Public Defender's Office***

The Public Defender's Office, which has historically been a part-time office, has prioritized caseload relief in this first year of implementation and has created two new positions, for a full-time Chief Assistant Public Defender and a part-time Assistant Public Defender. Both attorneys will also provide CAFA representation.

#### ***b) Assigned Counsel Program***

With limited funding in Year One, the County has prioritized addressing caseload relief and initiating CAFA representation through staffing of the Public Defender's Office. When additional funding is available, the County will invest in developing a structured ACP, which may entail appointing an Administrator or partnering with a neighboring county.

## Progress Summary

The priorities identified in the Quality Improvement Plan for Otsego County providers are listed below, accompanied by the symbol (♦) if the County has implemented an initiative to address a priority.

<b>Public Defender's Office</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Increase attorney staff, including appellate attorneys for litigation support.	♦				
Expand administrative support.					
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).					
Enhance funding for training.					
Expand office space and support technology upgrades including a CMS.					

<b>Assigned Counsel Program</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Support a formalized and upgraded ACP.					
Hire an Administrator, supervising attorney and sufficient administrative staff.					
Support adequate office space and technology including a CMS and an electronic voucher system.					
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).					
Reimburse attorneys for time and travel expenses to promote effective representation and client communication.					

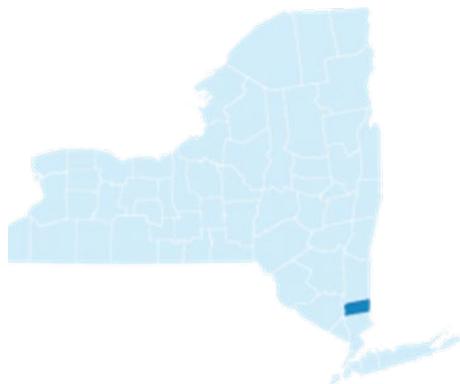
## Next Steps

The Public Defender's Office will continue to move toward becoming a full-time office. To that end, it is expected that funding will be used to provide more space and technology. Hiring additional full-time attorneys and non-attorneys will help achieve caseload relief and expanded

CAFA coverage. It is also expected that the Office will increase training opportunities and enhance funding for professional services. The Office is also considering establishing a satellite office in Oneonta to support Office growth, CAFA representation and client communication. The County is expected to begin developing a formal ACP, in accordance with the ILS ACP Standards. This can be done through the hiring of an Administrator and support staff or through a partnership with a neighboring county. The County will also need to establish resources for non-attorney professional services and to implement a CMS to meet ILS data reporting requirements.

## PUTNAM COUNTY

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### County Overview

Putnam County, located in the Hudson Valley, covers 246 square miles and has a population of 99,710. Only 4.8% of residents live below federal poverty levels, and the median household income is high, at \$99,608. The County consists of nine Legislative Districts, which are governed by a Board of Legislators, currently chaired by Joseph Castellano. The Supreme, County, Family, and Surrogate's Courts are located in Carmel. In addition, the County has nine Town and Village Courts.

### Mandated Representation Overview

Mandated representation continues to be provided by the Putnam County Legal Aid Society (LAS), led by Chief Attorney, David Squirrell, Esq. There is no ACP. Instead, in cases of conflicts, local judges assign 18-B attorneys.

### Year One Initiatives

ILS expects that Putnam County will need approximately \$950,000 in the fifth year of statewide implementation to address caseload relief quality improvement. and CAFA. Approximately \$190,000 is available for the first year of implementation.

#### *a) Legal Aid Society*

LAS was previously unable to hire additional staff, due to limited office space, which also hampered confidential client communications. LAS used funding to move to a larger space located near the busiest court, which provides nine individual offices and improved accommodations for intake, interviews, and meetings. This new space will enable the Office to expand its administrative capacity. To advance caseload relief and improve supervision, LAS has upgraded certain positions. An experienced part-time attorney has become the full-time Felony Supervisor/Trial Attorney. Another part-time attorney has been elevated to full-time status, to take on additional cases and assist in CAFA representation.

Administrative staffing also increased, with the addition of a bilingual part-time administrative assistant, who can communicate with clients and support staff attorneys when they are unable to access a translator during off-hour arraignments.<sup>39</sup> The Office has also elevated another

<sup>39</sup> The Chief Attorney has assured ILS that a professional translator will be used when discussing case-related matters with a client to ensure effective and accurate client communication.

administrative staff position to handle Data Officer responsibilities. With the remaining funding, LAS hired a part-time to assist with CAFA and trial preparation.

***b) Assigned Counsel Program***

Given the urgent needs of LAS for caseload reduction and limited Year One funding, the County prioritized the needs of LAS, while setting aside some funding for 18-B attorneys to use non-attorney professional services. When additional funding is available, the County will be called upon to consider creating a more structured ACP.

**Progress Summary**

The priorities identified in the Quality Improvement Plan for Putnam County providers are listed below, accompanied by the symbol (♦) if the County has implemented an initiative to address a priority.

<b>Legal Aid Society</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Increase attorney staff, including appellate attorneys for litigation support.	♦				
Expand administrative staff.	♦				
Increase attorney and administrative personnel salaries to achieve parity with the District Attorney Office.					
Expand office space to permit conversion to full-time staff.	♦				
Increase resources for training and legal research.					
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).	♦				
Support technology upgrades including a CMS.					

<b>Assigned Counsel Program</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Support a formalized and upgraded ACP.					
Hire an Administrator, supervising attorney, and sufficient administrative support.					

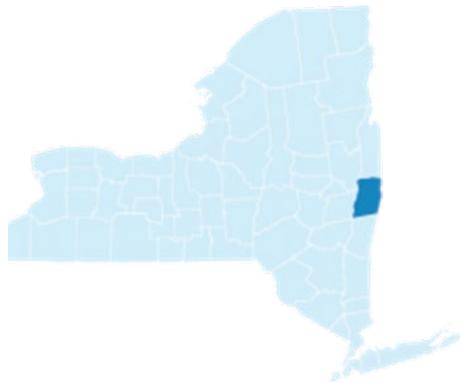
<b>Assigned Counsel Program</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Provide for adequate office space and technology, including a CMS and an electronic voucher system.					
Fund training opportunities.					
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).	◆				
Reimburse attorneys for time and travel expenses to promote effective representation and client communication.					

**Next Steps**

For the upcoming year, it is anticipated that LAS will prioritize the hiring of needed attorneys and non-attorney staff to support caseload reduction, now that adequate office space is available. This provider should also consider increasing training opportunities and access to non-attorney professionals services. It also expected that the County will develop a structured ACP with an Administrator and support staff. The Program should provide training opportunities; mentoring and/or second-chair programs; and greater access to non-attorney professional services. Alternatively, the County may consider partnering with a neighboring county to develop an ACP. Accurate and more reliable data is needed, and the County is thus encouraged to invest in a CMS.

## RENSELAER COUNTY

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### County Overview

Rensselaer County, located in the Capital Region, covers 665 square miles and has a population of 159,429, with 12.6% of residents living below federal poverty levels. The median household income is \$63,166. The County consists of 19 Legislative Districts, which are governed by a Board of 19 Legislators, currently chaired by Michael Stammel. The Supreme, County, Family, and Surrogate's Courts are located in the City of Troy. In addition, the County has City Courts in Rensselaer and Troy, as well as 16 Town and Village Courts.

### Mandated Representation Overview

Mandated representation is provided by three programs. The Public Defender's office, overseen by John Turi, Esq., is the primary provider. Where a conflict exists, the case is assigned to the Conflict Defender's office, led by Sandra McCarthy, Esq. Any additional conflicts are assigned to 18-B attorneys. There is no formal ACP, **but the County is in the process of developing a structured ACP program.** Appeals are assigned to contract attorneys.

### Year One Initiatives

ILS expects that Rensselaer County will need approximately \$2.46 million in the fifth year of statewide implementation to address caseload relief, quality improvement, and CAFA. Approximately \$493,000 is available for the first year of implementation.

#### ***a) Public Defender's Office***

The Public Defender's Office oversees a high volume of cases, some of which are handled by experienced, part-time criminal defense attorneys. The Office, which contends that part-time employment is the most effective way to retain skilled counsel, also lacks suitable space for a full-time staff. For caseload relief and arraignment coverage, the Office has created a new administrative position to handle data, grants, and other administrative duties. Merit increases have been provided to staff attorneys who have taken on additional supervisory and training responsibilities, as well as attorneys who provide specialized expertise. The Office has also allocated funds to increase training opportunities, has increased legal research resources, and has provided CMS licenses for all staff and remote access. The Office will expand budgets for non-attorney professional services and for transcripts.

***b) Conflict Defender's Office***

The Conflict Defender's Office has prioritized the hiring of a full-time paralegal to relieve the attorneys and the Conflict Defender of responsibility for data management and grants administration. The Office is also providing greater access to legal research resources and expanding its CMS to allow for remote access and additional licensing. Finally, funding is being utilized to expand CAFA coverage.

***c) Assigned Counsel Program***

Until recently, the ACP has been managed by the County Attorney's Office and has consisted of largely of voucher processing. No resources have been provided to panel attorneys, unless requested and approved by the court on a case-by-case basis. The County has taken the initial steps in the process of creating a formal, independent program. A part-time Administrator has been hired to develop this new Program, in accordance with ILS ACP Standards and to serve as the Data Officer for all providers. Finally, the County has prioritized implementing a CMS, which will be essential to fulfilling ILS data reporting requirements.

**Progress Summary**

The priorities identified in the Quality Improvement Plan for Rensselaer County providers are listed below, accompanied by the symbol (♦) if the County has implemented an initiative to address a priority.

<b>Public Defender's Office</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Increase attorney staff, including appellate attorneys for litigation support.	♦				
Expand administrative staff.	♦				
Increase attorney salaries to promote recruitment and retention as well as achieve parity with Assistant District Attorneys.	♦				
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).	♦				
Provide support for legal research, including electronic legal research resources.	♦				
Increase funding for training.	♦				
Provide support to expand office space.					

<b>Public Defender's Office</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Provide support to update office technology, including a CMS.	◆				

<b>Conflict Defender's Office</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Increase attorney staff, including appellate attorneys for litigation support.					
Expand administrative staff.	◆				
Increase attorney salaries to promote recruitment and retention, as well as achieve parity with Assistant District Attorneys.	◆				
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).					
Provide support for legal research, including electronic legal research resources.	◆				
Increase funding for training.					
Provide support to expand office space.					
Provide support to update office technology, including a CMS.	◆				

<b>Assigned Counsel Program</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Support formalizing and upgrading an ACP.	◆				
Hire an Administrator, supervising attorney and sufficient administrative support.	◆				
Provide support for adequate office space and technology, including a CMS and an electronic voucher system.	◆				
Provide support for training opportunities.					
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).					

Assigned Counsel Program	<i>Year 1</i>	<i>Year 2</i>	<i>Year 3</i>	<i>Year 4</i>	<i>Year 5</i>
Provide funding to increase the frequency and comprehensiveness of client communication.					

**Next Steps**

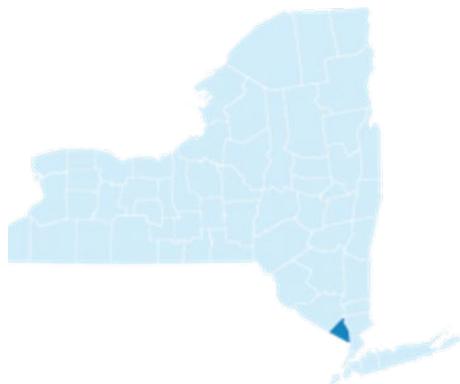
The Public Defender’s Office is encouraged to invest in the recruitment and expansion of full-time attorney and non-attorney staffing to ensure a sustainable model of representation. Expansion of staff will require more office space. In addition, the Office is exploring options in the use of technology to enhance investigation resources and effectively litigate complex felony cases. Additional resources, such as on-staff social workers and other non-professional services, should also be considered.

With the addition of administrative support, the Conflict Defender attorneys should experience relief from administrative responsibilities. The Office should continue to monitor this situation and consider hiring additional attorney and non-attorney staff. Increased training opportunities and enhanced non-attorney professional resources should also be considered.

The County will likely need to assess whether a part-time Administrator is sufficient and whether support staff are needed. The Administrator should assess the needs of 18-B attorneys and how to best meet them, such as developing training, mentoring and/or second-chair programs and expedited access to non-attorney professional services. Further, creative initiatives should be developed to recruit more attorneys to the panel.

## ROCKLAND COUNTY

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### County Overview

Rockland County is located in the Hudson Valley, just north of the New Jersey-New York border. While only 199 square miles, the County has a population of 311,687. Some 14.2% of residents live below federal poverty levels. The median household income is \$88,571. The County consists of 17 Legislative Districts, which are governed by a Board of 17 Legislators, currently chaired by Toney Earl. The Supreme, County, Family, and Surrogate's Courts are found in New City. In addition, the County has 22 Town and Village Courts.

### Mandated Representation Overview

Mandated representation is provided by the Public Defender's Office led by James Licata, Esq. and an ACP, operated by the local bar association pursuant to a contract with the County and led by uncompensated Administrator Keith Braunfotel.

### Year One Initiatives

ILS expects that Rockland County will need approximately \$4.2 million in the fifth year of statewide implementation to address caseload relief, quality improvement, and CAFA. Approximately \$841,000 is available for the first year of implementation.

#### ***a) Public Defender's Office***

The Public Defender's Office has sought to prioritize caseload relief by proposing to upgrade several current staff positions and to hire additional staff attorneys. The Office, consisting of both full-time and part-time attorneys, converted four part-time positions to full-time status. Two additional part-time attorneys were promoted to senior supervisory status. A full-time attorney was hired to handle more felony matters, Raise the Age cases and some justice courts while a part-time attorney was hired to expand CAFA representation. Additionally, funds have been set aside to provide additional counsel to assist in CAFA representation when staff attorneys are unavailable. The Office is also increasing its appellate representation capabilities by contracting with an experienced appellate attorney to assist with additional cases. The Office will hire a second full-time social worker to assist clients with collateral matters.

The Office has allocated funding for expert and other non-attorney professional services and is expanding criminal defense training opportunities and legal research resources. Office data needs are being met by increased access to an upgraded CMS. Licenses will be made available

to ensure that all staff can utilize the CMS to its greatest advantage. The Office has also promoted an existing position to serve as the Data Officer.

***b) Assigned Counsel Program***

The ACP’s Administrator intends to hire a part-time Quality Enhancement Attorney. This experienced criminal defense attorney will assist panel attorneys and implement a mentoring program. The Administrator has also set aside a limited budget for expansion of office space at the local bar association, where the Quality Enhancement Attorney will be able to meet with 18-B counsel. The Program will use funds for non-attorney professional services and is developing a pilot second-chair and mentoring program. In addition, funding is being used to expand CAFA representation and to better track arraignments and transfer cases to the Public Defender’s Office following arraignment. Finally, the ACP has purchased a CMS to meet ILS data reporting requirements. The CMS will also be used to evaluate the effectiveness of 18-B panel representation, the value of resources, and additional Program needs.

**Progress Summary**

The priorities identified in the Quality Improvement Plan for Rockland County providers are listed below, accompanied by the symbol (♦) if the County has implemented an initiative to address a priority.

<b>Public Defender’s Office</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Increase attorney staff, including appellate attorneys for litigation support.	♦				
Support for additional administrative staff.					
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).	♦				
Fund training resources.	♦				
Fund technology upgrades, including a CMS.	♦				

<b>Assigned Counsel Program</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Support a formalized and upgraded ACP.					
Support the hiring of an Administrator, supervising attorney and administrative staff.	♦				

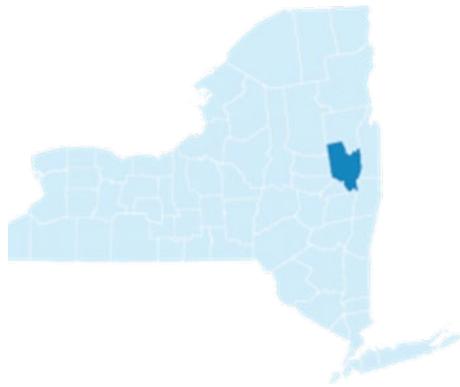
<b>Assigned Counsel Program</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Support adequate office space.	◆				
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).	◆				
Fund training opportunities.	◆				
Fund mentoring and second-chair programs.	◆				
Support funding for technology, including a CMS and an electronic voucher system.	◆				
Reimburse attorneys for time and travel expenses to promote effective representation and client communication.					

**Next Steps**

The Public Defender’s Office is expected to continue evaluating and, where necessary, enhance its current initiatives, including hiring more full-time attorneys and non-attorney staff and supplementing training and non-attorney professional services. While the County has invested in certain office renovations, the need for additional funding for office expansion is anticipated, given the prospect of new hires. ILS expects that the ACP will also continue to develop its current planned initiatives, by enhancing training and mentoring opportunities and increasing access to non-attorney professional services. The Program will also be expected to assess whether the Administrator and/or Quality Enhancement Attorney positions should be expanded to full-time positions.

## SARATOGA COUNTY

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### County Overview

Saratoga County, located in the Capital Region, encompasses 822 square miles; has a population of 219,607, with 6.6% of residents living below federal poverty levels; and a median household income of \$77,548. The County consists of 23 Legislative Districts, which are governed by a Board of 23 Supervisors, currently chaired by Clerk Pamela Wright. The Supreme, County, Family, and Surrogate's Courts are located in Ballston Spa. There are City Courts in Mechanicville and Saratoga Springs, as well as 21 Town and Village Courts.

### Mandated Representation Overview

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

### Year One Initiatives

ILS estimates that Saratoga County will need approximately \$2.37 million in the fifth year of statewide implementation to address caseload relief, quality improvement, and CAFA. Approximately \$474,000 is available for the first-year of implementation.

#### ***a) Public Defender's Office***

With the first-year budget, the Public Defender's office began to address two of the six priorities outlined in the Quality Improvement Plan. To address the most pressing need—caseload relief—the Office hired two new full-time Assistant Public Defenders. These attorneys will each carry full caseloads and will help expand CAFA coverage. The Office has also increased its administrative support and has added a new, full-time legal assistant.

#### ***b) Conflict Defender's Office***

With the first-year budget, the Conflict Defender's Office began to address one of the seven priorities outlined in the Quality Improvement Plan. The Office has only part-time staff to handle high caseloads. Thus, increasing administrative support is imperative. With its limited Year One budget, the Conflict Defender is adding a full-time legal assistant.

***c) Assigned Counsel Program***

Historically, the ACP had no formal structure or support for 18-B counsel. The County is using funding to formalize the ACP. The County expects to provide office space for the Program and to hire an experienced attorney to serve as a part-time Administrator. The position will likely be upgraded to full-time status in Year Two. The Administrator will also be the Data Officer and will seek to ensure that the County meets ILS data reporting needs, while also satisfying County needs for internal assessments. The County has set aside a significant portion of the first-year funds for non-attorney professional resources so that panel attorneys can quickly have access to investigators, experts, social workers, etc. without having to make a motion in court. With the remaining first-year funds, the County will be providing stipends to ACP attorneys to expand CAFA coverage, as the County continues to make meaningful progress toward providing in-person counsel at every arraignment.

**Progress Summary**

The priorities identified in the Quality Improvement Plan for Saratoga County providers are listed below, accompanied by the symbol (♦) if the County has implemented an initiative to address a priority.

<b>Public Defender’s Office</b>	<b><i>Year 1</i></b>	<b><i>Year 2</i></b>	<b><i>Year 3</i></b>	<b><i>Year 4</i></b>	<b><i>Year 5</i></b>
Increase attorney staff, including appellate attorneys for litigation support.	♦				
Expand administrative staff.	♦				
Increase funding for training.					
Fund legal research, including electronic legal research resources.					
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).					
Support upgrades of office technology, including a CMS.					

<b>Conflict Defender’s Office</b>	<b><i>Year 1</i></b>	<b><i>Year 2</i></b>	<b><i>Year 3</i></b>	<b><i>Year 4</i></b>	<b><i>Year 5</i></b>
Increase attorney staff, including appellate attorneys for litigation support.					

<b>Conflict Defender's Office</b>	<i>Year 1</i>	<i>Year 2</i>	<i>Year 3</i>	<i>Year 4</i>	<i>Year 5</i>
Expand administrative staff.	◆				
Increase funding for training opportunities.					
Fund legal research, including electronic legal research resources.					
Provide reimbursement for time and travel expenses to promote effective representation and client communication.					
Support office technology, including a CMS.					
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).					

<b>Assigned Counsel Program</b>	<i>Year 1</i>	<i>Year 2</i>	<i>Year 3</i>	<i>Year 4</i>	<i>Year 5</i>
Support a formalized and upgraded ACP.	◆				
Hire an Administrator, supervising attorney, and sufficient administrative staff.	◆				
Support adequate office space.	◆				
Support office technology, including a CMS and an electronic voucher system.					
Support training opportunities.					
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).	◆				
Reimburse attorneys for time and travel expenses to promote effective representation and client communication.					

### **Next Steps**

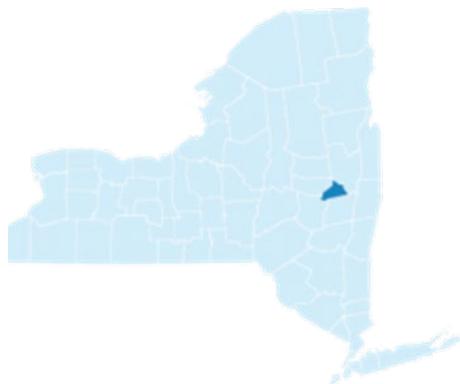
It is anticipated that the Public Defender's Office will continue to prioritize hiring attorney and non-attorney staff to reduce caseloads. With increased funds, ILS expects that the Office will also enhance its use of non-attorney professionals.

The County and the Conflict Defender will likely assess whether the Office needs to be expanded to a full-time Office, given the ever-increasing workload. The Office will also need to begin addressing access to non-attorney professional services, training opportunities, and case management needs.

Finally, the ACP is expected to continue to develop and formalize its structure, in accordance with ILS ACP Standards. Specifically, the County will need to assess whether the Administrator should be converted to a full-time position to support a sustainable program. The Program will need to implement a CMS and ensure that it has adequate administrative staff. ILS expects that the funding for non-attorney professional services will continue and that the Program will begin to develop training initiatives, including second-chair and mentoring programs.

## SCHENECTADY COUNTY

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### County Overview

Schenectady County, located in east central New York, has an area of 210 square miles and a population of 154,727. About 12.4% of the population lives below federal poverty levels, and the median household income is \$61,315. The County consists of four Legislative Districts, which are governed by a Board of 15 Legislators, currently chaired by Anthony Jasenski, Jr. The Supreme, County, Family, and Surrogate's Courts are in the City of Schenectady. In addition, the County has Schenectady City Court and six Town and Village Courts.

### Mandated Representation Overview

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

### Year One Initiatives

ILS estimates that Schenectady County will need approximately \$3.42 million in the fifth year of statewide implementation to address caseload relief, quality improvement, and CAFA. Approximately \$684,000 is available for the first-year of implementation.

#### ***a) Public Defender's Office***

With the first-year budget, the Public Defender's Office began to address four of the five priorities outlined in the Quality Improvement Plan. First, the Office allocated funding to hire two full-time attorneys. One of these additions, the Deputy Chief Public Defender position, supports caseload reduction, while providing additional supervision in the office. The other position, a Senior Assistant Public Defender, will provide caseload relief and assist with CAFA expansion. The Office is also hiring a full-time administrative assistant and promoting another administrative assistant to full-time. To support the new attorneys, the Office has allocated modest budgets for training and for the expansion of non-attorney professional services. With the remaining funds, the Office has invested in updated technology for the new hires, and technology upgrades needed for the Office as a whole.

***b) Conflict Defender’s Office***

With the first-year budget, the Conflict Defender’s office began to address five of the six priorities outlined in the Quality Improvement Plan. The Office added an experienced attorney to become its Chief Deputy Conflict Defender, to provide caseload relief, supervision and increased coverage in providing an attorney for representation at arraignment. The Office also added a full-time administrative assistant to provide clerical support to the attorneys. The Conflict Defender’s Office allocated modest budgets for training and for access to non-attorney professionals and has also allocated funding for the additional technology needed for new staff, and for upgrades needed for the Office as a whole.

***c) Assigned Counsel Program***

With the first-year budget, the County began to address all of the five priorities outlined in the Quality Improvement Plan. Previously, the ACP was operated out of the County Attorney’s office on a part-time basis. In anticipation of the ILS ACP Standards, the County began to formalize and upgrade the ACP, budgeting first-year funds to hire a part-time attorney Administrator and a part-time administrative assistant. In this first-year of implementation, the County will use funding to support training opportunities for 18-B attorneys, develop a pilot mentoring program, and provide access to non-attorney professional services.

Finally, the County has created a full-time Data Officer position to ensure that all providers are accurately collecting and reporting data, as required by ILS. The Data Officer, who will be housed in the Budget and Management Unit of the Finance Department, is expected to work with all three providers and serve as a liaison with ILS regarding any data issues.

**Progress Summary**

The priorities identified in the Quality Improvement Plan for Schenectady County’s providers are listed below, accompanied by the symbol (♦) if the County has implemented an initiative to address a priority.

<b>Public Defender’s Office</b>	<b><i>Year 1</i></b>	<b><i>Year 2</i></b>	<b><i>Year 3</i></b>	<b><i>Year 4</i></b>	<b><i>Year 5</i></b>
Increase attorney staff, including appellate attorneys for litigation support.	♦				
Increase attorney salaries to promote retention and achieve parity with the District Attorney’s office and support additional administrative staff.					
Increase the training budget.	♦				

<b>Public Defender's Office</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).	◆				
Support improvement of office technology, including providing additional printers and upgrading the CMS.	◆				

<b>Conflict Defender's Office</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Increase attorney staff, including appellate attorneys for litigation support.	◆				
Increase attorney salaries to promote retention and achieve parity with the District Attorney's office.					
Support additional administrative staff.	◆				
Increase the budget for training and legal research resources.	◆				
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).	◆				
Support adequate office space and technology, including the CMS.	◆				

<b>Assigned Counsel Program</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Support a formalized and upgraded ACP.	◆				
Hire an Administrator, supervising attorney, and sufficient administrative staff.	◆				
Support adequate office space and technology, including a CMS and electronic voucher system.	◆				
Support training opportunities.	◆				
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).	◆				

## **Next Steps**

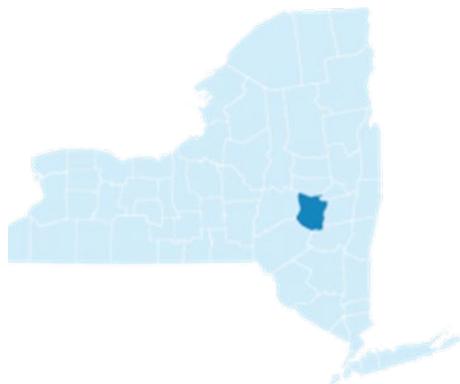
It is anticipated that the Public Defender's Office will continue the initiatives started in Year One with the hiring of new staff. The Office is expected to continue hiring staff to achieve caseload relief, but also will need to focus on expanding CAFA coverage. As more funding becomes available, the Office should continue to increase its training and non-attorney professional services budgets.

The Conflict Defender's office is also expected to hire additional attorneys and support staff to address increased caseloads. The Office should carefully assess its staffing needs to provide representation for the increasing number of assignments out of a particular justice court for which the Conflict Defender's Office is the primary provider. As more funding becomes available, the Office should continue to increase its training and non-attorney professional services budgets.

The ACP is expected to focus on expansion of the 18-B panel and to consider implementation of various recommendations proposed in the ILS ACP Standards. The Program is likely to provide additional support for training, mentoring, second-chair programs, and non-attorney professional services. Finally, the ACP is expected to invest in the technology necessary to comply with ILS data reporting requirements.

## SCHOHARIE COUNTY

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### County Overview

Schoharie County, located in Central New York, lies partly within the Catskill Mountains. The County has an area of 626 square miles and a population of 32,749. About 13.9% of the population lives below federal poverty levels, and the median household income is \$51,842. The County consists of 16 Legislative Districts, which are governed by a Board of 16 Supervisors, currently chaired by Earl VanWormer III. The Supreme, County, Family, and Surrogate's Courts are in the Town of Schoharie. In addition, the County has 17 Town and Village Courts.

### Mandated Representation Overview

Mandated representation is provided exclusively by the Schoharie County Office of Legal Defense of Indigents, an ACP. The Administrator is Suzanne Graulich, Esq.

### Year One Initiatives

ILS estimates that Schoharie County will need approximately \$835,000 in the fifth year of statewide implementation to address caseload relief, quality improvement, and CAFA. Approximately \$167,000 is available for the first-year of implementation.

#### ***a) Schoharie County Office of Legal Defense of Indigents***

Schoharie County has begun to address five of the six priorities identified in the Quality Improvement Plan. The County upgraded its Administrator to a full-time position and created an administrative assistant position. The County is also using first-year funding to purchase furniture, equipment, and technology for its new office space.

In the first-year of implementation, the County has prioritized implementing CAFA and has set aside significant funding to support a pilot program out of its busiest local court. The County will provide stipends to attorneys voluntarily providing arraignment coverage for this pilot. The County has also set aside funding to give panel attorneys direct access to expert witnesses and other non-attorney professional services, without the need for a court order. Funding will also be used to reimburse attorneys for costs associated with visiting and communicating with clients—an important element of representation not previously covered by the County.

The County is also supporting the Program’s goals of providing additional resources to panel attorneys by using first-year funding to cover training, professional association membership costs, and legal research resources.

**Progress Summary**

The priorities identified in the Quality Improvement Plan for Schoharie County providers are listed below, accompanied by the symbol (♦) if the County has implemented an initiative to address a priority.

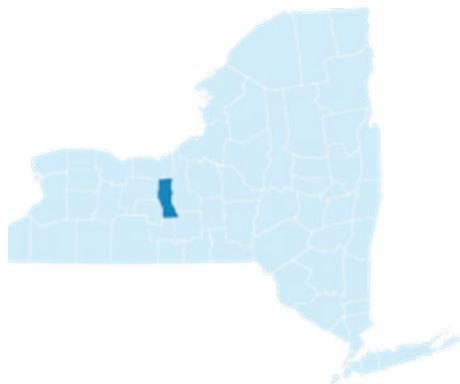
<b>Assigned Counsel Program</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Support a formalized and upgraded ACP.	♦				
Provide support for an Administrator, supervising attorney, and sufficient administrative staff.	♦				
Support adequate office space and improve office technology, including a CMS and/or an electronic voucher system.					
Fund training opportunities.	♦				
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).	♦				
Support funding to increase the frequency and comprehensiveness of client communication.	♦				

**Next Steps**

For the upcoming year, it is anticipated that the ACP will continue to expand its support for 18-B representation following expansion of the Administrator to full-time employment. Future expected initiatives include increasing training opportunities for panel members, as well as providing greater access to professional services. It is also expected that the Program will select and implement a case management/electronic vouchering system to meet ILS data reporting requirements.

## SENECA COUNTY

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### County Overview

Seneca County, located in the Finger Lakes-Wine Country Region, has a population of 35,251 and encompasses 391 square miles. About 11.8% of Seneca County residents are living below federal poverty levels, and the median household income is \$51,601. The largest town, Seneca Falls, has a population of only about 6,681. The County consists of 10 Legislative Districts, which are governed by a Board of 14 Supervisors, currently chaired by Robert Shipley. The Supreme, County, Family, and Surrogate's Courts are located in Waterloo. In addition, the County has 11 Town and Village Courts.

### Mandated Representation Overview

Mandated representation is provided by the Public Defender's Office, headed by Michael Mirras, Esq. Conflict cases are handled by 18-B attorneys named on a list maintained by the Public Defender.

### Year One Initiatives

ILS estimates that Seneca County will need approximately \$1.5 million in the fifth year of statewide implementation to address caseload relief, quality improvement, and CAFA. Approximately \$318,000 is available for the first-year of implementation.

#### ***a) Public Defender's Office***

In this first-year of implementation, the County has begun to address four of the eight priorities identified in the Quality Improvement Plan. The Office has historically relied on part-time attorneys, who had to balance their private cases with their assigned cases. In the fall of 2018, the County converted two part-time Assistant Public Defender positions to full-time status. Another significant upgrade is the creation of a part-time investigator position, to be shared between the providers. The County has also created a part-time Data Officer position.<sup>40</sup> First-year funding will also be used to upgrade the CMS, including the creation of separate databases for Public Defender and assigned counsel cases.

<sup>40</sup>The County is creating a new full-time position with the expectation that this individual's duties will be split equally between County Data Officer responsibilities and other county obligations, such as grants administration. This position will therefore be paid for with both County and statewide implementation funding.

In late 2018, the County implemented a centralized arraignment part (CAP), which is staffed by the part-time Assistant Public Defenders and assigned counsel panel attorneys and managed by the Public Defender. The County is using first-year funding to cover the stipends for coverage at the twice-daily arraignment sessions, as well as mileage to the county jail, where the CAP is held. Prior to the establishment of the CAP, arraignment coverage was inconsistent and dependent on the availability of attorneys in relation to the location of the arraignment.

***b) Assigned Counsel Program***

Historically, the assigned counsel list has been managed by the Public Defender. The County is exploring options as to how to provide an independent, structured program. In the interim, the County has allocated funding to provide resources solely for assigned counsel use, including for expert witnesses and other professional services and for training opportunities for the panel attorneys. In anticipation of the future separation of the ACP from the Public Defender’s Office, the CMS upgrades include separate databases for each provider.

**Progress Summary**

The priorities identified in the Quality Improvement Plan for Seneca County providers are listed below, accompanied by the symbol (♦) if the County has implemented an initiative to address a priority.

<b>Public Defender’s Office</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Increase attorney staff, including appellate attorneys for litigation support.	♦				
Support the development of appellate resources.					
Fund additional administrative staff.					
Support adequate office space.					
Increase the budget for training opportunities.	♦				
Fund additional legal research, including electronic legal research resources.					
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).	♦				
Support technology upgrades, including CMS.	♦				

<b>Assigned Counsel Program</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Support a formalized and upgraded ACP.					
Support the hiring of an Administrator, supervising attorney, and sufficient administrative staff.					
Support adequate office space and office technology, including CMS and an electronic voucher system.	◆				
Fund training opportunities.	◆				
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).	◆				
Provide funding to increase the frequency and comprehensiveness of client communication.					

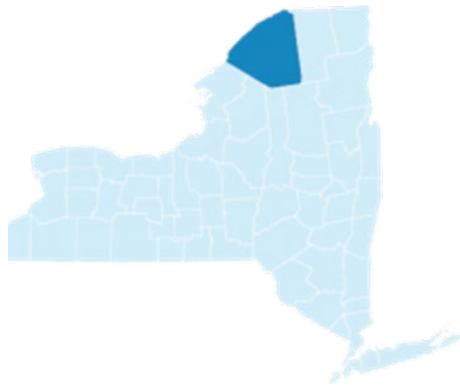
**Next Steps**

With the conversion of two part-time Assistant Public Defenders to full-time status, the Public Defender’s Office has advanced the goal of caseload relief, as well as provided coverage at the CAP. It is expected that in the coming year, the Office will look to increase administrative staff and address the space needed to accommodate the new full-time staff and the expected continued growth of the Office.

It also expected that the County will be developing an independent structure for the ACP, in accordance with the ILS ACP Standards. ILS recognizes that regionalization of assigned counsel resources is also an option for counties, such as Seneca, which have a small number of available and qualified counsel willing to accept assigned cases.

## ST. LAWRENCE COUNTY

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### County Overview

St. Lawrence County, situated on the Canadian border in the Thousand Island Seaway's Region, is the State's largest county, with an area of 2,821 square miles. The County has a population of 111,944, and about 19.4% of the population lives below federal poverty levels. The median household income is \$48,330. The County consists of 15 Legislative Districts, which are governed by a Board of 15 Legislators, currently chaired by Joseph Lightfoot. The Supreme, County, Family, and Surrogate's Courts are in Canton. In addition, the County has a City Court in Ogdensburg and has 33 Town and Village Courts.

### Mandated Representation Overview

Mandated representation is provided by the Public Defender's office, led by Interim Public Defender James McGahan, Esq.; a Conflict Defender's office, headed by Amy Dona, Esq.; and the ACP, administered by Scott Goldie, Esq. The County also has an Office of Indigent Defense Coordinator, who is responsible for accepting, reviewing, and assigning cases to the Defender Offices or forwarding cases for assignment to the 18-B Panel.

### Year One Initiatives

ILS estimates that St. Lawrence County will need approximately \$1.7 million in the fifth year of statewide implementation to address caseload relief, quality improvement, and CAFA. Approximately \$354,000 is available for the first-year of implementation.

#### ***a) Public Defender's Office***

With the first-year funding, the County has begun to address five of the six priorities identified in the Quality Improvement Plan. The Office will add one new full-time criminal defense attorney and cover associated costs, including office furniture, a computer, other technology, training, and legal research resources. Funding is being dedicated to support the expansive role of the Chief Defender position; to enhance expert and investigative services; and to expand representation at arraignment. The first-year funding will cover increased stipends to include off-hour arraignments for misdemeanors, as well as mileage costs for those arraignment appearances.

***b) Conflict Defender’s Office***

The Conflict Defender’s Office will use funding for expert and investigative services, as well as for its increased costs for representation at arraignment. The Office will also cover costs for training materials, legal research resources, and technology upgrades. Three of the six priorities identified in the Quality Improvement Plan will thus be addressed with first-year funding.

***c) Assigned Counsel Program***

In this first-year of implementation, the County has begun addressing two of the six priorities identified in the Quality Improvement Plan. The ACP will use funds for expert and investigative services, as well as for its increased involvement in representation at off-hour arraignments. The Plan will also provide training opportunities, covering costs for speakers, conference space, and other items. Further, the Program will offer mentoring for less experienced attorneys.

***d) Office of Indigent Defense***

A new full-time position has been created within this office, to meet ILS’s Data Officer requirement. First-year funding will be used to cover costs relating to this position, including a license for its CMS, thus beginning to address two of the three priorities identified for this office in the Quality Improvement Plan

***e) Appellate Representation – Rural Law Center***

The County will increase its contract with the Rural Law Center of New York to provide representation in additional criminal appeals on an annual basis.

**Progress Summary**

The priorities identified in the Quality Improvement Plan for St. Lawrence County providers are listed below, accompanied by the symbol (♦) if the County has implemented an initiative to address a priority.

<b>Public Defender’s Office</b>	<b><i>Year 1</i></b>	<b><i>Year 2</i></b>	<b><i>Year 3</i></b>	<b><i>Year 4</i></b>	<b><i>Year 5</i></b>
Increase attorney staff, including appellate attorneys for litigation support.	♦				
Enhance attorney salaries to recruit and retain qualified staff.	♦				
Support additional administrative staff.					
Increase funding for training opportunities.	♦				

<b>Public Defender's Office</b>	<i>Year 1</i>	<i>Year 2</i>	<i>Year 3</i>	<i>Year 4</i>	<i>Year 5</i>
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).	◆				
Support technology upgrades, including a CMS.	◆				

<b>Conflict Defender's Office</b>	<i>Year 1</i>	<i>Year 2</i>	<i>Year 3</i>	<i>Year 4</i>	<i>Year 5</i>
Increase attorney staff, including appellate attorneys for litigation support.					
Enhance attorney salaries to recruit and retain qualified staff.					
Support additional administrative staff.					
Increase funding for training opportunities.	◆				
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).	◆				
Support technology upgrades, including a CMS.	◆				

<b>Assigned Counsel Program</b>	<i>Year 1</i>	<i>Year 2</i>	<i>Year 3</i>	<i>Year 4</i>	<i>Year 5</i>
Support a formalized and upgraded ACP.					
Support the hiring of an Administrator, supervising attorney, and sufficient administrative staff.					
Support adequate office space and office technology, including a CMS and an electronic voucher system.					
Fund training opportunities.	◆				
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).	◆				
Provide funding to increase the frequency and comprehensiveness of client communication.					

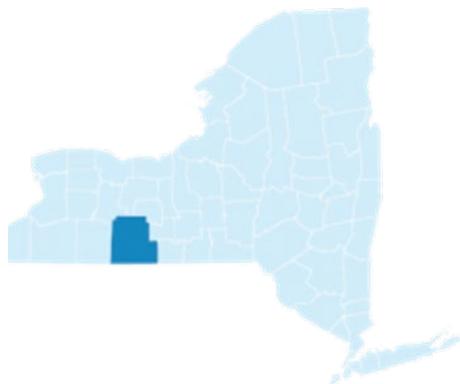
<b>Office of Indigent Defense</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Support additional administrative staff.	◆				
Support funding for office technology, including a CMS and/or an electronic voucher system.	◆				
Provide adequate office space.					

### **Next Steps**

The Public Defender’s Office initial efforts to achieve caseload relief will be the addition of a new full-time criminal defense attorney. To eventually meet ILS Caseload Standards, and to be able to provide in-person counsel at arraignment, the Office is expected to continue hiring attorney and non-attorney staff throughout the implementation period. To accommodate this anticipated growth, the Public Defender’s office will need to find adequate space, and the County has begun exploring options. Although not addressed with the first-year funding, the Conflict Defender’s Office is expected to begin addressing caseload relief with the addition of attorney and support staff positions. More space may be needed to accommodate expanded staff. It is anticipated that the County will enhance the ACP to comply with ILS ACP Standards. Regionalization of the assigned counsel resources is an option for certain counties, such as St. Lawrence, which do not have enough panel attorneys. It is also expected that all three providers of mandated representation will be addressing necessary technology upgrades to ensure that the County is able to meet ILS data reporting requirements.

## STEUBEN COUNTY

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### County Overview

Steuben County, located in the Finger Lakes–Wine Country Region, north of the Pennsylvania border, covers 1,404 square miles. It has a population of 98,990, with a median household income of \$50,157, and 14.5% of individuals living at or below the federal poverty level. The County consists of 13 Legislative Districts, which are governed by a Board of 17 Legislators, currently chaired by Joseph Hauryski. The Supreme, County, Family, and Surrogate’s Courts are located in Bath. The County is home to two City Courts, located in Corning and Hornell. In addition, the County has 38 Town and Village Courts.

### Mandated Representation Overview

Mandated representation is provided primarily by the Public Defender’s Office, led by Shawn M. Sauro, Esq. In late 2016, the County created a Conflict Defender’s Office for felony cases in which the Public Defender’s Office has a conflict. That office is led by Brenda Aston-Smith, Esq. The County also runs an ACP, which is overseen by the County Attorney’s Office and headed by Alan P. Reed, Esq. The County Attorney’s office temporarily took over the Program in March 2018 when the prior contract Administrator joined the District Attorney’s Office.

### Year One Initiatives

ILS estimates that Steuben County will need approximately \$1.6 million in the fifth year of statewide implementation to address caseload relief, quality improvement, and CAFA. Approximately \$321,000 is available for the first-year of implementation.

#### *a) Public Defender’s Office*

With the first-year funding, the County has begun to address two of the six priorities identified in the Quality Improvement Plan for the Public Defender’s Office. To begin addressing caseload relief, the County has created one new full-time Assistant Public Defender position, as well as a full-time paralegal. The County has been in discussions regarding new space for the Office to accommodate the additional hires.

In March 2019, the County implemented a Centralized Arraignment Plan (CAP) at the Steuben County Jail. Funding has been dedicated to support the Public Defender’s Office in providing representation at the CAP, which operates twice-daily, 365 days a year.

***b) Conflict Defender’s Office***

With respect to the Conflict Defender's Office, the County has begun to address two of the six priorities identified in the Quality Improvement Plan. The County added a full-time administrative assistant and has also set aside funding to cover mileage and training expenses and legal research resources.

***c) Assigned Counsel Program***

The County has begun addressing two of the six priorities identified in the Quality Improvement Plan for the Assigned Counsel Program. A Quality Manager position has been created to fulfill several functions: provide mentorship to panel attorneys; support training and recruitment initiatives for all three providers offices;<sup>41</sup> and serve as the Data Officer. Funding will also be used to cover mileage and training expenses and provide legal research resources.

**Progress Summary**

The priorities identified in the Quality Improvement Plan for Steuben County providers are listed below, accompanied by the symbol (♦) if the County has implemented an initiative to address a priority.

<b>Public Defender’s Office</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Increase attorney staff, including appellate attorneys for litigation support.	♦				
Expand administrative staff.					
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).	♦				
Fund training opportunities.					
Fund adequate office space.					
Support office technology upgrades, including CMS.					

<sup>41</sup>The county stakeholders report challenges in filling any new attorney positions, as the few attorneys that reside within the county already hold county or government positions. Additional recruitment challenges include lower salaries in comparison to those offered in neighboring counties, and the rural nature of the county.

<b>Conflict Defender's Office</b>	<i>Year 1</i>	<i>Year 2</i>	<i>Year 3</i>	<i>Year 4</i>	<i>Year 5</i>
Increase attorney staff, including appellate attorneys for litigation support.					
Funding training opportunities	◆				
Expand administrative staff.	◆				
Fund adequate office space.					
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).					
Support office technology upgrades, including CMS.					

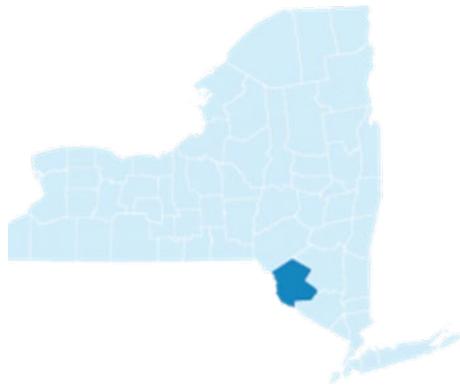
<b>Assigned Counsel Program</b>	<i>Year 1</i>	<i>Year 2</i>	<i>Year 3</i>	<i>Year 4</i>	<i>Year 5</i>
Support a formalized and upgraded ACP.					
Hire an Administrator, supervising attorney and administrative staff.	◆				
Support adequate office space and technology, including CMS and an electronic voucher system.					
Support training opportunities.	◆				
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).					
Support funding to increase the frequency and comprehensiveness of client communication.					

### **Next Steps**

It is anticipated that the Public Defender's Office will begin to achieve some caseload relief with the addition of the new full-time Assistant Public Defender. To eventually meet ILS Caseload Standards by 2023, the Office must hire additional attorneys and non-attorneys and expand the office space during the implementation period. With the addition of support staff to the Conflict Defender's Office and future hiring, expanded space will be needed. The ACP's new Quality Manager will provide more training opportunities for all providers. A mentoring initiative will likely be created in the future. Regionalization may be considered. Finally, all three providers should enhance their non-attorney professional services.

## SULLIVAN COUNTY

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### County Overview

Sullivan County, located in the Catskills Region, borders Pennsylvania. The County has an area of 997 square miles and a population of 77,547. About 15.9% of the population lives below federal poverty levels, and the median household income is \$53,877. The County consists of nine Legislative Districts, which are governed by a Board of nine Legislators, currently chaired by Luis Alvarez. The Supreme, County, Family, and Surrogate's Courts are in the Village of Monticello. In addition, the County has 18 Town and Village Courts.

### Mandated Representation Overview

Mandated representation is provided by two entities that have contracts with the County and subcontract with experienced local attorneys, who provide representation while maintaining private practices. The Sullivan Legal Aid Panel (LAP) is headed by Executive Director Tim Havas, Esq., and a Conflict Defender is led by Joel Proyect, Esq. There is no formal ACP.

### Year One Initiatives

ILS estimates that Sullivan County will need approximately \$1.61 million in the fifth year of statewide implementation to address caseload relief, quality improvement, and CAFA. Approximately \$323,000 is available for the first-year of implementation.

#### ***a) Sullivan Legal Aid Panel***

With the first-year budget, the Legal Aid Panel began to address three of the seven priorities outlined in the Quality Improvement Plan. The Office hired three additional attorneys and gave a merit increase to an attorney handling serious criminal defense cases. The Office is also providing support for representation at arraignment in the County's busiest court. Finally, LAP has contracted for a part-time social worker and investigator.

#### ***b) Conflict Defender's Office***

With the first-year budget, the Conflict Defender began to address one of the seven priorities outlined in the Quality Improvement Plan. For caseload relief, a part-time attorney was hired.

**c) Assigned Counsel Program**

With the first-year budget, the County began to address one of the six priorities set forth in the Quality Improvement Plan. Since panel attorneys travel extensively among numerous justice courts, the County prioritized providing travel stipends. With the remaining funding, the County is providing support to a county administrative employee to serve as the Data Officer, tasked with ensuring compliance with ILS data reporting requirements.

**Progress Summary**

The priorities identified in the Quality Improvement Plan for Sullivan County providers are listed below, accompanied by the symbol (♦) if the County has implemented an initiative to address a priority.

<b>Legal Aid Panel</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Increase attorney staff, including appellate attorneys for litigation support.	♦				
Enhance attorney salaries to recruit and retain qualified staff.	♦				
Provide support for additional administrative assistance.					
Increase funding for training and legal research, including electronic legal research resources.					
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).	♦				
Support office technology upgrades, including a CMS.					
Reimburse attorneys for time and travel expenses to promote effective representation and client communication.					

<b>Conflict Defender's Office</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Increase attorney staff, including appellate attorneys for litigation support.	♦				
Enhance attorney salaries to recruit and retain qualified staff.					

<b>Conflict Defender's Office</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Provide support for additional administrative assistance.					
Increase funding for training and legal research, including electronic legal research resources.					
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).					
Support office technology upgrades, including a CMS.					
Reimburse attorneys for time and travel expenses to promote effective representation and client communication.					

<b>Assigned Counsel Program</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Support a formalized and upgraded ACP.					
Support the hiring of an Administrator, supervising attorney, and sufficient administrative staff.					
Support office technology, including a CMS and an electronic voucher system.					
Support training opportunities.					
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).					
Provide reimbursement for time and travel expenses to promote effective representation and client communication.	◆				

### **Next Steps**

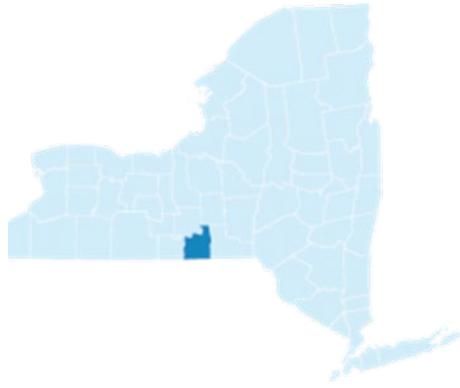
For the upcoming year, it is anticipated that the Sullivan Legal Aid Panel will continue to expand its first-year initiatives, including the greater use of non-attorney professionals. The Office is expected to continue hiring attorneys over the course of the implementation period and to implement measures to retain experienced attorneys, including providing advanced trainings opportunities. The Office should continue to assess its data capabilities to ensure that it has enough resources and administrative staff to adhere to ILS data reporting requirements.

The Conflict Defender should continue caseload relief efforts. ILS anticipates the office will need to hire at least one additional attorney and possibly non-attorney staff in the course of the implementation period. The Office will also need to ensure its staff are sufficiently trained and that they have access to non-attorney professional services. It is expected that the Office will be expanding its data capabilities and will install a CMS and employ the necessary administrative staff to ensure proper data collection.

The County will need to determine how to enhance the ACP to comply with the ILS ACP Standards. Options include hiring a part-time or full-time Administrator and providing resources for panel attorneys. Regionalization of the ACP may be a cost-effective option.

## TIOGA COUNTY

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### County Overview

Tioga County, located in the Finger Lakes – Wine Country Region, encompasses 523 square miles, and has a population of 51,125, with 11.2% of residents living below federal poverty levels. The median household income is \$57,153. The county consists of seven Legislative Districts, governed by a Board of nine Legislators, currently chaired by Martha Sauerbrey. The Supreme, County, Family, and Surrogate’s Courts are located in Owego. In addition, the County has 12 Town and Village Courts.

### Mandated Representation Overview

Mandated representation is provided primarily by the Public Defender's Office, overseen by George Awad, Esq. The County also has a part-time Assigned Counsel Administrator, Irene Graven, who has historically reviewed and processed the vouchers for the 18-B panel attorneys.

### Year One Initiatives

ILS estimates that Tioga County will need approximately \$771,000 in the fifth year of statewide implementation to address caseload relief, quality improvement, and CAFA. Approximately \$154,000 is available for the first-year of implementation.

#### *a) Public Defender’s Office*

Until recently, the Public Defender’s Office has relied upon part-time attorneys who maintained private practices. With the first-year funding, the County upgraded two of its part-time attorneys, including the Chief Public Defender, to full-time county employees. The County has thus begun to address four of the six priorities identified in the Quality Improvement Plan. The conversion of two attorneys to full-time status has allowed the County to provide counsel at most, if not all, daytime arraignments in a County that previously was unable to provide counsel at arraignment due to the part-time positions and the logistics of making appearances at the County’s numerous local courts.

To support the attorneys, the County has created a new full-time secretary position, and has moved the attorneys into a dedicated office for Public Defender staff, who had previously worked out of their private law offices. This new space is expected to accommodate the continued expansion of staff. Funding has also been set aside for upgrades to the CMS, which will allow for remote access and enhance client communication services through a text-messaging function.

***b) Assigned Counsel Program***

While the County has largely focused on Public Defender’s Office priorities for Year One, the stakeholders have committed to addressing ACP needs in Year Two. The County has begun working toward three of the eight priorities identified in the Quality Improvement Plan, including implementing a CMS to replace the existing system of manual record-keeping that relied on basic computer programs not designed to track data.

The County has also set aside funding to allow panel attorneys more direct access to expert witnesses and other professional services, without having to seek a court order. The County will also begin covering certain training expenses for the panel attorneys, which may aid recruitment and retention goals.

**Progress Summary**

The priorities identified in the Quality Improvement Plan for Tioga County providers are listed below, accompanied by the symbol (♦) if the County has implemented an initiative to address a priority.

<b>Public Defender’s Office</b>	<b><i>Year 1</i></b>	<b><i>Year 2</i></b>	<b><i>Year 3</i></b>	<b><i>Year 4</i></b>	<b><i>Year 5</i></b>
Increase attorney staff, including appellate attorneys for litigation support.	♦				
Enhance attorney salaries, providing for full-time positions and parity with the District Attorney’s Office.	♦				
Support additional administrative assistance.	♦				
Increase funding for training and legal research, including electronic legal research resources.					
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).					
Support office technology upgrades, including CMS.	♦				

<b>Assigned Counsel Program</b>	<b><i>Year 1</i></b>	<b><i>Year 2</i></b>	<b><i>Year 3</i></b>	<b><i>Year 4</i></b>	<b><i>Year 5</i></b>
Support a formalized and upgraded ACP.					

<b>Assigned Counsel Program</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Support the hiring of an Administrator, supervising attorney, and sufficient administrative staff.					
Support office technology, including a CMS and an electronic voucher system.	◆				
Support training opportunities.	◆				
Fund adequate office space.					
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).	◆				
Reimburse attorneys for time and travel expenses to promote effective representation and client communication.					
Support the option for the County to pursue regionalization of the ACP services.					

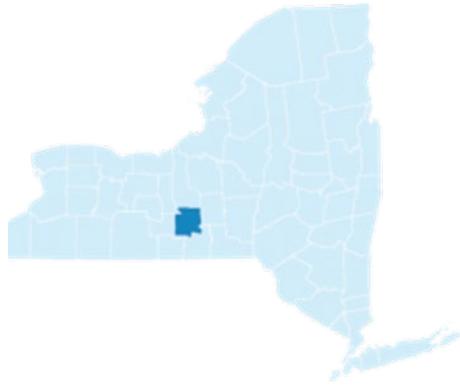
**Next Steps**

Having two full-time attorneys has allowed the Public Defender’s Office to provide in-person arraignment representation at almost all the County’s arraignments during business hours. The stakeholders are preparing for the implementation of a centralized arraignment part (CAP) in the near future. The Office will seek to add one or two additional part-time attorneys to provide coverage at CAP sessions, avoid attorney burnout, and build a sustainable program.

The County is expected to enhance the structure of the ACP, in accordance with the ILS ACP Standards. Possible enhancements include increasing the Administrator’s hours in the coming year and increasing resources for litigation support and professional development. Regionalization of the ACP resources are an option for certain counties, such as Tioga, which have too few qualified counsel on their 18-B panels.

## TOMPKINS COUNTY

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### County Overview

Tompkins County, situated in the Finger Lakes–Wine Country Region, covers 492 square miles and has a population of 101,564, with 20.4% of residents living below federal poverty levels. The median household income is \$52,200. The County consists of 14 Legislative Districts, governed by a Board of 12 Legislators, currently chaired by Martha Robertson. The Supreme, County, Family, and Surrogate’s Courts are located in Ithaca. In addition, the County has a City Court in Ithaca and 11 Town and Village Courts.

### Mandated Representation Overview

Mandated representation for criminal and Family Court cases is provided solely by the ACP, which is overseen by full-time Coordinator Julia Hughes and part-time Supervising Attorney Lance Salisbury, Esq.

### Year One Initiatives

ILS estimates that Tompkins County will need approximately \$848,000 in the fifth year of statewide implementation to address caseload relief, quality improvement, and CAFA. Approximately \$169,000 is available for the first-year of implementation.

#### ***a) Assigned Counsel Program***

Tompkins County has had the benefit of a well-established ACP and can thus implement more programmatic aspects with this first-year of funding. The Program has thus begun to address three of the seven priorities in the Quality Improvement Plan. With first-year funding, the Program has created or enhanced training initiatives. Tompkins County has a robust panel of experienced attorneys, which makes possible the development of a mentorship program and expansion of a second-chair program. The ACP will begin covering costs for relevant training programs. Certain attorneys will be able to attend trainings to develop expertise in these specialized areas—such as DNA, integrated domestic violence, and mental health—and will thereby become local resources on these topics for the panel attorneys.

A portion of the first-year funding has been set aside for non-attorney professional services so that panel attorneys may access these resources through the program itself, rather than upon application to the court. The Program will also be purchasing equipment for trial use by panel

attorneys, including computers, projectors, and similar items. The Program has been providing CAFA for several years by mandating that all 18-B attorneys be available for arraignment. The ACP is using funding to support sustainable arraignment coverage on weekends and holidays. With the remaining funds, the County has created a full-time Data Officer position.

### Progress Summary

The priorities identified in the Quality Improvement Plan for Tompkins County providers are listed below, accompanied by the symbol (♦) if the County has implemented an initiative to address a priority.

Assigned Counsel Program	Year 1	Year 2	Year 3	Year 4	Year 5
Support hiring a full-time Supervising Attorney.					
Support competitive salaries for both the Administrator and the Supervising Attorney.					
Fund administrative staffing.					
Increase funding for training opportunities.	♦				
Enhance legal research resources, including electronic legal research resources.					
Fund office technology upgrades, including CMS and an electronic voucher system.	♦				
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).	♦				

### Next Steps

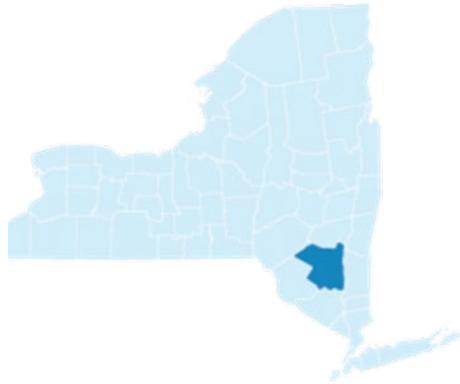
It is anticipated that the Tompkins County ACP will continue to enhance its existing support for 18-B representation, including by expanding the mentorship and second-chair opportunities for panel attorneys. Doing so should also provide relief for the part-time Supervising Attorney for the panels in Tompkins and Schuyler counties.<sup>42</sup> While the Supervisory Attorney would retain Program management authority, adding experienced criminal defense attorneys in mentorship and second-chair capacities will increase the ACP’s ability to provide for the professional development of panel attorneys. With the creation of these new initiatives, the Program will need to increase administrative staff support for the Supervisory Attorney and the Program

<sup>42</sup>Tompkins County has a regional ACP with Schuyler County, which is one of the five *Hurrell-Harring* settlement counties.

Coordinator. The County should improve its data management by filling the new Data Officer position and ensuring that its CMS can comply with ILS data reporting requirements.

## ULSTER COUNTY

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### County Overview

Ulster County, located in the Catskills Region, has an area of 1,161 square miles and a population of 182,493. About 13.2% of the population lives below federal poverty levels, and the median household income is \$61,652. Ulster County is governed by a Legislature, chaired by Tracey Bartels which consists of 23 districts. The Supreme, County, Family, and Surrogate's Courts are in the City of Kingston. The County plans to relocate the Family Court to the Town of Ulster. In addition, the County has one City Court and 22 Town and Village Courts.

### Mandated Representation Overview

Mandated representation is provided by a Public Defender's Office, headed by a part-time Public Defender, Andrew Kossover, Esq. The County has a contract with an attorney in Dutchess County to handle conflict assignments. Assigned counsel handle conflict cases, but there has been no formal ACP until recently.

### Year One Initiatives

ILS estimates that Ulster County will need approximately \$3.3 million in the fifth year of statewide implementation to address caseload relief, quality improvement, and CAFA. Approximately \$665,000 is available for the first-year of implementation.

#### ***a) Public Defender's Office***

With the first-year budget, the Public Defender's Office began to address six of the eight priorities outlined in the Quality Improvement Plan. First, the Office will hire a full-time Chief Assistant Attorney to provide caseload relief and supervision. The Office will also add a full-time Assistant Public Defender for caseload relief in felony cases. Creating these full-time positions is a step toward becoming a full-time Office in a County that has traditionally relied on part-time defenders. Current attorneys have received merit increases in recognition of their increasing caseload obligations, as well as to promote professional advancement and retention. Attorneys who take on additional responsibilities for CAFA will receive annual stipends to compensate them for the additional hours of service.

The Office budgeted for a full-time paralegal and enhanced non-attorney professional services. A full-time grants manager will be added to coordinate the Office's multiple funding sources and

become the County’s Data Officer. To ensure that the Data Officer and attorneys can accurately report and use data, the Office expanded the CMS, which has been used only for felony cases, to also encompass misdemeanor cases. With its remaining funds, the Public Defender’s Office will rent additional space to accommodate staff growth.

***b) Assigned Counsel Program***

With the first-year budget, the County began to address two of the six priorities outlined in the Quality Improvement Plan. Year One funding has been allocated to begin formalizing the ACP to move toward compliance with ILS ACP Standards. First-year funds will be used to hire a part-time attorney Administrator and a part-time administrative assistant and to rent office space.

**Progress Summary**

The priorities identified in the Quality Improvement Plan for Ulster County providers are listed below, accompanied by the symbol (♦) if the County has implemented an initiative to address a priority.

<b>Public Defender’s Office</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Increase attorney staff, including appellate attorneys for litigation support.	♦				
Increase attorney salaries to promote recruitment, retention and parity with the District Attorney’s Office.	♦				
Support funding for additional administrative staff.	♦				
Fund the expansion of office space.	♦				
Provide funding for training opportunities.					
Fund legal research, including electronic legal research resources.					
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).	♦				
Supporting office technology upgrades, including a CMS.	♦				

<b>Assigned Counsel Program</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Support a formalized and upgraded ACP.	◆				
Support the hiring of an Administrator, supervising attorney, and sufficient administrative staff.	◆				
Support office technology including a CMS and an electronic voucher system.					
Support training opportunities.					
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).					
Reimburse attorneys for time and travel expenses to promote effective representation and client communication.					

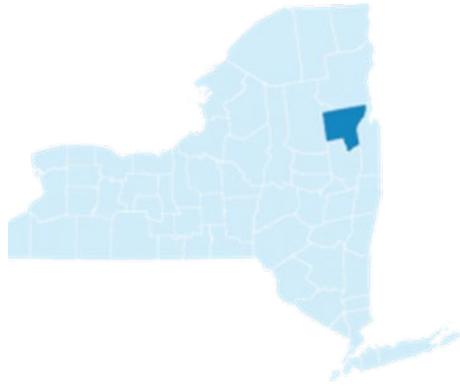
**Next Steps**

For the upcoming year, it is anticipated that the Public Defender’s Office will continue to prioritize hiring attorneys and support staff to address caseload relief. The Office should continue to fund non-attorney professional services and expand training opportunities and assess whether existing technology and staff are adequate to meet internal and ILS requirements.

The County will need to determine whether the part-time ACP structure is sufficient and sustainable. Priorities should include implementing a CMS and assessing the feasibility of incorporating an electronic vouchering system. The ACP will need sufficient funding for non-attorney professional services. Finally, the Program should consider developing training opportunities, such as mentoring and/or second-chair programs, as well as funding for panel attorneys to attend relevant sessions.

## WARREN COUNTY

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### County Overview

Warren County, located in eastern New York in the Adirondack Mountains, has an area of 932 square miles and a population of 65,707. About 9.9% of the population lives below federal poverty levels, and the median household income is \$60,222. Warren County is governed by a Board of Supervisors, chaired by Ronald Conover and consisting of 12 districts. The Supreme, County, Family, and Surrogate's Courts are in the Town of Lake George. There are also 11 Town Courts and one City Court in the County.

### Mandated Representation Overview

Mandated representation is provided by a Public Defender's Office, headed by Marcy Flores, Esq., and a basic ACP, administered by Joy LaFountain.

### Year One Initiatives

ILS estimates that Warren County will need approximately \$1.32 million in the fifth year of statewide implementation to address caseload relief, quality improvement, and CAFA. Approximately \$264,000 is available for the first-year of implementation.

#### *a) Public Defender's Office*

With the first-year budget, the Public Defender's Office began to address seven of the eight priorities outlined in the Quality Improvement Plan. The Office increased supervisory capacity by hiring a Coordinating Supervising Attorney to oversee staff attorneys and coordinate attorney training initiatives. This attorney will also work with the new contract consultant, an experienced criminal defense attorney who will mentor trial attorneys. The Office has enhanced its training fund so that all attorneys can attend CLEs regarding criminal defense practice. Prior to the availability of this statewide funding, the Office's staff attorneys have been assuming responsibilities related to CAFA and increasing caseloads without commensurate compensation. Therefore, the Office has designated funding to provide counsel at arraignment outside regular business hours.

The Office expanded access to non-attorney professionals and added to its staff a part-time investigator and a part-time social worker; and it established a dedicated fund for non-attorney professional services. The Office also added a part-time secretary to provide additional administrative support, as an existing administrative assistant takes on increased responsibilities

as the Data Officer. The Data Officer will ensure that the Public Defender’s Office and the ACP are able to provide accurate data to ILS, while addressing any in-house analysis needs. The Office also budgeted funds to increase case management capabilities. The Office has expanded legal research resources and plans to provide computers and cell phones to its attorneys to facilitate more efficient communication with clients.

***b) Assigned Counsel Program***

With the first-year budget, the ACP began to address a number of the priorities outlined in the Quality Improvement Plan. The ACP will contract with a part-time, experienced criminal defense attorney to provide substantive support to panel attorneys, as well as advise the Administrator. The current Administrator is receiving a merit increase for expanded responsibilities. The Program has hired a part-time administrative assistant and a part-time grants manager to help manage the growing number of funding sources. The ACP has also added computers to accommodate increased administrative and data demands. Non-attorney professional services funding will be gradually broadened. Finally, the Program has also increased funding for the Rural Law Center of New York to handle additional appeals.

**Progress Summary**

The priorities identified in the Quality Improvement Plan for Warren County providers are listed below, accompanied by the symbol (♦) if the County has implemented an initiative to address a priority.

<b>Public Defender’s Office</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Increase attorney staff, including appellate attorneys for litigation support.	♦				
Increase attorney salaries to retain staff and achieve parity with prosecutors.	♦				
Increase administrative support.	♦				
Expand office space.	♦				
Provide funding for training.	♦				
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).	♦				
Explore regionalizing parole cases.					
Upgrade technology, including a CMS.	♦				

<b>Assigned Counsel Program</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Support a formalized and upgraded ACP.	◆				
Support the hiring of an Administrator, supervising attorney, and sufficient administrative staff.	◆				
Support office technology, including a CMS and an electronic voucher system.					
Support training opportunities.					
Fund adequate office space.					
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).	◆				
Reimburse attorneys for time and travel expenses to promote effective representation and client communication.					
Support the option for the County to pursue regionalization of the ACP services.					

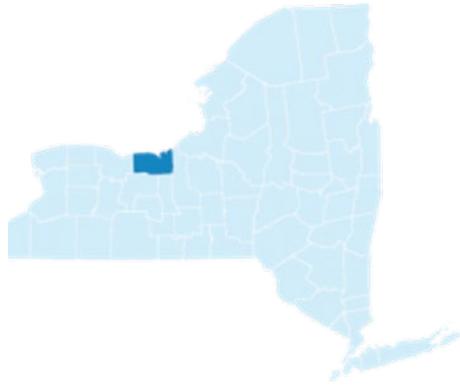
**Next Steps**

It is anticipated that the Public Defender’s Office will continue to hire attorneys for caseload relief and to focus on supervision and training, enhancing its training budget and possibly expanding the mentoring program. The Office should continue to assess its administrative needs, as the Data Officer’s responsibilities increase during the statewide implementation period.

With respect to the ACP, it is anticipated that the County will continue to enhance the current Program by formalizing the role of the Supervising Attorney, whether in a part-time or full-time capacity. The Program should create training opportunities for its panel attorneys and consider implementing mentoring and/or second-chair programs. It is expected that the Program will continue to monitor the need for non-attorney professional services. The ACP may need to upgrade its existing CMS to meet internal needs and ILS data reporting requirements.

## WAYNE COUNTY

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### County Overview

Wayne County, located in Finger Lakes–Wine Country Region, covers 1,384 square miles and has a population of 93,772. About 11.7% of its residents below federal poverty levels, and the median household income is \$53,693. Wayne County is governed by a Board of Supervisors, chaired by Steven Leroy, and has 15 districts. Supreme, County, Family, and Surrogate’s Courts are found in Lyons. The County also has 19 Town and Village Courts.

### Mandated Representation Overview

Mandated criminal representation is primarily provided by the Public Defender’s Office, led by Andrew D. Correia, Esq. The Wayne County ACP is administered by Bruce Chambers, Esq.

### Year One Initiatives

ILS estimates that Wayne County will need approximately \$1.6 million in the fifth year of statewide implementation to address caseload relief, quality improvement, and CAFA. Approximately \$328,000 is available for the first-year of implementation.

#### *a) Public Defender’s Office*

With the first-year of funding, the County has begun to address six of the eight priorities identified by in the Quality Improvement Plan. The County has established a new full-time Assistant Public Defender position and expanded a part-time position to full-time status. The first-year funding will also be used to buy office furniture, equipment, and technology for the new staff, including licenses needed for new staff to access the CMS. The Office is acquiring digital case preparation software for attorneys to utilize in complex litigation matters and is expanding legal research resources. Additional first-year initiatives include an increased training budget and funding for professional association memberships. In the first-year, the Office is also augmenting funding for expert services and appeals.

The County has recently created a Central Arraignment Part (CAP), and first-year funding will be used to provide stipends to the Public Defender and panel attorneys who voluntarily cover the twice-daily arraignment shifts at the CAP. The Public Defender’s Office administers CAP participation.

The Office has set aside the remaining funding to implement client-communication initiatives. One such initiative is a research project coordinated with Harvard University’s Access to Justice Lab.

***b) Assigned Counsel Program***

With respect to the ACP, the County has begun addressing four of the eight priorities identified in the Quality Improvement Plan. The County has set aside funding for the ACP to add part-time secretarial support and a Data Officer position for both providers. First-year funding will also cover additional licenses to access the Program’s CMS and training needed to use the CMS. The panel attorneys will benefit from broadened access to non-attorney professional services, legal research resources, expanded training opportunities, and membership fees for relevant professional organizations.

**Progress Summary**

The priorities identified in the Quality Improvement Plan for Wayne County providers are listed below, accompanied by the symbol (♦) if the County has implemented an initiative to address a priority.

<b>Public Defender’s Office</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Increase attorney staff, including appellate attorneys for litigation support.	♦				
Fund the increase of administrative staff.					
Support the conversion of attorney positions to full-time.	♦				
Support the increase in attorney salaries to recruit and retain experienced staff.					
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).	♦				
Fund training opportunities.	♦				
Fund legal research, including electronic legal research resources.	♦				
Support office technology upgrades, including CMS.	♦				

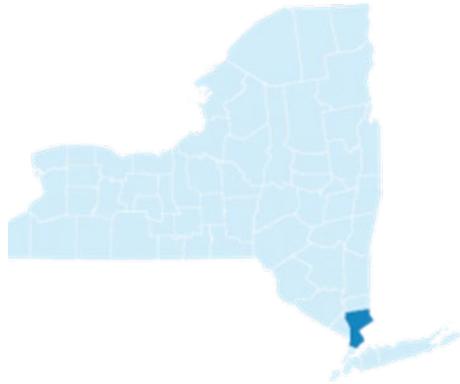
<b>Assigned Counsel Program</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Support a formalized and upgraded ACP.					
Support the hiring of an Administrator, supervising attorney, and sufficient administrative staff.	◆				
Support office technology, including CMS and an electronic voucher system.	◆				
Support training opportunities.	◆				
Fund adequate office space.					
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).	◆				
Reimburse attorneys for time and travel expenses to promote effective representation and client communication.					
Support the option for the County to pursue regionalization of the ACP services.					

**Next Steps**

In the coming year, it is anticipated that the Public Defender’s Office will begin to experience some caseload relief with the addition of the new full-time and part-time defenders. To further address caseloads, the Office may add at least one more attorney and an administrative assistant. The County should work toward developing a structured ACP, in accordance with ILS ACP Standards. Possible enhancements include an expansion of the Administrator’s hours, administrative support, and non-attorney professional services.

## WESTCHESTER COUNTY

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### County Overview

Westchester County, located in southern New York in the Hudson Valley, has an area of 450 square miles and a population of 949,113. About 9.4% of the population lives below federal poverty guideline levels, and the median household income is \$89,968. Westchester County is governed by a Legislature chaired by Benjamin Boykin which consists of 17 districts. The Supreme, County, and Surrogate's Courts are located in White Plains. The Family Court has three locations. There are six City Courts and 35 Town and Village Courts.

### Mandated Representation Overview

Mandated representation is provided by the Legal Aid Society of Westchester County (LAS), headed by Executive Director Claire Degnan, Esq., and an ACP, led by Karen Needleman, Esq.

### Year One Initiatives

ILS estimates that Westchester County will need approximately \$2.6 million in the fifth year of statewide implementation to address caseload relief, quality improvement, and CAFA. Approximately \$521,000 is available for the first-year of implementation.

#### ***a) Legal Aid Society of Westchester County***

With the first-year budget, LAS began to address four of the six priorities set forth in the Quality Improvement Plan. To address caseloads, LAS is hiring a new full-time attorney, as well as a part-time attorney. The Office also intends to hire a part-time Data Officer for all providers to meet ILS data reporting mandates. Furthermore, stipends were budgeted for attorneys who will be responsible to represent 16- and 17-year-old clients in adult court arraignments prior to a determination regarding removal to Family Court. These attorneys will be expected to be on-call 24/7, to participate in specialized trainings, and to follow up on cases in which removals are challenged.

To advance goals of client-centered representation, the Office has allocated funds to establish a training for cutting-edge issues in criminal defense. This training program will be made available to LAS attorneys and other interested attorneys providing mandated representation. With remaining funds, the Office has increased funding available for non-attorney professionals.

**b) Assigned Counsel Program**

With the first-year budget, the ACP began to address six of the nine priorities outlined in the Quality Improvement Plan. The Program allocated funds to hire a part-time attorney to consult with other attorneys at the trial and appellate level and provide appellate brief review, when needed. The Program also added a full-time investigator to the Assigned Counsel Resource Center. Training funding has been augmented for both local and national trainings. A new second-chair program pairs less experienced attorneys with more experienced colleagues. The ACP will continue to develop the Assigned Counsel Resource Center, which successfully launched a mentoring program and has provided 18-B attorneys with access to non-attorney professional services.

**Progress Summary**

The priorities identified in the Quality Improvement Plan for Westchester County providers are listed below, accompanied by the symbol (♦) if the County has implemented an initiative to address a priority.

<b>Legal Aid Society</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Increase attorney staff, including appellate attorneys for litigation support.	♦				
Enhance attorney salaries to address parity with the District Attorney’s office.					
Support additional administrative staff.	♦				
Support the hiring of a training director.	♦				
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).	♦				
Support office technology upgrades, including a CMS.					

<b>Assigned Counsel Program</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Support enhancement of the ACP.	♦				
Support increase in attorney staffing to include a training director and supervising attorney.	♦				

<b>Assigned Counsel Program</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).	◆				
Provide support to enhance training opportunities.	◆				
Provide additional funding to expand attorney mentoring program.	◆				
Support adequate office space, administrative staff, and upgrade office technology, including a CMS and an electronic voucher system.					
Provide funding to reimburse attorneys for time and travel expenses to promote effective client communication.	◆				
Support salary enhancements to retain and recruit staff.					
Support the development of an independent Assigned Counsel Resource Center.					

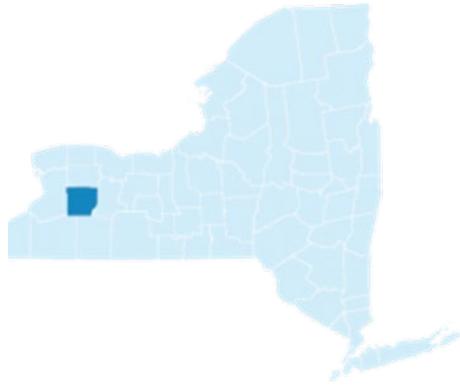
**Next Steps**

It is anticipated that the Westchester Legal Aid Society will continue to prioritize hiring attorneys and necessary support staff to maintain appropriate caseload levels. LAS should continue utilizing non-attorney professionals and may need to hire more social workers. ILS anticipates that the Office will continue to develop its training program and provide its attorneys with access to scientific experts. LAS should determine if the Data Officer should be a full-time position.

The ACP will likely continue to develop its mentoring and second-chair programs and expand resources available via the Assigned Counsel Resource Center. In addition, the ACP is encouraged to continue to expand access of its non-attorney professional services for the benefit of the 18-B panel.

## WYOMING COUNTY

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### County Overview

Wyoming County, located in the Greater Niagara Region in western New York, has an area of 596 square miles and a population of 42,155. About 11.4% of the population lives below federal poverty levels, and the median household income is \$55,459. Wyoming County is governed by a Board of Supervisors, chaired by A.D. Berwanger, and has 16 districts. The Supreme, County, Family, and Surrogate's Courts are located in the Village of Warsaw. In addition, there are 21 Town and Village Courts.

### Mandated Representation Overview

Mandated representation is provided by the Public Defender's Office, led by Norman Effman, Esq. The ACP is administered by County Attorney James M. Wujcik, Esq.

### Year One Initiatives

ILS expects that Wyoming County will need approximately \$650,000, in the fifth year of statewide implementation to address caseload relief, quality improvement, and CAFA. Approximately \$130,000 is available for the first-year of implementation.

#### ***a) Public Defender's Office***

With the first-year budget, the County has begun addressing two of the six priorities outlined in the Quality Improvement Plan. The County decided to focus on renovation and construction costs for needed office expansion due to increases in staffing. Two positions have been added: a full-time Data Officer for both providers, and accounting clerk. In addition, the Office plans to hire a part-time social worker, who will help access alternatives to incarceration, perform evaluations, and locate appropriate treatment programs.

#### ***b) Assigned Counsel Program***

With the first-year budget, the County has begun addressing one of the six priorities outlined in the Quality Improvement Plan. Panel attorneys will be provided with opportunities to attend training programs relating to criminal and parole defense. In addition, a separate office space has been designated for use by the ACP and 18-B panel.

## Progress Summary

The priorities identified in the Quality Improvement Plan for Wyoming County providers are listed below, accompanied by the symbol (♦) if the County has implemented an initiative to address a priority.

<b>Public Defender's Office</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Increase attorney staff, including appellate attorneys for litigation support.					
Support the hiring of administrative and office management support.	♦				
Increase funding for training opportunities.					
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).	♦				
Support upgrades of office technology, including a CMS.					
Provide support for regionalization of resources such as appeals and parole-related litigation.					

<b>Assigned Counsel Program</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Support a formalized and upgraded ACP.					
Support the hiring of an Administrator, supervising attorney, and sufficient administrative staff.					
Support office technology, including a CMS and/or an electronic voucher system.					
Support training opportunities.	♦				
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).					
Reimburse attorneys for time and travel expenses to promote effective representation and client communication.					

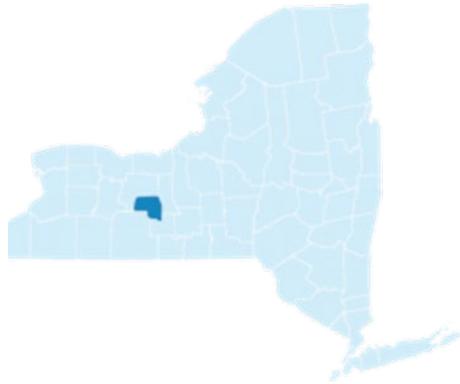
## **Next Steps**

It is anticipated that the Public Defender's Office will prioritize the hiring of additional attorney and non-attorney staff to support caseload reduction. Funding should be allocated for training resources and access to non-attorney professionals. In addition, the Office will need to ensure that a sufficient number of attorneys is available to provide representation at arraignments.

With respect to the ACP, the County will need to begin separating the administration of the Program from the County Attorney's Office, in accordance with ILS ACP Standards. An Administrator and administrative staff will be needed, or the County could opt to partner with a neighboring county's ACP. To address data needs, the County will need to determine whether a CMS is necessary to comply with ILS data reporting requirements. Further, the Program should continue to enhance training opportunities; consider the creation of mentoring and/or second-chair programs; and give panel attorneys adequate access to non-attorney professional services.

## YATES COUNTY

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### County Overview

Yates County, found in the Finger Lakes–Wine Country Region, covers 338 square miles and has a population of 25,348. About 13.1% of residents live below federal poverty levels, and the median household income is \$51,758. Yates County is governed by a Legislature, chaired by Douglas Paddock, and has nine towns divided into four districts. Supreme, County, Family, and Surrogate’s Courts are located in the Village of Penn Yann. In addition, the County has 11 Town and Village Courts.

### Mandated Representation Overview

Mandated representation is provided primarily by the Public Defender’s Office, overseen by Katie Gosper, Esq. If the Public Defender has a conflict, then the case is assigned to Conflict Defender, Tiffany Sorgen, Esq. The County also has an Assigned Counsel Plan, administered by Dianne Lovejoy, Esq.

### Year One Initiatives

ILS estimates that Yates County will need approximately \$578,000 in the fifth year of statewide implementation to address caseload relief, quality improvement, and CAFA. Approximately \$115,000 is available for the first-year of implementation.

#### ***a) Public Defender’s Office***

With the first-year of funding, the County has begun to address four of the nine priorities identified in the Quality Improvement Plan for the Public Defender's Office. The Office has historically relied on part-time attorneys. In the future, the Office may be restructured. In the interim, three part-time attorneys, which include the Chief Defender, will receive nominal merit increase stipends for their increasing caseloads and administrative duties. The Office will also use funding to support training programs and provide non-attorney professional services and legal research resources. Stipends will also be paid to contract attorneys providing representation at arraignment at the Central Arraignment Part (CAP).

#### ***b) Conflict Defender’s Office***

With respect to the Conflict Defender, the County has begun to address six of the nine priorities identified in the Quality Improvement Plan. There has been a significant increase in the part-time

Conflict Defender's caseload and administrative duties, and therefore funding is being used to compensate both the attorney and her paralegal for their expanded duties and hours. To date, the Conflict Defender's Office has not had a CMS, which it is installing with the first-year funding so that the Office is able to comply with ILS data reporting requirements. The Office will also enhance training opportunities and access to non-attorney professional services.

***c) Assigned Counsel Program***

For the ACP, the County has begun to address two of the eight priorities identified in the Quality Improvement Plan. The Administrator will serve as the Data Officer and be compensated for those additional responsibilities. The Program will expand access to non-attorney professional services, training programs, and legal research resources.

**Progress Summary**

The priorities identified in the Quality Improvement Plan for Yates County providers are listed below, accompanied by the symbol (♦) if the County has implemented an initiative to address a priority.

<b>Public Defender's Office</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Increase attorney staff, including appellate attorneys for litigation support.					
Support converting attorney positions in the Public Defender's Office to full-time.					
Support an increase in salaries to address parity with the District Attorney's office.	♦				
Support adequate office space.					
Fund additional administrative staff.					
Increase the training budget.	♦				
Enhance legal research capabilities, including electronic legal research resources.	♦				
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).	♦				
Support upgrading office technology, including CMS.					

<b>Conflict Defender's Office</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Increase attorney staff, including appellate attorneys for litigation support.					
Support converting the Conflict Defender position to full-time.					
Support providing a competitive salary for the Conflict Defender to address parity with the District Attorney's Office.	◆				
Support adequate office space to ensure confidential client communications.					
Support providing administrative staff.	◆				
Fund a training budget.	◆				
Fund legal research, including electronic legal research resources.	◆				
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).	◆				
Support upgrades in office technology, including a CMS.	◆				

<b>Assigned Counsel Program</b>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
Support a formalized and upgraded ACP.					
Support to hire an Administrator, supervising attorney, and sufficient administrative staff.					
Support office technology including CMS and an electronic voucher system.					
Support training opportunities.	◆				
Fund adequate office space.					
Fund non-attorney professional services (such as experts, investigators, social workers, sentencing advocates, and interpreters).	◆				
Reimburse attorneys for time and travel expenses to promote effective representation and client communication.					

Assigned Counsel Program	<i>Year 1</i>	<i>Year 2</i>	<i>Year 3</i>	<i>Year 4</i>	<i>Year 5</i>
Support the option for the County to pursue regionalization of the ACP services.					

**Next Steps**

Yates County has historically relied on part-time providers, and in the future must assess whether such model is sustainable and determine what staffing and resources are needed to ensure that indigent criminal defendants receive quality representation.

## APPENDICES

- APPENDIX A:** Law Chapter 59 of the Laws of 2017, Part VVV, §§ 11-13 (effective July 1, 2017) amending New York Executive Law § 832 (4).
- APPENDIX B:** Listing of NYS mandated criminal defense providers.
- APPENDIX C:** Listing of initial in-person meetings with 52 counties and New York City.
- APPENDIX D:** ACP Questionnaire for criminal defense mandated providers
- APPENDIX E:** CMS Questionnaire for criminal defense mandated providers
- APPENDIX F:** Listing of ILS budget negotiation meetings with 52 counties and NYC stakeholders, (i.e. in-person and telephonic meetings)
- APPENDIX G:** Comparative maps of New York State criminal defense mandated representation providers in New York State (FY 2017 vs. FY 2019)
- APPENDIX H:** Timeline for the ILS-195 Form Rollout
- APPENDIX I:** Draft Version of the ILS-195 Form
- APPENDIX J:** Description of the County Data Officer Roles and Responsibilities
- APPENDIX K:** *“Ready, Set, Launch ... Court Date Reminders in a Public Defense Setting,”* The Harvard Access to Justice Program, posted July 11, 2019, available at <https://a2jlab.org/court-datereminders-in-a-public-defense-setting/>
- APPENDIX L:** ILS Standards for Establishing and Administering Assigned Counsel Programs Black Letter Standards published on July 1, 2019
- APPENDIX M:** New York State Public Defender Career Fair – Notices for the October 19, 2018 and April 11, 2019 co-hosted by SUNY at Buffalo Law School and Albany Law School, respectively

## Chapter 59 of the Laws of 2017, Part VVV, §11-13

§ 11. Section 722-e of the county law, as added by chapter 878 of the laws of 1965, is amended to read as follows:

§ 722-e. Expenses. All expenses for providing counsel and services other than counsel hereunder shall be a county charge or in the case of a county wholly located within a city a city charge to be paid out of an appropriation for such purposes. **Provided, however, that any such additional expenses incurred for the provision of counsel and services as a result of the implementation of a plan established pursuant to subdivision four of section eight hundred thirty-two of the executive law, including any interim steps taken to implement such plan, shall be reimbursed by the state to the county or city providing such services. Such plans shall be submitted by the office of indigent legal services to the director of the division of budget for review and approval. However, the director's approval shall be limited solely to the plan's projected fiscal impact of the required appropriation for the implementation of such plan, and his or her approval shall not be unreasonably withheld. The state shall appropriate funds sufficient to provide for the reimbursement required by this section.**

**§ 12. Section 832 of the executive law is amended by adding a new subdivision 4 to read as follows:**

**4. Additional duties and responsibilities. The office shall, in consultation with the indigent legal services board established pursuant to section eight hundred thirty-three of this article, have the following duties and responsibilities, and any plan developed pursuant to this subdivision shall be submitted by the office to the director of the division of budget for review and approval, provided, however that the director's approval shall be limited solely to the plan's projected fiscal impact of the required appropriation for the implementation of such plan and his or her approval shall not be unreasonably withheld:**

**(a) Counsel at arraignment. Develop and implement a written plan to ensure that each criminal defendant who is eligible for publicly funded legal representation is represented by counsel in person at his or her arraignment; provided, however, that a timely arraignment with counsel shall not be delayed pending a determination of a defendant's eligibility.**

**(i) For the purposes of the plan developed pursuant to this subdivision, the term "arraignment" shall mean the first appearance by a person charged with a crime before a judge or magistrate, with the exception of an appearance where no prosecutor appears and no action occurs other than the adjournment of the criminal process and the unconditional release of the person charged (in which event "arraignment" shall mean the person's next appearance before a judge or magistrate).**

**(ii) The written plan developed pursuant to this subdivision shall be completed by December first, two thousand seventeen and shall include interim steps for each county and the city of New York for achieving compliance with the plan.**

**(iii) Each county and the city of New York shall, in consultation with the office, undertake good faith efforts to implement the plan and such plan shall be fully implemented and adhered to in each county and the city of New York by April first, two thousand twenty-three. Pursuant to section seven hundred twenty-two-e of the county law, the state shall reimburse each county and the city of New York for any costs incurred as a result of implementing such plan.**

**(iv) The office shall, on an ongoing basis, monitor and periodically report on the implementation of, and compliance with, the plan in each county and the city of New York.**

**(b) Caseload relief. Develop and implement a written plan that establishes numerical caseload/workload standards for each provider of constitutionally mandated publicly funded representation in criminal cases for people who are unable to afford counsel.**

(i) Such standards shall apply to all providers whether public defender, legal aid society, assigned counsel program or conflict defender in each county and the city of New York.

(ii) The written plan developed pursuant to this subdivision shall be completed by December first, two thousand seventeen and shall include interim steps for each county and the city of New York for achieving compliance with the plan. Such plan shall include the number of attorneys, investigators and other non-attorney staff and the amount of in-kind resources necessary for each provider of mandated representation to implement such plan.

(iii) Each county and the city of New York shall, in consultation with the office, undertake good faith efforts to implement the caseload/workload standards and such standards shall be fully implemented and adhered to in each county and the city of New York by April first, two thousand twenty-three. Pursuant to section seven hundred twenty-two-e of the county law, the state shall reimburse each county and the city of New York for any costs incurred as a result of implementing such plan.

(iv) The office shall, on an ongoing basis, monitor and periodically report on the implementation of, and compliance with, the plan in each county and the city of New York.

(c) Initiatives to improve the quality of indigent defense. (i) Develop and implement a written plan to improve the quality of constitutionally mandated publicly funded representation in criminal cases for people who are unable to afford counsel and ensure that attorneys providing such representation: (A) receive effective supervision and training; (B) have access to and appropriately utilize investigators, interpreters and expert witnesses on behalf of clients; (C) communicate effectively with their clients; (D) have the necessary qualifications and experience; and (E) in the case of assigned counsel attorneys, are assigned to cases in accordance with article eighteen-b of the county law and in a manner that accounts for the attorney's level of experience and caseload/workload.

(ii) The office shall, on an ongoing basis, monitor and periodically report on the implementation of, and compliance with, the plan in each county and the city of New York.

(iii) The written plan developed pursuant to this subdivision shall be completed by December first, two thousand seventeen and shall include interim steps for each county and the city of New York for achieving compliance with the plan.

(iv) Each county and the city of New York shall, in consultation with the office, undertake good faith efforts to implement the initiatives to improve the quality of indigent defense and such initiatives shall be fully implemented and adhered to in each county and the city of New York by April first, two thousand twenty-three. Pursuant to section seven hundred twenty-two-e of the county law, the state shall reimburse each county and the city of New York for any costs incurred as a result of implementing such plan.

(d) Appropriation of funds. In no event shall a county and a city of New York be obligated to undertake any steps to implement the written plans under paragraphs (a), (b) and (c) of this subdivision until funds have been appropriated by the state for such purpose.

§ 13. This act shall take effect immediately; provided, however, that sections one and two of this act shall take effect April 1, 2018 and shall apply to confessions, admissions or statements made on or after such effective date; provided, further sections three through ten of this act shall take effect July 1, 2017.

**APPENDIX B**

**Providers of Mandated Criminal Defense Representation**

<b>Locality</b>	<b>Agency</b>	<b>Type of Provider</b>
<b>Albany</b>	Albany County Alternate Public Defender	Conflict Defender/Alternate Defender
	Albany County Public Defender	Public Defender
	Albany County Assigned Counsel Program	Assigned Counsel (County Supported Administrator)
<b>Allegany</b>	Allegany County Assigned Counsel Program	Assigned Counsel (Private contract)
	Allegany County Public Defender	Public Defender
	Allegany-Cattaraugus Legal Aid	Conflict Defender/Alternate Defender
<b>Broome</b>	Broome County Public Defender	Public Defender
	Broome County Comptroller	Assigned Counsel (County Supported Administrator)
<b>Cattaraugus</b>	Cattaraugus County Public Defender Office	Public Defender
	Regional Appellate Program	Regional Appellate Defender
	Cattaraugus County Office of Assigned Counsel Program	Assigned Counsel (County Attorney)
<b>Cayuga</b>	Cayuga County Assigned Counsel for the Indigent Program	Assigned Counsel (County Supported Administrator)
<b>Chautauqua</b>	Chautauqua County Assigned Counsel Program	Assigned Counsel (County Supported Administrator)
	Chautauqua County Public Defender	Public Defender
<b>Chemung</b>	Chemung County Assigned Counsel Program	Assigned Counsel (County Supported Administrator)

	Chemung County Public Advocate's Office	Conflict Defender/Alternate Defender
	Chemung County Public Defender Office	Public Defender
<b>Chenango</b>	Chenango County Public Defender	Public Defender
	Chenango County Assigned Counsel Program	Assigned Counsel (Institutional providers)
<b>Clinton</b>	Clinton County Assigned Counsel Program	Assigned Counsel (Private contract)
	Clinton County Public Defender Office	Public Defender
<b>Columbia</b>	Columbia County Alternate Conflict Defender	Private Attorney
	Columbia County Conflict Public Defender	Private Attorney
	Columbia County Public Defender	Public Defender
	Columbia County Second Alternate Conflict Defender	Private Attorney
	Columbia County Assigned Counsel Program	Assigned Counsel (without an Administrator)
<b>Cortland</b>	Cortland County Assigned Counsel Program	Assigned Counsel (County Supported Administrator)
	Cortland County Public Defender Office	Public Defender
<b>Delaware</b>	Delaware County Public Defender Office (eff 8/1/19)	Public Defender
	Delaware County Assigned Counsel Program	Assigned Counsel (County Attorney)
<b>Dutchess</b>	Dutchess County Assigned Counsel Program	Assigned Counsel (County Supported Administrator)
	Dutchess County Public Defender Office	Public Defender

<b>Erie</b>	Assigned Counsel Program Erie County Bar Association Aid to Indigent Prisoners Society, Inc.	Assigned Counsel (Bar Association/Non-Profits)
	The Legal Aid Bureau of Buffalo, Inc.	Non-profit
<b>Essex</b>	Essex County Assigned Counsel Program	Assigned Counsel (County Supported Administrator)
	Essex Conflict Defender	Conflict Defender/Alternate Defender
	Essex County Public Defender	Public Defender
<b>Franklin</b>	Franklin County Assigned Counsel Program	Assigned Counsel (County Supported Administrator)
	Franklin County Alternate Conflict Defender	Private Attorney
	Franklin County Conflict Defender	Conflict Defender/Alternate Defender
	Franklin County Public Defender	Public Defender
<b>Fulton</b>	Fulton County Assigned Counsel Program	Assigned Counsel (County Supported Administrator)
	Fulton County Public Defender Office	Public Defender
	Rural Law Center	Regional Appellate Defender
<b>Genesee</b>	Genesee County Assigned Counsel Program	Assigned Counsel (Private contract)
	Genesee County Public Defender	Public Defender
	Regional Appellate Program	Regional Appellate Defender
<b>Greene</b>	Greene County Assigned Counsel Program	Assigned Counsel (County Supported Administrator)
	Greene County Public Defender Office	Public Defender
<b>Hamilton</b>	Hamilton County Assigned Counsel Program	Assigned Counsel (County Supported Administrator)
<b>Herkimer</b>	Herkimer County Assigned Counsel Program	Assigned Counsel (Private contract)

<b>Jefferson</b>	Jefferson County Assigned Counsel Program	Assigned Counsel (County Supported Administrator)
	Jefferson County Public Defender	Public Defender
<b>Lewis</b>	Lewis County Conflict Defender	Private Attorney
	Lewis Defenders, PLLC	Private Attorney
	Lewis County Assigned Counsel Program	Assigned Counsel (Institutional providers)
<b>Livingston</b>	Livingston County Conflict Defender Office	Conflict Defender/Alternate Defender
	Livingston County Public Defender	Public Defender
	Livingston County Assigned Counsel Program	Assigned Counsel (Institutional providers)
<b>Madison</b>	Madison County Public Defender	Non-profit
	Madison County Assigned Counsel Program	Assigned Counsel (County Attorney)
<b>Monroe</b>	Monroe County Conflict Defender Office	Conflict Defender/Alternate Defender
	Monroe County Public Defender	Public Defender
	Monroe County Assigned Counsel Program	Assigned Counsel (Institutional providers)
<b>Montgomery</b>	Montgomery County Public Defender	Public Defender
	Montgomery County Assigned Counsel Program	Assigned Counsel (Institutional providers)
<b>Nassau</b>	Nassau County Assigned Counsel Defender Plan	Assigned Counsel (Bar Association/Non-Profits)
	Legal Aid Society of Nassau County	Non-profit
<b>New York City</b>	Assigned Counsel Plan 1st Department	Assigned Counsel (Appellate Division)

	Assigned Counsel Plan, Second Department	Assigned Counsel (Appellate Division)
	Appellate Advocates	Appellate Defender
	Bronx Defenders	Non-profit
	Brooklyn Defender Services	Non-profit
	Center for Appellate Litigation	Appellate Defender
	Legal Aid Society	Non-profit
	Neighborhood Defender Service, Inc.	Non-profit
	New York County Defender Services	Non-profit
	Office of the Appellate Defender	Appellate Defender
	Queens Law Associates	Non-profit
<b>Niagara</b>	Niagara County Conflict Defender	Conflict Defender/Alternate Defender
	Niagara County Public Defender	Public Defender
	Niagara County Assigned Counsel Program	Assigned Counsel (Institutional providers)
<b>Oneida</b>	Oneida County Supplemental Assigned Counsel Program	Assigned Counsel (Private contract)
	Oneida County Public Defender - Criminal Division	Public Defender
<b>Orange</b>	Orange County Assigned Counsel Program	Assigned Counsel (Private contract)
	The Legal Aid Society of Orange County, Inc.	Non-profit
<b>Orleans</b>	Orleans County Assigned Counsel Program	Assigned Counsel (Private contract)
	Orleans County Public Defender	Public Defender
	Orleans Regional Appellate Program	Regional Appellate Defender
<b>Oswego</b>	Oswego County Assigned Counsel Program	Assigned Counsel (County Supported Administrator)

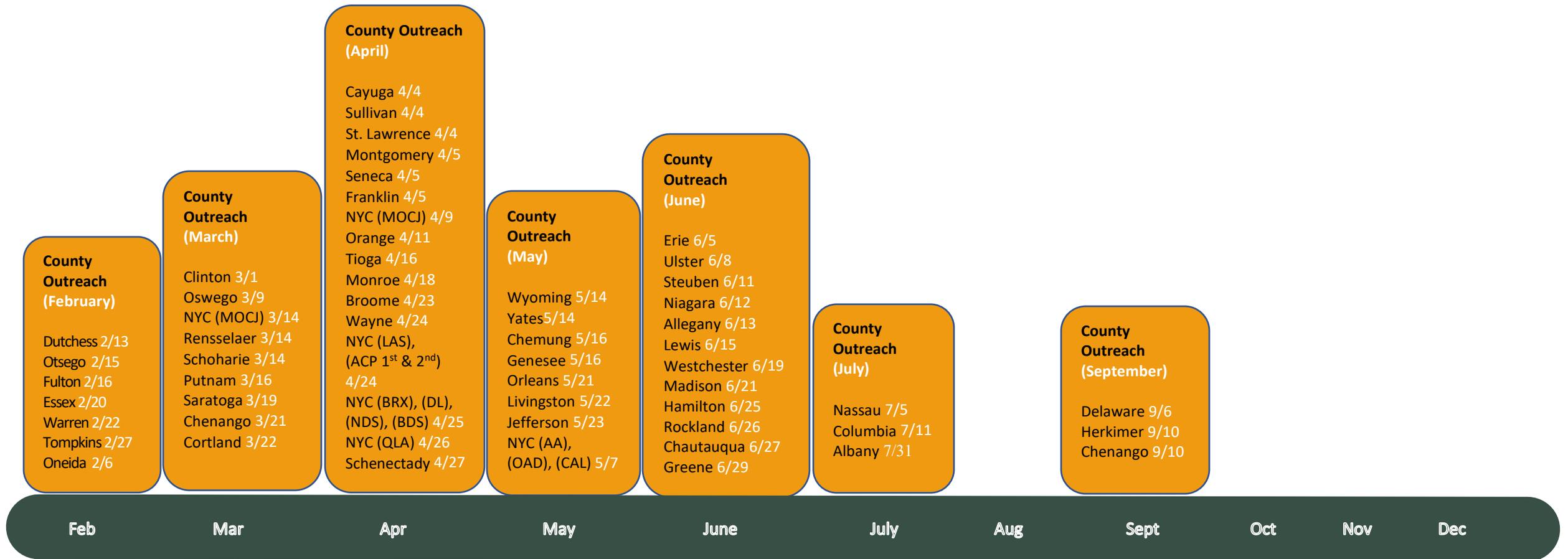
<b>Otsego</b>	Otsego County Public Defender	Public Defender
	Rural Law Center	Regional Appellate Defender
	Otsego County Assigned Counsel Program	Assigned Counsel (without an Administrator)
<b>Putnam</b>	Putnam County Legal Aid Society, Inc.	Non-profit
	Putnam County Assigned Counsel Program	Assigned Counsel (without an Administrator)
<b>Rensselaer</b>	Rensselaer County Assigned Counsel Program	Assigned Counsel (County Attorney)
	Rensselaer County Conflict Defender	Conflict Defender/Alternate Defender
	Rensselaer County Public Defender	Public Defender
<b>Rockland</b>	Rockland County Assigned Counsel Program	Assigned Counsel (Bar Association/Non-Profits)
	Rockland County Public Defender	Public Defender
<b>Saratoga</b>	Saratoga County Assigned Counsel Program	Assigned Counsel (County Supported Administrator)
	Saratoga Conflict Defenders	Conflict Defender/Alternate Defender
	Saratoga County Public Defender	Public Defender
<b>Schenectady</b>	Schenectady County Assigned Counsel Program	Assigned Counsel (County Supported Administrator)
	Schenectady County Conflict Defender	Conflict Defender/Alternate Defender
	Schenectady County Public Defender	Public Defender
<b>Schoharie</b>	Schoharie County Office of Legal Defense of Indigents	Assigned Counsel (County Supported Administrator)
<b>Seneca</b>	Seneca County Public Defender	Public Defender
	Seneca County Assigned Counsel Program	Assigned Counsel (Institutional providers)

<b>St. Lawrence</b>	St. Lawrence County Assigned Counsel Program	Assigned Counsel (Private contract)
	Rural Law Center	Regional Appellate Defender
	St. Lawrence County Conflict Defender	Conflict Defender/Alternate Defender
	St. Lawrence County Public Defender	Public Defender
<b>Steuben</b>	Steuben County Assigned Counsel Program	Assigned Counsel (County Attorney)
	Steuben County Conflict Defender	Conflict Defender/Alternate Defender
	Steuben County Public Defender	Public Defender
<b>Sullivan</b>	Sullivan County Conflict Legal Aid Bureau	Non-profit
	Sullivan Legal Aid Panel, Inc.	Non-profit
	Sullivan County Assigned Counsel Program	Assigned Counsel (Institutional providers)
<b>Tioga</b>	Tioga County Assigned Counsel Program	Assigned Counsel (County Supported Administrator)
	Tioga County Public Defender	Public Defender
<b>Tompkins</b>	Tompkins County Assigned Counsel Program	Assigned Counsel (County Supported Administrator)
<b>Ulster</b>	Ulster County Assigned Counsel Program	Assigned Counsel (County Supported Administrator)
	Ulster County Public Defender	Public Defender
<b>Warren</b>	Warren County Assigned Counsel Program	Assigned Counsel (County Supported Administrator)
	Rural Law Center	Regional Appellate Defender
	Warren County Public Defender	Public Defender
<b>Wayne</b>	Wayne County Assigned Counsel Program	Assigned Counsel (Private contract)

	Wayne County Public Defender	Public Defender
<b>Westchester</b>	Westchester County Assigned Counsel Program	Assigned Counsel (Institutional providers)
	Legal Aid Society of Westchester County	Non-profit
<b>Wyoming</b>	Wyoming County Assigned Counsel Program	Assigned Counsel (County Attorney)
	Wyoming County-Attica Legal Aid Bureau, Inc. and Wyoming County Public Defender	Public Defender
<b>Yates</b>	Yates County Assigned Counsel Program	Assigned Counsel (County Supported Administrator)
	Yates County Conflict Defender	Conflict Defender/Alternate Defender
	Yates County Public Defender	Public Defender

## STATEWIDE IMPLEMENTATION: Step 1: Initial County/Provider Meetings

**County/Provider Meetings** are in-person meetings conducted within the specified county.



APPENDIX D

ACP QUESTIONNAIRE

**ILS Interviewer(s):** Select ILS staff who completed the questionnaire

**County & Entity:** Type county and entity name here; use ILS list of providers—e.g., Moose County Assigned Counsel Plan.

**Interviewee:** Type interviewee’s name here.      **Title:** Type interviewee’s title here.

**Phone:** XXX-XXX-XXXX.

**Date:** Enter follow-up date.                      **Time started:** Enter time.                      **Time ended:** Enter time.

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**Background notes:**

Type here any relevant information (and source) that you have found in preparation for the follow-up.

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*These questions aim at refining our knowledge about ACPs’ assignment processes, composition & structure, communication policies, resources and vouchering processes. You may choose to prompt responders to describe generally each of these areas, but at a minimum be sure to elicit answers on the following:*

**Assignment process:**

- How are assignments made in the County? Can you just give me an idea/overview of how a case goes from arrest to assignment to vouchering?
- Do administrators keep a list of attorneys? Or do the judges keep a list? Both?

Enter response here.

**Panel composition & structure:**

- Is administrator:
  - FT     PT     No administrator     Something else: Describe.
  - If PT, ask about job responsibilities in addition to ACP admin.

Type here any additional notes about the administrator; e.g. FT but paid for with DWI funding.

- Describe office staff

- Are ILS grants/distributions used to pay for support staff and/or administrator?
- Do you have or need support with managing ILS grants/distributions?

Enter response here.

- Is there a supervising attorney/mentoring staff?
  - If 'Not': If you were to have funding to obtain a PT or FT Supervising attorney, who—*from within the county*—do you think would have the experience to fulfill such a role?

Enter response here.

- Bar Association/ACP Board:
  - Is the Bar association involved in any way with the Assigned Counsel Program (e.g., screening of panel attorneys, meeting with judges about the ACP, providing trainings for the ACP attorneys at a discounted rate or at no charge, etc.)?
  - Does the local bar have a criminal justice section?

Enter response here.

- Do you offer/coordinate training for panel attorneys?

Enter response here.

- Do they have a budget to offer training to panel attorneys?
  - Yes  No
  - If Y: what training costs are covered?
  - Are there any restrictions (i.e., restriction on out-of-county or out-of-state training)?
  - If Y: Are attorneys accessing the training budget?

Type any additional notes here.

- Are there:
  - Requirements to be on the panel? (e.g. County-based residency/office requirements)
  - Restrictions?
  - Recertification process?

Enter response here.

- What is the overall panel size?

Enter response here.

- How many are active?
 

Be sure to ask: 1. How many attorneys were paid for *criminal* work in 2017? *This gets at the number of individual attorneys—not financial information or number of cases*

OR, if they can't answer 1: 2. How many lawyers can you regularly depend upon to take criminal case assignments?

Enter response here.

- Geography: Do you have a sense of how many attorneys are within the county? How many are not?

Enter response here.

- Do you have specialized panels (i.e., misdemeanor, felony, CAFA representation, etc.)?
  - If 'Yes': How are they organized? How many attorneys on each panel?
  - If 'No': How many qualified to handle felonies?

Enter response here.

- How many attorneys participate in CAFA representation, if any?

Enter response here.

- Appeals: Who is assigned to handle them?

Enter response here.

#### **Communication:**

- How does communication generally take place in the following scenarios:
  - Between Administrator and panel attorneys?
  - Between Clients and panel attorneys and /or administrator
  - Between the program and the public (e.g. website, brochures, etc.)
  - Between panel attorneys i.e., formal or informal (i.e. listserv for attorneys to communicate with one another)?

Enter response here.

- Is there a policy for communication with clients (i.e., must visit with assigned counsel within 48 hours of assignment, must accept collect call from client, attorney cannot bill for time spent visiting with client, etc.)? *(CAFA questionnaire also asks this)*

Enter response here.

#### **Resources:**

- Office space: needs? (where do they work out of?)

Enter response here.

- Expert /"non-attorney professional" (interpreters, social workers, investigators) list: Is there one made available to panel attorneys?
  - If Y: What information is included on the list? (e.g. just contact info, or also CVs/transcripts of prior testimony?)
  - If Y: How to they access experts / "non-attorneys"?

Enter response here.

- Do they have shared legal resources (e.g. motion bank)?

Enter response here.

**Vouchers:**

Blank voucher on file prior to follow up?  Yes  No If not, please **remind** interviewee to send you one. Be sure to follow up in your request.

Type any additional notes here.

- Does ACP Pay for:
  - Phone (e.g. collect calls)  
 Yes  No

Type any additional notes here.

**Mileage:**

- Yes  No
  - If Y: Any restrictions on mileage?
  - If Y: Travel time: courts, jails & prison visits? Any restrictions on time?

Type any additional notes here.

- Legal research: (explore how legal research is provided)  
 Yes  No
  - If Y: Any restrictions? Do you see attorneys billing for it?

Type any additional notes here.

- Postage, copying & printing:  
 Yes  No
  - If Y: Any restrictions? Probe for Appellate representation costs for transcripts specifically. Do you see attorneys billing for it?

Type any additional notes here.

- Out-of-court work (e.g. drafting motions, attorney investigations, such as going to scene & trial prep):  
 Yes  No
  - If Y: Any restrictions? Do you see attorneys billing for it?

Type any additional notes here.

- Anything that ACP does not currently pay for but attorneys are asking?

Enter response here.

- Are there *time* restrictions on submitting vouchers?

Enter response here.

- Ask respondent if they can make available any documents that are given to their panel attorneys, such as Handbook, Policy/Procedure documents (e.g. voucher submission instructions), etc.

Enter response here.

---

***Additional notes:***

Type here any additional information generated during the follow-up.

**APPENDIX E**

**Locality:** Choose an item.

**ILS Interviewer:** Choose a name

**Date:** Enter a date

**Question 1.** Does the office use a **computer system** to record information about cases? (check **all** that apply)

Assigned Counsel	Public Defender
<input type="checkbox"/> Yes, PDCMS (NYSDA's)	<input type="checkbox"/> Yes, PDCMS (NYSDA's)
<input type="checkbox"/> Yes, other CMS: Type name here.	<input type="checkbox"/> Yes, other CMS: Type name here.
<input type="checkbox"/> Yes, something else: Type name here	<input type="checkbox"/> Yes, something else: Type name here
<input type="checkbox"/> No	<input type="checkbox"/> No
<input type="checkbox"/> Respondent does not know	<input type="checkbox"/> Respondent does not know

**Question 2.** For **jointly administered** offices only:

- A. Do they have **separate** databases for each? → B. If not, can they **report data for each** of the programs separately?
- |   |   |
|---|---|
| <input type="checkbox"/> Yes                      | <input type="checkbox"/> Yes                      |
| <input type="checkbox"/> No                       | <input type="checkbox"/> No                       |
| <input type="checkbox"/> Respondent does not know | <input type="checkbox"/> Respondent does not know |

For questions 1 and 2, please write here **any other information** about the use of computer systems that you may learn:  
Write up a brief narrative here.

**Question 3.** For **assigned counsel** only: Please **explain** how vouchers for services rendered are issued/submitted.  
Write up a brief narrative here.

A. Does the plan have an **electronic vouchering system**?

- Yes, installed       Expected: Type date.       No       Respondent doesn't know

B. Please ask for a copy of a **BLANK** voucher and relevant paperwork. Provided?       Yes (attach)       No

**Question 4.** Who should ILS contact with **follow-up** questions about **data**?

Assigned Counsel	Public Defender
------------------	-----------------

**Name:** Type name.

**Title:** Type title.

**Email:** Type email.

**Phone:** Type phone.

**Name:** Type name.

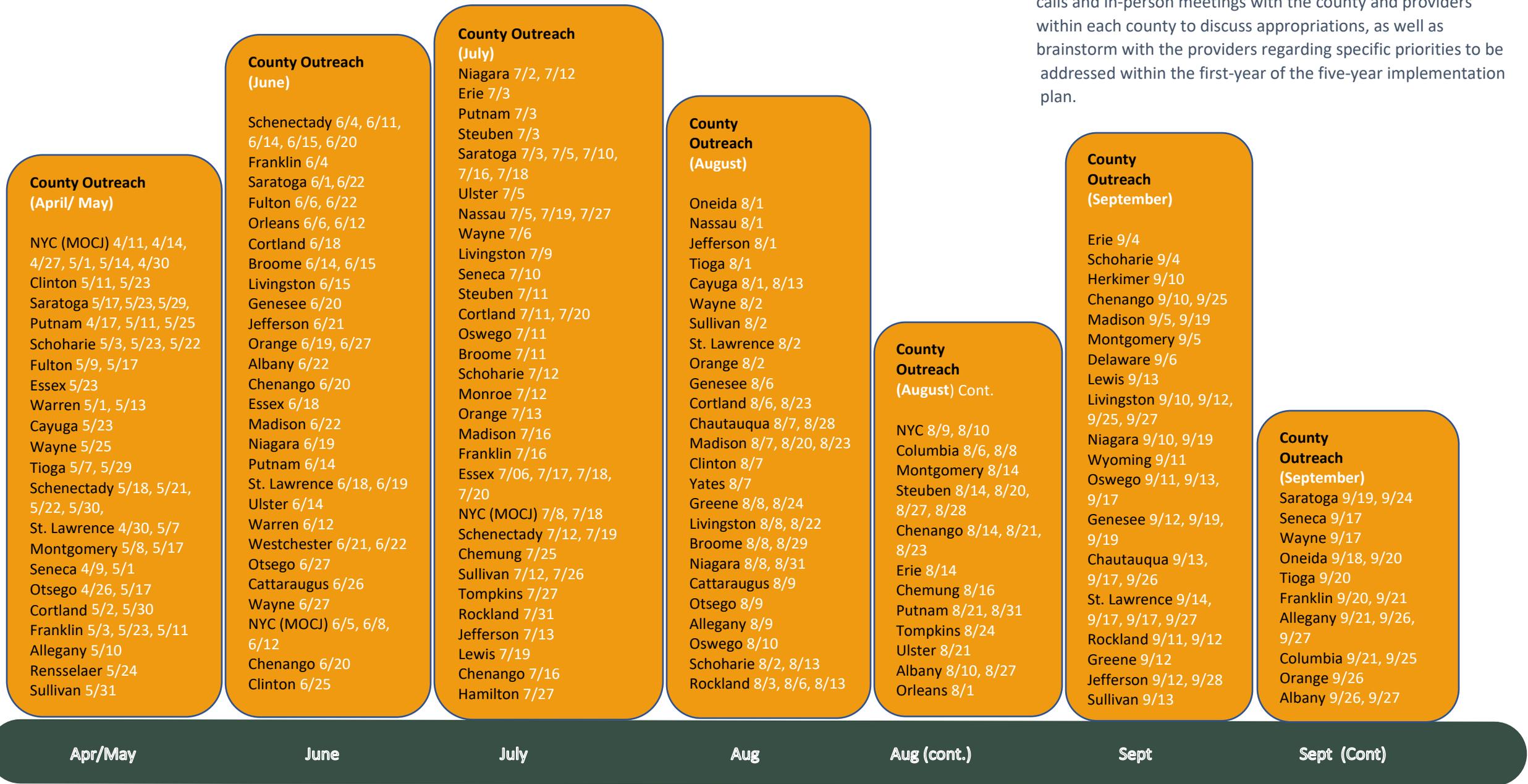
**Title:** Type title.

**Email:** Type email.

**Phone:** Type phone.

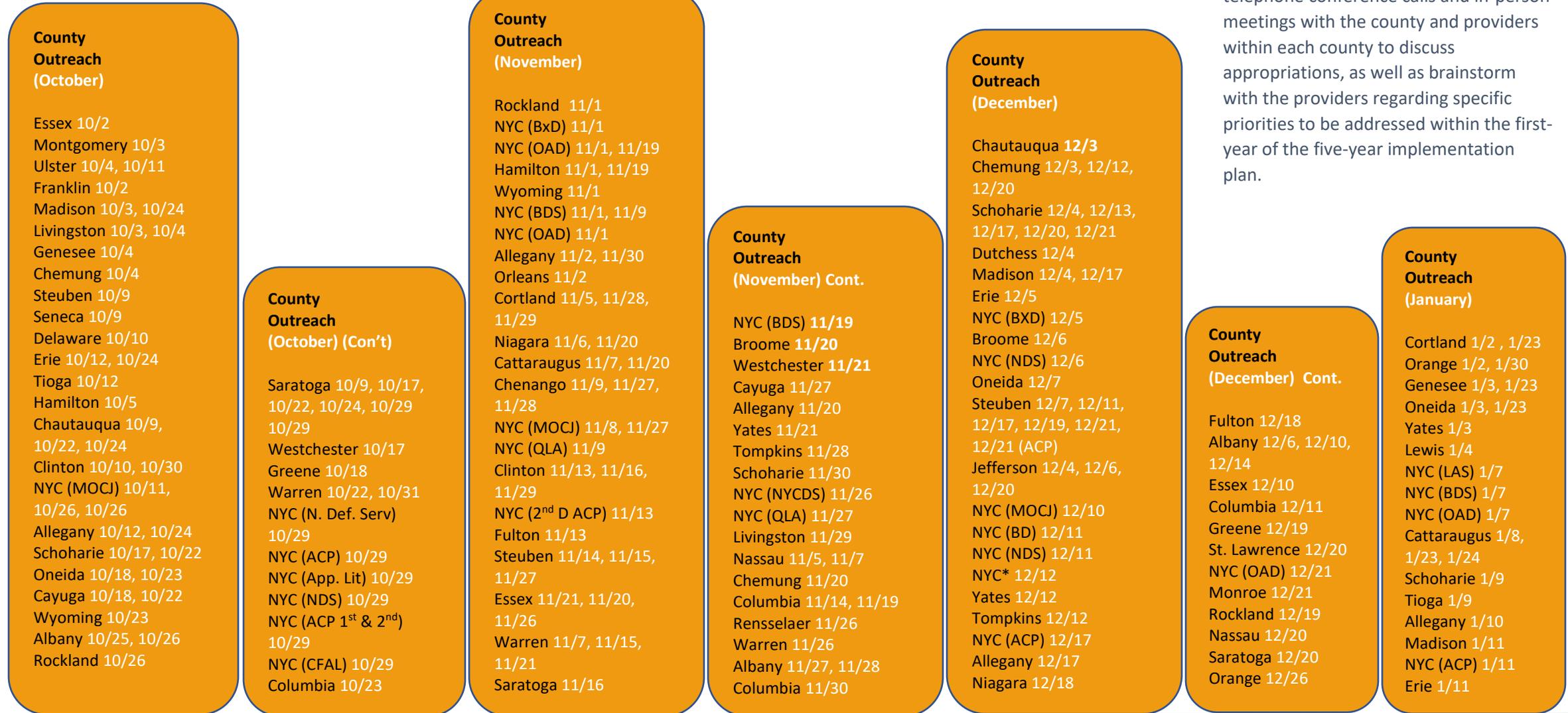
STATEWIDE IMPLEMENTATION:  
Step 3: Budget Planning Negotiations

Budget Planning Negotiations include telephone conference calls and in-person meetings with the county and providers within each county to discuss appropriations, as well as brainstorm with the providers regarding specific priorities to be addressed within the first-year of the five-year implementation plan.



STATEWIDE IMPLEMENTATION:  
Step 3 (CONT.): Budget Planning Negotiations

**Budget Planning Negotiations** include telephone conference calls and in-person meetings with the county and providers within each county to discuss appropriations, as well as brainstorm with the providers regarding specific priorities to be addressed within the first-year of the five-year implementation plan.



Oct

Oct (Cont)

Nov

Nov (Cont)

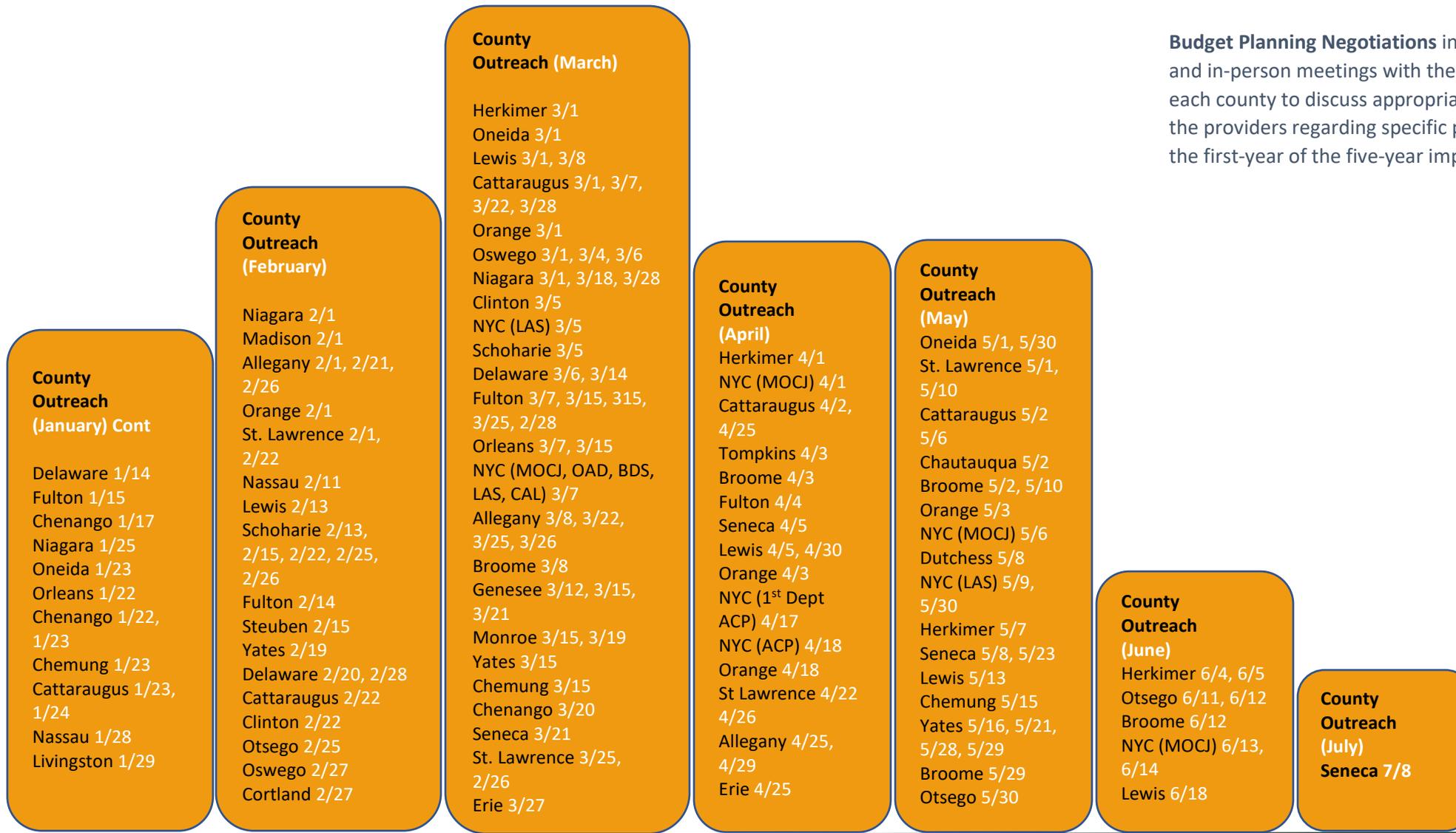
Dec

Dec (Cont)

Jan

STATEWIDE IMPLEMENTATION:  
Step 3 (CONT.): Budget Planning Negotiations

**Budget Planning Negotiations** include telephone conference calls and in-person meetings with the county and providers within each county to discuss appropriations, as well as brainstorm with the providers regarding specific priorities to be addressed within the first-year of the five-year implementation plan.



Jan (Cont)

Feb

March

April

May

June

July

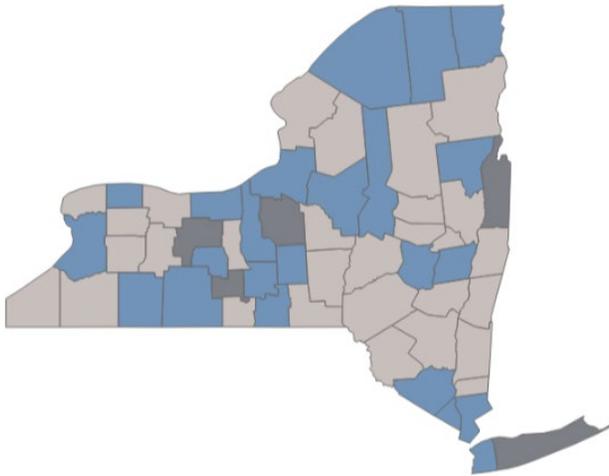
Aug

Sept

# STATEWIDE IMPLEMENTATION OF THE *HURRELL-HARRING* SETTLEMENT AGREEMENT

## LIST OF PROVIDERS

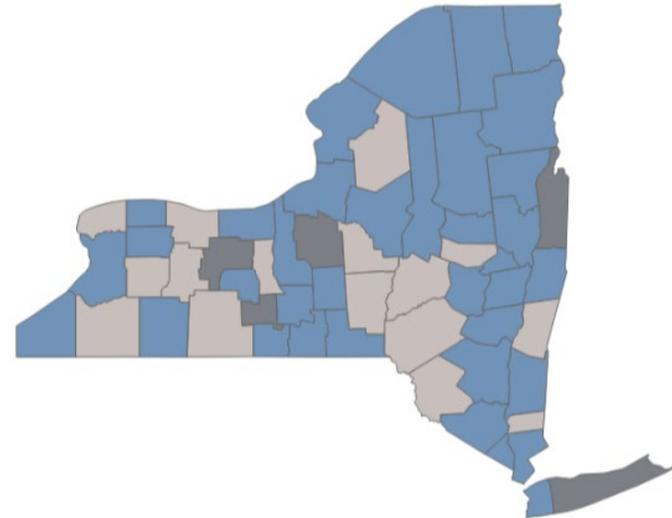
### Assigned Counsel with an Administrator



**2017**

(Providers in 23 upstate counties and 2 in NYC\*)

Albany, Allegany, Cayuga, Clinton, Cortland, Erie, Franklin, Herkimer, Nassau, New York City (2), Oneida, Orange, Orleans, Oswego, Rockland, Schoharie, St. Lawrence, Steuben, Tioga, Tompkins, Warren, Wayne, Westchester, and Yates.



**2019**

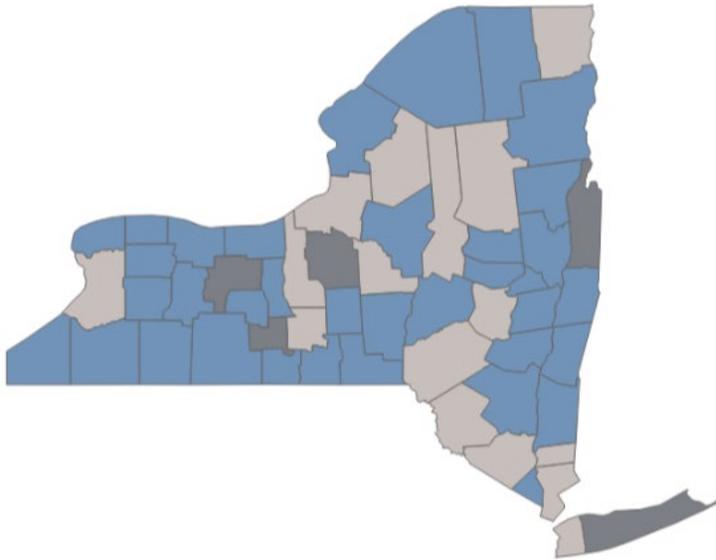
(Providers in 36 upstate counties and 2 in NYC\*)

Albany, Allegany, Broome, Cayuga, Chauttaqua, Chemung, Clinton, Cortland, Dutchess, Erie, Essex, Franklin, Fulton, Genesee, Greene, Hamilton, Herkimer, Jefferson, Nassau, New York City (2), Oneida, Orange, Orleans, Oswego, Rensselaer, Rockland, Saratoga, Schenectady, Schoharie, St. Lawrence, Tioga, Tompkins, Ulster, Warren, Wayne,

\* New York City providers are not depicted on the map.

\* Providers involved in the *Hurrell-Harring settlement agreement* are not depicted on the map.

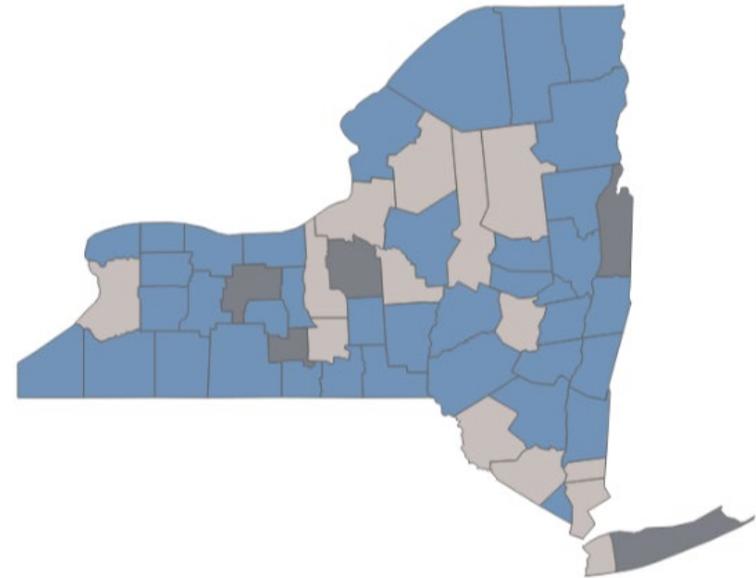
## Public Defender Offices



**2017**

(Providers in 36 upstate counties\*)

Albany, Allegany, Broome, Cattaraugus, Chautauqua, Chemung, Chenango, Columbia, Cortland, Dutchess, Essex, Franklin, Fulton, Genesee, Greene, Jefferson, Livingston, Monroe, Montgomery, Niagara, Oneida, Orleans, Otsego, Rensselaer, Rockland, Saratoga, Schenectady, Seneca, St. Lawrence, Steuben, Tioga, Ulster, Warren, Wayne, Wyoming,



**2019**

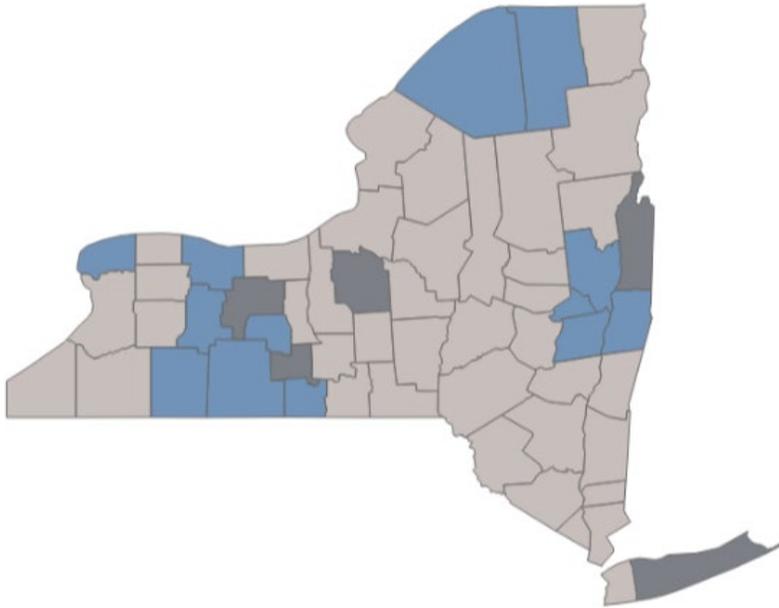
(Providers in 38 upstate counties)

Albany, Allegany, Broome, Cattaraugus, Chautauqua, Chemung, Chenango, Clinton, Columbia, Cortland, Delaware, Dutchess, Essex, Franklin, Fulton, Genesee, Greene, Jefferson, Livingston, Monroe, Montgomery, Niagara, Oneida, Orleans, Otsego, Rensselaer, Rockland, Saratoga, Schenectady, Seneca, St. Lawrence, Steuben, Tioga, Ulster, Warren, Wayne, Wyoming and Yates.

\* Providers involved in the *Hurrell-Harring settlement agreement* are not depicted on the map.

and Yates.

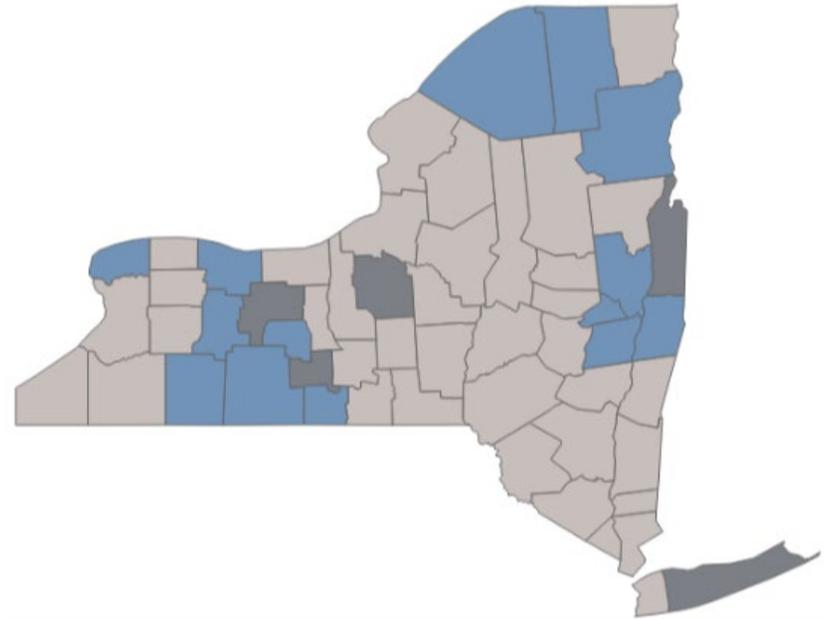
## Conflict Defender Offices



**2017**

(Providers in 13 upstate counties\*)

Albany, Allegany, Chemung, Franklin, Livingston, Monroe, Niagara, Rensselaer, Saratoga, Schenectady, St. Lawrence, Steuben, and Yates.



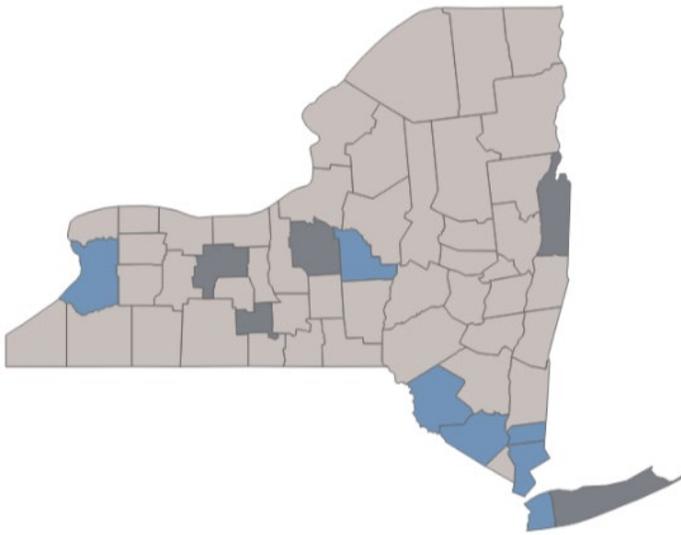
**2019**

(Providers in 14 upstate counties)

Albany, Allegany, Chemung, Essex, Franklin, Livingston, Monroe, Niagara, Rensselaer, Saratoga, Schenectady, St. Lawrence, Steuben, and Yates.

\* Providers involved in the *Hurrell-Harring settlement agreement* are not depicted on the map.

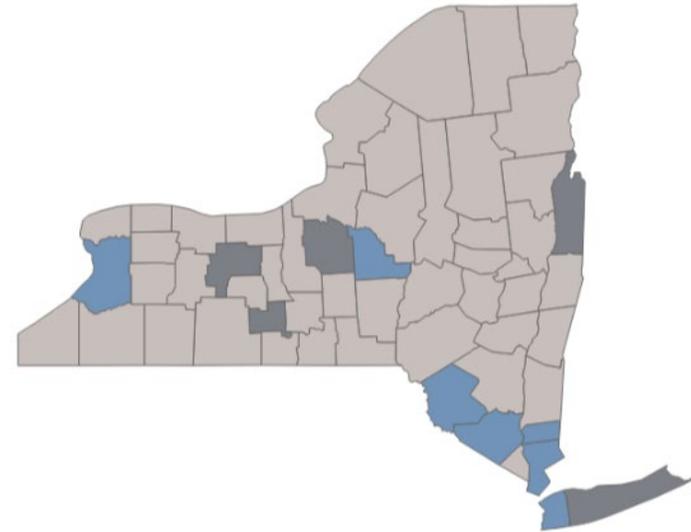
## Non-Profit Offices



**2017**

(Providers in 7 upstate counties and NYC\*)

Erie, Madison, Nassau, New York City (6), Orange, Putnam, Sullivan (2), and Westchester.



**2019**

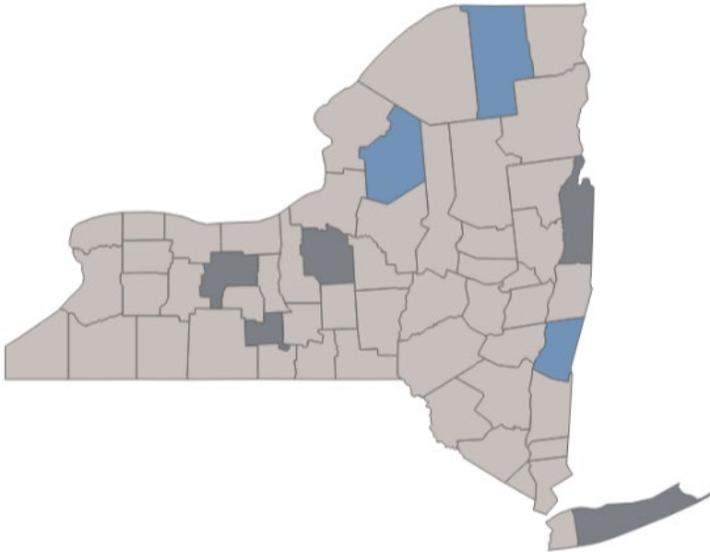
(Providers in 7 upstate counties and NYC\*)

Erie, Madison, Nassau, New York City (6), Orange, Putnam, Sullivan (2), and Westchester.

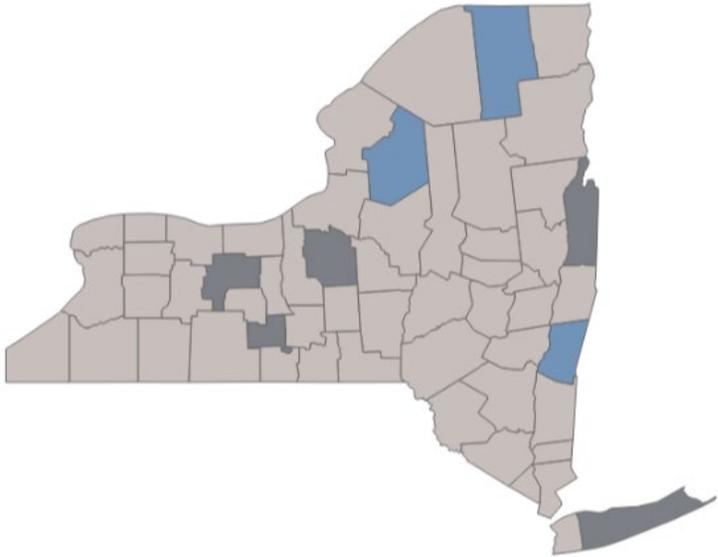
\* New York City providers are not depicted on the map.

\* Providers involved in the *Hurrell-Harring settlement agreement* are not depicted on the map.

# Private Attorneys

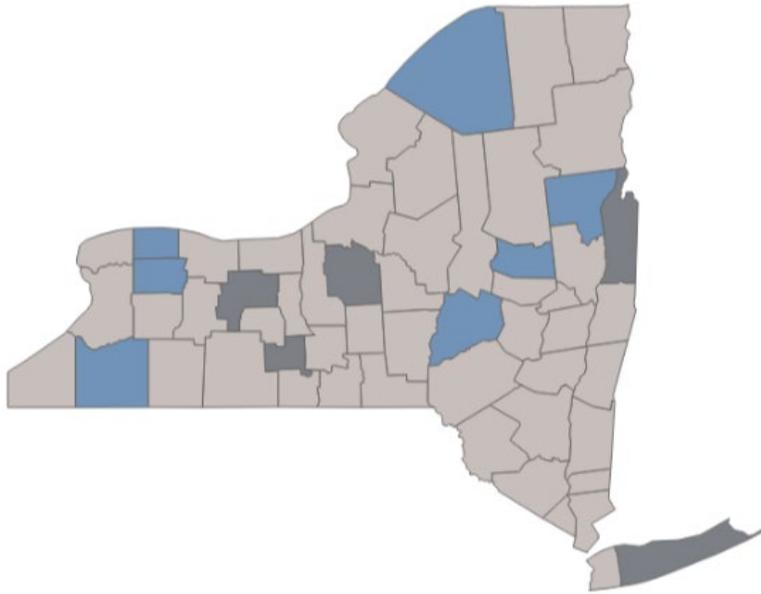


**2017**  
(Providers in 3 upstate counties)  
Columbia (3), Franklin, and Lewis (2).



**2019**  
(Providers in 3 upstate counties)  
Columbia (3), Franklin, and Lewis (2).

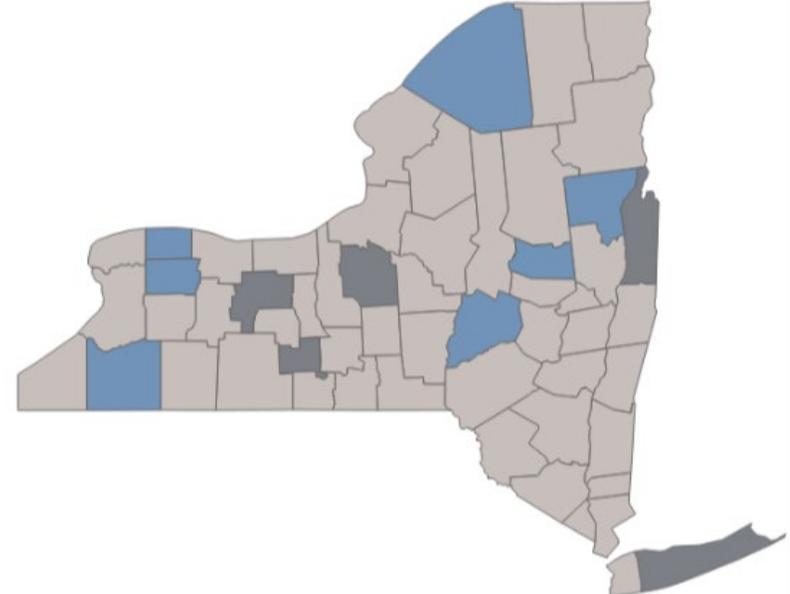
## Appellate Offices and Regional Appellate Services



**2017**

(Providers in 7 upstate counties and NYC\*)

Cattaraugus, Fulton, Genesee, New York City (3), Orleans, Otsego, St. Lawrence, and Warren.



**2019**

(Providers in 7 upstate counties and NYC\*)

Cattaraugus, Fulton, Genesee, New York City (3), Orleans, Otsego, St. Lawrence, and Warren.

\* New York City providers are not depicted on the map.

\* Providers involved in the *Hurrell-Harring settlement agreement* are not depicted on the map.

# Timeline for roll-out of ILS-195

October 31, 2018

## Timeline for roll-out of ILS-195

### Introduction

In the fall of 2018, ILS will release new data requirements for providers of indigent legal services. Pursuant to its new authority under County Law §722-f, these will include plans for a new annual statistical report required from all providers known as the ILS-195. This will replace the older report, the UCS-195, which will be progressively eliminated as the ILS-195 is introduced. This memo lays out the timetable for that transition.

The new form will include three parts. The requirement to fill out these parts of the form will be rolled out in sequence over three years, as the UCS-195 is eliminated. The three parts of the new form cover the following areas:

- Part 1:** Program expenditures, staffing and salaries, distinguishing family court and criminal court activities.
- Part 2:** Program caseloads, and (for assigned counsel programs only) average time expended per case.
- Part 3:** Case processing and case outcomes, including arraignments, case dispositions, rates of conflict, and other matters.

### Data requirements timeline

Beginning in 2020 the UCS-195 will be progressively eliminated and replaced by the ILS-195. The complete timeline for the roll-out of the new form is illustrated in Table 1.

*Table 1: Roll-Out of Data Requirements for Statewide Expansion Counties & NYC*

	2019	2020	2021 *	2022	2023	2024
UCS-195 §5-6						
UCS-195 §§1-4						
New form part 1						
New form part 2						
New form part 3						

\* ILS caseload counting definitions required beginning 2021.

Legend:

Required	Not required	Not acceptable
----------	--------------	----------------

In 2019, providers will be required to submit a UCS-195 form which will be unchanged from the form they have filled out in prior years.

In 2020, Sections 5 and 6 of the UCS-195 (dealing primarily with staffing and expenditures) will be eliminated. They will be replaced instead with 'Part 1' of the ILS-195.

In 2021, Sections 1 through 4 of the UCS-195 (dealing primarily with caseloads and case outcomes) will also be eliminated. They will be replaced with 'Part 2' of the ILS-195. Notably, beginning this year, caseload data providers submit must comply with ILS' *Definitions for Reporting Counts of Criminal Cases to the Office of Indigent Legal Services*.

In 2022, 'Part III' will be introduced, dealing primarily with case processing and case outcomes.

Recognizing that the five counties included in the 2015 Hurrell-Harring settlement are already subject to significant data demands, those counties will not be required to transition to submission of the ILS-195 until 2024. However, the requirement to submit the UCS-195 in these counties will remain in place for all intervening years.

## **Provider data collection improvements timeline**

Both the UCS-195 and the planned new form require providers to report data on their previous year's activities. (Thus, for example, while Part 1 is required in 2020, the data that will be reported at that time will refer to the previous year, 2019.) The deadlines laid out in above therefore require significant planning by providers for compliance. Providers should consider the following schedule of milestones that will need to be met *prior* to the reporting deadlines to assure they will be able to comply with the new requirements.

### **2018**

- ILS data requirements (annual reporting form, definitions) are released in fall.
- Counties should plan to appoint Data Officers in consultation with ILS.
- Counties should begin considering case management and other technology, staffing, or training needs related to data reporting abilities.

### **2019**

- UCS-195 form due in April, reporting data for 2018.
- Providers must begin data collection to be able to report answers to Part 1 of the form (concerning expenditures and staffing) in early 2020.
- Counties must appoint Data Officers.
- Counties should determine all needed technology needs for data tracking and reporting, and finalize all needed purchases.
- Data Officers should prepare to begin collecting data for questions 8 through 10 of the form (concerning caseloads and, in assigned counsel providers, hours per case) in the year 2020.

### **2020**

- UCS-195 form sections 1-4 and ILS-195 Part 1 due in April, reporting data for 2019.
- County Data Officers oversee first year of collection of caseload counts compliant with ILS case counting definitions, due for reporting in early 2021.

### **2021**

- ILS-195 Parts 1 and 2 due in April, reporting data for 2020.

- Providers must report caseload counts and hours-per-case counts fully, including accurately quantifying newly opened cases in accordance with ILS definitions.
- Target year for ILS study of progress toward compliance caseload standards.

**2022**

- Complete ILS-195 (Parts 1, 2 and 3) due in April, reporting data for 2021.

**2023**

- Complete ILS-195 due in April, reporting data for 2022.

**2024**

- Complete ILS-195 due in April, reporting data for 2023.

## ILS-195: Reporting Form for Providers of Mandated Representation

**(This form is for demonstration and review purposes only.)**

### General instructions

Beginning in 2019, each provider of mandated representation must file an annual report with the Office of Indigent Legal Services (ILS) pursuant to New York County Law §722-f. Providers will fulfill this requirement through submission of a new form known as the ILS-195. The form will be rolled out in stages between the years 2019 and 2022 pursuant to a timeline published by ILS which can be viewed here. **This form is for demonstration and review purposes only: if you choose to complete it, your answers will not be recorded or used by ILS. When required, ILS will provide you with a link to fill out the form.**

Next to each question in the form, you will find an ‘Instructions & Definitions’ link containing information on the data that are being requested. We ask that you consult these instructions and definitions while filling out the form, and contact ILS with any outstanding questions. There are also hyperlinks to additional resources included at the top of the screen throughout the form for your reference. Note that as you are filling out the form, you are able to click ‘Save Answers and Continue Later’ at the bottom of each page if you need to come back to the form at another time. . In that case, you will be prompted to enter your email address. Please do so and select “Continue”. You will then receive an email with a new link. Use that new link to return to where you left off. Before submitting the form, you may choose to print your responses. Please note that the printout will only show questions for which an answer was provided.

Every provider of representation must file a separate submission. A ‘provider’ of representation is a public defender office, conflict defender office, legal aid society, assigned counsel program, or any other office, firm, individual, or entity that provides representation to persons financially unable to afford counsel in criminal or Family Court cases as defined in NY County Law 18-b. We consider assigned counsel ‘providers’ to exist in counties even where no formal administration exists and judges assign counsel ad hoc. Except in New York City, we consider providers to be specific to a county. Where a single organization supplies representation in multiple counties (sometimes called a ‘regional’ program), separate forms must be submitted for services provided by that organization in each county respectively. Where one person or entity oversees two or more providers according to this definition (as, for example, where public defender offices oversee assigned counsel systems) separate reports must be submitted for each provider.

All questions refer to the most recent calendar year (January 1 – December 31), and must be supplied prior to the reporting deadline (April 1 following the year in question).

Data submitted on this form should be consistent both with the instructions and definitions included in the form, and with ILS’ *Definitions for Reporting Counts of Criminal Cases to the Office of Indigent Legal Services*. Note that prior to submitting the form, the provider must certify that the data are accurate and conform to all relevant definitions. Providers must also certify that the data have been reviewed by the county’s Data Officer. The Data Officer is the person nominated by the county to oversee and assure the accuracy and consistency of data submitted to ILS.

If you have any questions or are not sure who your county's Data Officer is, please contact ILS at [data@ils.ny.gov](mailto:data@ils.ny.gov).

DRAFT

**Please refer to the instructions and definitions when completing this form.  
Throughout, 'last year' refers to the period January 1-December 31.  
The reporting deadline is April 1.**

**Please enter the following information for your provider.**

**County/City:** \_\_\_\_\_  
**Provider:** \_\_\_\_\_  
**Your name:** \_\_\_\_\_  
**Your street address:** \_\_\_\_\_  
**City:** \_\_\_\_\_  
**Zip Code:** \_\_\_\_\_  
**Your telephone number:** \_\_\_\_\_  
**Your email address:** \_\_\_\_\_

#### Instructions and Definitions

A **provider** of representation is a public defender office, conflict defender office, legal aid society, assigned counsel program, or any other office, firm, individual, or entity that provides representation to persons financially unable to afford counsel in criminal cases as defined in NY County Law 18-b. We consider assigned counsel 'providers' to exist in counties even where no formal administration exists and judges assign counsel ad hoc. Except in New York City, we consider providers to be specific to a county. Where a single organization supplies representation in multiple counties (sometimes called a 'regional' program), separate forms must be submitted for services provided by that organization in each county respectively. Where one person or entity oversees two or more providers according to this definition (as, for example, where public defender offices oversee assigned counsel systems) separate reports must be submitted for each provider.

#### Screener questions

[These questions facilitate skip patterns.]

A. Is this **provider** an **institutional provider**, or **assigned counsel**?

[If institutional provider, skip questions 11 and 17. Also skip screener question B.]

#### Instructions and Definitions

A **provider** of representation is a public defender office, conflict defender office, legal aid society, assigned counsel program, or any other office, firm, individual, or entity that provides representation to persons financially unable to afford counsel in criminal cases as defined in NY County Law 18-b. We consider assigned counsel ‘providers’ to exist in counties even where no formal administration exists and judges assign counsel ad hoc. Except in New York City, we consider providers to be specific to a county. Where a single organization supplies representation in multiple counties (sometimes called a ‘regional’ program), separate forms must be submitted for services provided by that organization in each county respectively. Where one person or entity oversees two or more providers according to this definition (as, for example, where public defender offices oversee assigned counsel systems) separate reports must be submitted for each provider.

**Institutional providers** are providers of representation which employ staffs of attorneys to provide representation, and include public defender offices, conflict defender offices, and legal aid societies. This includes providers where staff are part-time and deliver services out of their respective private law offices. This may also include law firms or individual attorneys who provide representation in cases pursuant to a contract.

**Assigned counsel** are providers of representation which do not employ staffs of attorneys to provide representation, but instead compensate attorneys hourly for the time they spend on individual cases pursuant to County Law 18-b § 722(3).

B. [Only asked if responds ‘assigned counsel’ to screener question A] Is this **provider** notified of all **new cases opened** at the time of opening?

If yes check here: [  ]

If no check here: [  ]

[If no, skip questions 14 and 16.]

### Instructions and Definitions

A new case is opened in a provider when representation and/or advice is provided to a client by an attorney, as detailed in ILS’ *Definitions for Reporting Counts of Criminal Cases to the Office of Indigent Legal Services*

However, some providers (particularly in assigned counsel contexts) may not know that cases have been opened if, for example, an attorney accepts an assignment directly from a judge. In such cases, the assigned counsel administrator may not be notified of the new case until after the case is ended when the attorney bills for his or her time.

As stated in ILS’ *Definitions for Reporting Counts of Criminal Cases to the Office of Indigent Legal Services*, providers who are not informed of all new cases opened at the time of opening may report counts of closed cases instead for certain questions. The precise wording of the *Definitions* is as follows:

“When reporting caseload counts, providers should report counts of all newly opened cases across all categories specified in ILS’ caseload standards for the time period requested (generally the previous

year). Where providers are not informed of the opening of cases in a timely manner they may report counts of cases that closed during the time period requested. In this situation, the same definitions must be applied for the purpose of counting cases. This is of importance because it is common for more than one case against a single client to be disposed together – creating the appearance, at the point of closing, that only one case is being closed, whereas in fact multiple cases are being closed simultaneously. For providers reporting cases according to this rule, it is essential that the total number of cases being closed is recorded accurately in accordance with these definitions.”

### Part 1

**The information requested in this Part must be reported for 2019 and every year thereafter. The deadline for submission of 2019 information is April 1, 2020.**

1. How many **individuals** were on **staff** at this **provider** on July 1 of last year in the following categories? Please respond with numbers only. Decimal points are not allowed. A blank entry will result in an error message – please enter ‘0’ where applicable.

	Attorneys	Investigators	Social workers	Other staff	TOTAL
Individuals	_____	_____	_____	_____	Comp.

#### Instructions and Definitions

**‘Individuals’** refers to the total number of persons on staff, whether part-time or full-time, as of July 1 of the year for which data are being reported. Only individuals involved in providing representation to persons financially unable to afford counsel in criminal cases as defined in NY County Law 18-b should be counted. No person should be counted in more than one category.

**‘Staff’** includes all persons who are employed by the office in a full- or part-time capacity. For assigned counsel providers, ‘staff’ includes only the staff employed to run the program itself (i.e. the administrator and any supporting staff) and not attorneys accepting assignments.

An **‘Attorney’** is a person admitted to the New York State Bar, or awaiting Bar admission and acting pursuant to a Practice Order. To be counted here, they must have been engaged either in providing legal representation to clients, in supervising or managing others who provide legal representation to clients, or managing an assigned counsel provider.

**'Investigators'** includes all persons responsible for assisting defense counsel with factual investigation including but not limited to identifying and interviewing witnesses and reviewing evidence. Do not include persons in this category if their primary responsibilities are process serving and/or screening of clients for financial eligibility.

**'Social workers'** includes all persons licensed as social workers pursuant to Title 8, Article 154, Section 7704 of New York State Education Law and Part 74 and Section 52.30 of the Regulations of the Commissioner of Education, as well as persons performing sentencing advocacy services, client and/or case management services, or mitigation investigation services, whether or not as licensed social workers.

**'Other staff'** includes any non-attorney professional who is not an investigator or social worker according to these definitions.

It may be useful to refer to the ILS *Employee Statistics Worksheet* for assistance with this question. That worksheet allows you to enter details for all persons employed in your provider, and generates this table automatically. [Click here to access the worksheet.](#)

A **provider** of representation is a public defender office, conflict defender office, legal aid society, assigned counsel program, or any other office, firm, individual, or entity that provides representation to persons financially unable to afford counsel in criminal cases as defined in NY County Law 18-b. We consider assigned counsel 'providers' to exist in counties even where no formal administration exists and judges assign counsel ad hoc. Except in New York City, we consider providers to be specific to a county. Where a single organization supplies representation in multiple counties (sometimes called a 'regional' program), separate forms must be submitted for services provided by that organization in each county respectively. Where one person or entity oversees two or more providers according to this definition (as, for example, where public defender offices oversee assigned counsel systems) separate reports must be submitted for each provider.

2. Of the **attorneys on staff** on July 1 of last year, how many **supervised** the work of others?  
Please respond with numbers only. Decimal points are not allowed. A blank entry will result in an error message – please enter '0' where applicable.

---

#### Instructions and Definitions

Anybody who is responsible for overseeing or managing the work of others should be counted as a **'supervisor'**. This includes managers, even if they do not handle cases or clients directly at all.

3. How many hours is a **'full-time'** employee expected to work weekly in this **provider**? (e.g. 37.5)  
Please respond with numbers only. Decimal points are allowed. A blank entry will result in an error message – please enter '0' where applicable.

---

### Instructions and Definitions

Please specify the number of hours that a person must work in a week to be considered **'full-time'** in your provider. For some providers persons working 37.5 hours a week or more are considered 'full-time', for others the cut-off point for the number of hours may be different.

4. How many **full-time equivalent (FTE) staff** were employed by this **provider** on July 1 of last year? Please respond with numbers only. Decimal points are allowed. A blank entry will result in an error message – please enter '0' where applicable.

	<b>Attorneys</b>	<b>Investigators</b>	<b>Social workers</b>	<b>Other staff</b>	<b>TOTAL</b>
<b>FTEs</b>	_____	_____	_____	_____	Comp.

### Instructions and Definitions

**'Staff'** includes all persons who are employed by the office in a full- or part-time capacity. For assigned counsel providers, 'staff' includes only the staff employed to run the program itself (i.e. the administrator and any supporting staff) and not attorneys accepting assignments.

Counting 'staff' in **full-time equivalent** terms is done as follows. One staff-person who works full-time in your program is counted as '1', whereas a staff member who works less than full-time is counted according to the proportion of a full-time position that they work (e.g. a staff person working 50% of full-time is counted as '0.5'). A program with one full-time and one 50% part-time attorney, for example, would therefore have '1.5 full-time equivalent' attorney staff. This same approach should be taken with each category of staff.

An **'Attorney'** is a person admitted to the New York State Bar, or awaiting Bar admission and acting pursuant to a Practice Order. To be counted here, they must have been engaged either in providing legal representation to clients, in supervising or managing others who provide legal representation to clients, or managing an assigned counsel provider.

**'Investigators'** includes all persons responsible for assisting defense counsel with factual investigation including but not limited to identifying and interviewing witnesses and reviewing evidence. Do not include persons in this category if their primary responsibilities are process serving and/or screening of clients for financial eligibility.

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**‘Other staff’** includes any non-attorney professional who is not an investigator or social worker according to these definitions.

It may be useful to refer to the ILS Employee Statistics Worksheet for assistance with this question. Click [here](#) to access the worksheet.

- Of the **FTEs** reported in the previous question, how many work on **criminal** representation, and how many on **family** representation, whether at the trial or appellate level? Please respond with numbers only. Decimal points are allowed. A blank entry will result in an error message – please enter ‘0’ where applicable. Note that the values presented in the ‘total’ bottom row are populated automatically based on your previous answers. If the totals presented seem incorrect, please review your answers to previous questions and/or provide an explanation below.

	<b>Attorneys</b>	<b>Investigators</b>	<b>Social workers</b>	<b>Other staff</b>	<b>TOTAL</b>
<b>Criminal</b>	_____	_____	_____	_____	Comp.
<b>Family</b>	_____	_____	_____	_____	Comp.
<b>Total</b>	Q4 response shown	Q4 response shown	Q4 response shown	Q4 response shown	Q4 response shown

### Instructions and Definitions

**‘Criminal’** refers to persons engaged in representation in criminal cases, whether at the trial, appellate, or post-disposition level.

**‘Family’** refers to persons engaged in representation in Family Court cases, as defined under County Law 18-b, whether at the trial or appellate level.

FTE staff dedicated to criminal and family court respectively are broken out as follows. If a single staff person maintained a caseload of **both criminal and family court cases** we ask that you report what proportion of time they spent on each. For example, if Attorney 1 is a full-time employee that spends 75% of his or her time on criminal cases and 25% on family court cases, you should add 0.75 to the total number of full-time equivalent attorneys in criminal practice, and 0.25 to the number in family court. If Attorney 2 is a part-time (40%) employee that spends 75% of his or her time on criminal cases and 25% on non-criminal cases, you should add 0.3 (found by multiplying 0.4 by 0.75) to the total number of full-time equivalent attorneys in criminal practice, and 0.1 (found by multiplying 0.4 by 0.25) to the number of full-time equivalent attorneys in family court practice.

Your responses from the previous question are shown in the **‘total’** row: please assure your responses to this question sum appropriately to those totals.

It may be useful to refer to the ILS *Employee Statistics Worksheet* for assistance with this question. Click [here](#) to access the worksheet .

6. Please report the **provider’s total expenditures on personal services (PS)** last year. Please respond with numbers only – no letters, commas, or special characters (including dollar signs and dashes). Decimal points are allowed. A blank entry will result in an error message – please enter ‘0’ where applicable.

	Attorneys	Investigators	Social workers	Other staff	TOTAL
PS expenditures	_____	_____	_____	_____	Comp.

### Instructions and Definitions

**‘Expenditures on personal services’** are those on salaries, wages, and fringe benefits of staff. Accordingly, please enter the totals expended by your provider for personal services for the individuals in each category of staff in the last year. **‘Staff’** includes all persons who are employed by the office in a full- or part-time capacity. For assigned counsel providers, ‘staff’ includes only the staff employed to run the program itself (i.e. the administrator and any supporting staff) and not attorneys accepting assignments. Only expenditures related to providing representation to persons financially unable to afford counsel in criminal cases as defined in NY County Law 18-b should be counted.

Expenditures on **‘Attorneys’** are those for persons admitted to the New York State Bar, or awaiting Bar admission and acting pursuant to a Practice Order. Such persons must have been engaged either in providing legal representation to clients, in supervising or managing others who provide legal representation to clients, or managing an assigned counsel provider. Note, however, that only expenditures for salaries, wages, and fringe benefits to **attorneys on staff** with a provider are considered **‘personal services’** and should be reported here. Expenditures for **assigned counsel** services are considered **‘other than personal services’** and should not be reported here.

Expenditures on **‘Investigators’** are those for all persons responsible for assisting defense counsel with factual investigation including but not limited to identifying and interviewing witnesses and reviewing evidence. Do not include persons in this category if their primary responsibilities are process serving and/or screening of clients for financial eligibility.

Expenditures on **‘Social workers’** are those for all persons licensed as social workers pursuant to Title 8, Article 154, Section 7704 of New York State Education Law and Part 74 and Section 52.30 of the Regulations of the Commissioner of Education, as well as persons performing sentencing advocacy services, client and/or case management services, or mitigation investigation services, whether or not as licensed social workers.

Expenditures on **‘Other staff’** are those for any non-attorney professional who is not an investigator or social worker according to these definitions.

It may be useful to refer to the ILS *Employee Statistics Worksheet* for assistance with this question.

7. Please report the **provider’s total expenditures** on all **other than personal services (OTPS)** items **last year**. We ask that you break out contractual expenditures for attorneys, investigators, social workers, expert witnesses, and other persons. Non-contractual OTPS (e.g. items such as equipment, rent, or travel) should be reported under ‘All other OTPS’. Assigned counsel providers should report all payment to attorneys under ‘attorneys’ in this question.

Please respond with numbers only – no letters, commas, or special characters (including dollar signs and dashes). Decimal points are allowed. A blank entry will result in an error message – please enter ‘0’ where applicable.

	Attorneys	Investigators	Social workers	Expert witnesses	Other persons	All other OTPS	Total
OTPS expenditures	_____	_____	_____	_____	_____	_____	Comp.

#### Instructions and Definitions

Expenditures on **‘other than personal services’** are those on items other than salaries, wages, and fringe benefits of staff. They include contractual expenditures for attorneys (including all payments to assigned counsel attorneys), investigators, social workers, expert witnesses, and other persons. They also include all other payments for supplies, equipment, training and CLE attendance, mileage, professional licensing fees, legal and other professional print material (books, periodicals, etc.), electronic legal research, and utilities. Only expenditures related to providing representation to persons financially unable to afford counsel in criminal cases as defined in NY County Law 18-b should be counted.

Enter the amount of contractual expenditures on attorneys under **‘Attorneys’**. Attorneys are persons admitted to the New York State Bar, or awaiting Bar admission and acting pursuant to a Practice Order. Such persons must have been engaged either in providing legal representation to clients, in supervising or managing others who provide legal representation to clients, or managing an assigned counsel provider. Note that expenditures for **assigned counsel** services are considered **‘other than personal services’** and should be reported here. Expenditures for salaries, wages, and fringe benefits to **attorneys on staff** with a provider are considered **‘personal services’** and should not be reported here.

Enter the amount of contractual expenditures on investigators under **‘Investigators’**. Investigators are persons responsible for assisting defense counsel with factual investigation including but not limited to identifying and interviewing witnesses and reviewing evidence. Do not include persons in this category if their primary responsibilities are process serving and/or screening of clients for financial eligibility. Note that only contractual expenditures for investigators should be reported here. Expenditures for salaries, wages, and fringe benefits of investigators on staff are considered **‘personal services’** and should not be reported here.

Enter the amount of contractual expenditures on social workers under **‘Social workers’**. Social workers are persons licensed as social workers pursuant to Title 8, Article 154, Section 7704 of New York State Education Law and Part 74 and Section 52.30 of the Regulations of the Commissioner of Education, as

well as persons performing sentencing advocacy services, client and/or case management services, or mitigation investigation services, whether or not as licensed social workers. Note that only contractual expenditures for social workers should be reported here. Expenditures for salaries, wages, and fringe benefits of social workers on staff are considered **'personal services'** and should not be reported here.

Enter the amount of contractual expenditures on social workers under **'Expert witnesses'**. Expert witnesses are persons acting as expert witnesses or potential expert witnesses, including if they were retained for consultation only but did not testify in court. Expenditures for salaries, wages, and fringe benefits of expert witnesses on staff are considered **'personal services'** and should not be reported here.

Enter the amount of contractual expenditures for any other person other than those in the categories above under **'Other persons'**. Other persons non-attorney professionals who are not investigators, social workers, or expert witnesses according to these definitions. This may include interpreters, administrators, paralegals etc.

**'All other OTPS'** includes expenditures for supplies, equipment, rent, training and CLE attendance, mileage, professional licensing, fees, legal and other professional print materials (books, periodicals, etc.), electronic legal research, utilities, and any 'chargebacks' paid to counties to cover the cost of supporting the provider.

8. Of the **OTPS expenditures** reported in the previous question, how much was dedicated to **criminal** representation, and how much to **family** representation, whether at the trial or appellate levels? Please only enter numbers in the first five columns. You cannot enter data in the 'All Other OTPS' and 'TOTAL' columns. These boxes will automatically show a "--". Please respond with numbers only – no letters, commas, or special characters (including dollar signs and dashes). Decimal points are allowed. A blank entry will result in an error message – please enter '0' where applicable. Note that the values presented in the 'total' bottom row are populated automatically based on your previous answers. If the totals presented seem incorrect, please review your answers to previous questions and/or provide an explanation below.

	<b>Attorneys</b>	<b>Investigators</b>	<b>Social workers</b>	<b>Expert witnesses</b>	<b>Other persons</b>	<b>All other OTPS</b>	<b>TOTAL</b>
<b>Criminal</b>	_____	_____	_____	_____	_____		
<b>Family</b>	_____	_____	_____	_____	_____		
	Q7 response shown	Q7 response shown	Q7 response shown	Q7 response shown	Q7 response shown	Q7 response shown	
<b>Total</b>							Comp.

**'OTPS expenditures'** are those reported in the previous question. In this question, we are requesting that OTPS on attorneys, investigators, social workers, expert witnesses, and other non-attorney professionals be broken down into the amounts expended in criminal and family court cases respectively. The category **'All other OTPS'** does not need to be broken down.

Your responses from the previous question are shown in the **'totals'** row: make sure your responses in this question add up correctly to the totals shown.

Expenditures in the **'criminal'** category are those relating to representation in criminal cases, whether at the trial, appellate, or post-disposition levels.

Expenditures in the **'family'** category are those relating to representation in family cases, whether at the trial or appellate levels.

9. Please report the total of any **other expenditures** for this **provider** last year not reported above. Please respond with numbers only – no letters, commas, or special characters (including dollar signs and dashes). Decimal points are allowed. A blank entry will result in an error message – please enter '0' where applicable.

\_\_\_\_\_

10. Total **expenditures** for this **provider**: Note that the value presented here is calculated automatically based on your previous answers. If this value seems incorrect, please review your answers to previous questions and/or provide an explanation below.

[Comp., sum of totals in questions 6, 7 and 9.]

11. [Question 11 is for assigned counsel providers only. Institutional providers will skip to Question 12.] How many **attorneys** were paid over the past year for work in **criminal** and **family** court cases respectively? Please respond with numbers only. Decimal points are not allowed. A blank entry will result in an error message – please enter '0' where applicable.

**Criminal** cases

\_\_\_\_\_

**Family** court cases

\_\_\_\_\_

### Instructions and Definitions

This question requests the total count of **individual attorneys** who have received any compensation for providing representation in either criminal or family court cases respectively, whether at the trial or appellate levels. Attorneys who have been compensated for cases in both categories should be counted *separately* in each.

12. Is there anything else you'd like us to know about the information submitted in this Part? This question is *optional*. Providers may wish to report information which helps put their answers to prior questions in context. Examples include unique circumstances which explain unusually high or low staffing numbers, or the provision of holistic services to providers resulting in personal services expenditures on 'other staff'.

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13. Are there any documents you would like to share with us in addition to the information submitted in Part 1? If so, please upload here. This question is *optional*.

[Button to upload documents appears here.]

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## Part 2

**The information requested in this Part must be reported for 2020 and every year thereafter. The deadline for submission of 2020 information is April 1, 2021.**

14. Please report the total number of **new cases opened** in the following categories last year. Please respond with numbers only. Decimal points are not allowed. A blank entry will result in an error message – please enter ‘0’ where applicable.

[Assigned counsel providers not notified of newly open cases per their response on Screener Question B will skip to question 15. All other providers answer question 14.]

<b>Violent felonies</b>	_____
<b>Other felonies</b>	_____
<b>Misdemeanors and violations</b>	_____
<b>Parole violations</b>	_____
<b>Post-dispositions</b>	_____
<b>Appeals of a guilty plea</b>	_____
<b>Appeals of a verdict</b>	_____
<b>Family Court</b>	_____
<b>Family appeals</b>	_____

### Instructions and Definitions

This question requests the numbers of **new cases opened** in the last year, also known as the program’s incoming caseload. They are divided into eight categories.

These categories correspond to the caseload standards established by ILS in our report *A Determination of Caseload Standards pursuant to § IV of the Hurrell-Harring v. The State of New York Settlement*. ILS has also issued guidance on how exactly cases should be counted for reporting in this section in the document *Definitions for Reporting Counts of Criminal Cases to the Office of Indigent Legal Services*. Please refer to the *Definitions* with any questions regarding how cases should be categorized, or how and when advice and/or representation provided to clients should be counted as a ‘**case**’.

ILS has not issued any definitions for **family court** or **family appeals** cases. We request you submit to us the count of new cases as it appears in the provider’s records.

15. Please report the total number of **cases closed** in the following categories last year. Please respond with numbers only. Decimal points are not allowed. A blank entry will result in an error message – please enter '0' where applicable.

[Only assigned counsel providers not notified of newly open cases per their response on Screener Question B will receive this question. All other providers receive question 14.]

<b>Violent felonies</b>	_____
<b>Other felonies</b>	_____
<b>Misdemeanors &amp; violations</b>	_____
<b>Parole violations</b>	_____
<b>Post-dispositions</b>	_____
<b>Appeals of a guilty plea</b>	_____
<b>Appeals of a verdict</b>	_____
<b>Family Court</b>	_____
<b>Family appeals</b>	_____

#### Instructions and Definitions

This question requests the numbers of **cases closed** in the last year. They are divided into eight categories.

'**Cases closed**' are cases where representation has terminated either because a final disposition was reached in court, or for some other reason such as the discovery of a conflict of interest, or the client opting to change counsel. A case that results in a mistrial is considered a 'closed' case. '**Cases closed**' also include those cases of **Juvenile Offenders** and **Adolescent Offenders** initiated in the criminal Youth Part but later transferred to Family Court pursuant to CPL Article 722. The date of case closure is the date of the termination of representation, and not another date such as the date on which an **assigned counsel** provider receives a voucher from an attorney for his or her services. In **institutional providers**, cases transferred or reassigned between attorneys within a provider should not be counted as 'closed' by the first attorney and 'opened' by the second. Cases closed should be categorized according to the initial top charge. Thus, a case wherein a defendant was initially charged with a violent felony should be counted in the violent felonies row, even if the defendant was ultimately convicted of a lesser charge, or not convicted at all. Cases should *not* be considered 'closed' if clients have absconded (whether or not a bench warrant was issued by a court). Misdemeanor cases dismissed when the client is incapacitated under CPL §730 should be counted as closed. Cases other than misdemeanors where the client is incapacitated under CPL §730 should remain open.

These categories correspond to the caseload standards established by ILS in our report *A Determination of Caseload Standards pursuant to § IV of the Hurrell-Harring v. The State of New York Settlement*. ILS has also issued guidance on how exactly cases should be counted for reporting in this section in the

document *Definitions for Reporting Counts of Criminal Cases to the Office of Indigent Legal Services*. Please refer to the *Definitions* with any questions regarding how cases should be categorized, or how and when advice and/or representation provided to clients should be counted as a ‘case’. **Assigned counsel** providers reporting totals of cases closed should refer particularly to the section of the definitions headed ‘**Reference periods for reporting**’.

ILS has not issued any definitions for **family** court or **family appeals** cases. We request you submit to us the count of new cases as it appears in the provider’s records.

16. Please report the total number of cases **pending** in the following categories on December 31 of last year. Please respond with numbers only. Decimal points are not allowed. A blank entry will result in an error message – please enter ‘0’ where applicable.

[Assigned counsel providers not notified of new cases will skip this question.]

- Violent felonies** \_\_\_\_\_
- Other felonies** \_\_\_\_\_
- Misdemeanors & violations** \_\_\_\_\_
- Parole violations** \_\_\_\_\_
- Post-dispositions** \_\_\_\_\_
- Appeals of a guilty plea** \_\_\_\_\_
- Appeals of a verdict** \_\_\_\_\_
- Family Court** \_\_\_\_\_
- Family appeals** \_\_\_\_\_

#### Instructions and Definitions

This question requests the numbers of cases open at the end of last year in eight categories, also known as the program’s **pending** caseload. They are divided into eight categories.

These categories correspond to the caseload standards established by ILS in our report *A Determination of Caseload Standards pursuant to § IV of the Hurrell-Harring v. The State of New York Settlement*. ILS has also issued guidance on how exactly cases should be counted for reporting in this section in the document *Definitions for Reporting Counts of Criminal Cases to the Office of Indigent Legal Services*. Please refer to the *Definitions* with any questions regarding how cases should be categorized, or how and when advice and/or representation provided to clients should be counted as a ‘case’.

ILS has not issued any definitions for **family** court or **family appeals** cases. We request you submit to us the count of new cases as it appears in the provider’s records.

17. Please report the total number of **hours of attorney time** reported for **cases closed** in the following categories last year. Please respond with numbers only. Decimal points are allowed to reflect fractions of an hour. A blank entry will result in an error message – please enter ‘0’ where applicable.

[Question 17 is for assigned counsel providers only. Institutional providers will skip to Question 18.]

	<i>Attorney time</i>
<b>Violent felonies</b>	_____
<b>Other felonies</b>	_____
<b>Misdemeanors &amp; violations</b>	_____
<b>Parole violations</b>	_____
<b>Post-dispositions</b>	_____
<b>Appeals of a guilty plea</b>	_____
<b>Appeals of a verdict</b>	_____
<b>Family Court</b>	_____
<b>Family appeals</b>	_____

#### Instructions and Definitions

This question requests the **aggregate number of hours of work spent by attorneys on cases closed** in the last year. Time dedicated by non-attorneys (e.g. investigators) should not be included. ILS set standards for the number of hours attorney should spend, on average, per case, in its report *A Determination of Caseload Standards pursuant to § IV of the Hurrell-Harring v. The State of New York Settlement*.

Cases should be counted consistent with the definitions set forth in *Definitions for Reporting Counts of Criminal Cases to the Office of Indigent Legal Services*. '**Cases closed**' are cases where representation has terminated either because a final disposition was reached in court, or for some other reason such as the discovery of a conflict of interest, or the client opting to change counsel. A case that results in a mistrial is considered a 'closed' case. 'Cases closed' also include those cases of **Juvenile Offenders** and **Adolescent Offenders** initiated in the criminal Youth Part but later transferred to Family Court pursuant to CPL Article 722. The date of case closure is the date of the termination of representation, and not another date such as the date on which an **assigned counsel** provider receives a voucher from an attorney for his or her services. In **institutional providers**, cases transferred or reassigned between attorneys within a provider should not be counted as 'closed' by the first attorney and 'opened' by the second. Cases closed should be categorized according to the initial top charge. Thus, a case wherein a defendant was initially charged with a violent felony should be counted in the violent felonies row, even if the defendant was ultimately convicted of a lesser charge, or not convicted at all. Cases should *not* be

considered 'closed' if clients have absconded (whether or not a bench warrant was issued by a court). Misdemeanor cases dismissed when the client is incapacitated under CPL §730 should be counted as closed. Cases other than misdemeanors where the client is incapacitated under CPL §730 should remain open.

The following simplified example shows how these numbers should be computed. If in the last year a program closed just two violent non-felony cases and three misdemeanor/violation cases, the total number of hours of attorney time in these cases is computed as follows.

Attorney hours expended in non-violent felony case 1: 24 hours  
 Attorney hours expended in non-violent felony case 2: 18 hours  
 Total attorney hours expended in non-violent felony cases: 18 + 24 = **42 hours**

Attorney hours expended in misdemeanor/violation case 1: 4.5 hours  
 Attorney hours expended in misdemeanor/violation case 2: 7.5 hours  
 Attorney hours expended in misdemeanor/violation case 3: 9 hours  
 Total attorney hours expended in misdemeanor/violation cases: 4.5 + 7.5 + 9 = **21 hours**

ILS has also issued guidance on how exactly cases should be counted for reporting in this section in the document *Definitions for Reporting Counts of Criminal Cases to the Office of Indigent Legal Services*. Please refer to the *Definitions* with any questions regarding how cases should be categorized, or how and when advice and/or representation provided to clients should be counted as a 'case'.

ILS has not issued any definitions for **family** court or **family appeals** cases. We request you submit to us the count of new cases as it appears in the provider's records.

18. Please note the types of **any other cases** in which this **provider** supplied representation which are not included in the counts reported above, and where possible note the numbers of those cases.

Type of case	Number of cases (if known)

**Instructions and Definitions**

Where providers supply representation in cases other than those captured in the categories in the questions above, they should note those cases here, and to the greatest extent possible quantify how many such cases there were.

'Other cases' includes any other instances of providing advice and/or representation to a person in association with a legal matter pursuant to established professional standards for providers of

mandated representation, but which are not included among the categories of cases described in the *Definitions for Reporting Counts of Criminal Cases to the Office of Indigent Legal Services*. Cases in which advice and representation was provided to persons not yet charged with an offense should be counted here.

19. Is there anything else you'd like us to know about the information submitted in this Part? This question is *optional*.

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20. Are there any documents you would like to share with us in addition to the information submitted in Part 2? If so, please upload here. This question is *optional*.

[Button to upload documents appears here.]

### Part 3

The information in this Part must be reported for 2021 and every year thereafter. The deadline for submission of 2021 information is April 1, 2022.

21. Please report the total numbers of **arraignments** in **criminal** cases at which you provided representation in the last year. Please respond with numbers only. Decimal points are not allowed. A blank entry will result in an error message – please enter ‘0’ where applicable.

	Violent felonies	Other felonies	Misdemeanors & violations
Total arraignments	_____	_____	_____
...at which client was <b>in custody prior to arraignment</b>	_____	_____	_____
...at which client was <b>ROR’d</b>	_____	_____	_____
...at which client was <b>released under supervision</b>	_____	_____	_____
...at which <b>bail was set</b>	_____	_____	_____
...at which client was <b>ineligible for bail</b>	_____	_____	_____
...at which client received an <b>ACD</b>	_____	_____	_____
...at which client’s case was <b>dismissed</b>	_____	_____	_____
...at which client <b>pleaded guilty</b>	_____	_____	_____

#### Instructions and Definitions

An **arraignment** is defined consistent with Executive Law § 832(4)(a)(i) as “the first appearance by a person charged with a crime before a judge or magistrate, with the exception of an appearance where no prosecutor appears and no action occurs other than the adjournment of the criminal process and the unconditional release of the person charged (in which event Arraignment shall mean the person’s next appearance before a judge or magistrate).” We note that, depending on case assignment procedures, providers may not necessarily supply representation for all arraignments in cases in which they are assigned. Hence, the **total number of arraignments** reported here may not match the total number of **new cases opened** reported in Part 2 of the form.

Arraignments ‘**at which client was in custody prior to arraignment**’ are those where the client was arrested and in custody prior to the proceeding. This includes persons either arrested pursuant to an arrest warrant, or subjected to arrest without a warrant.

Arraignments ‘**at which client was ROR’d**’ are those at which the client was released on his or her own recognizance (“ROR’d”) following the proceeding.

Arraignments **‘at which client was released under supervision’** are those in which the client was released subject to the supervision of a monitoring agency (e.g. probation, a treatment provider, or pretrial supervised release program) following the proceeding

Arraignments **‘at which bail was set’** are those at which the court required some financial condition set forth under Criminal Procedure Law (CPL) §520.10 to be satisfied for the client to obtain his or her release. This may include any one of the nine forms of bail or bond set forth under CPL §520.10(1).

Arraignments at which **‘client was ineligible for bail’** are those at which the client was not eligible to be bailed because under CPL 530.20 the arraigning court was without statutory authorization to set bail, or because a competency evaluation was ordered under CPL 730.

Arraignments **‘at which client received an ACD’** are those at which the client received an Adjournment in Contemplation of Dismissal during the proceeding.

Arraignments **‘at which the client’s case was dismissed’** are those at which the case was dismissed during the proceeding.

Arraignments **‘at which the client pleaded guilty’** are those where the client pleaded guilty to any charge.

22. Please report the total number of **criminal cases closed** in the last year, and the number in which the following services were provided. Please respond with numbers only. Decimal points are not allowed. A blank entry will result in an error message – please enter ‘0’ where applicable.

	Violent fel.	Other fel.	Misd. & violations	Parole violation	Post-disp.	Appeal, GP	Appeal, verdict
All criminal cases closed	_____	_____	_____	_____	_____	_____	_____
Investigator used	_____	_____	_____	_____	_____	_____	_____
Expert retained	_____	_____	_____	_____	_____	_____	_____
Interpreter retained	_____	_____	_____	_____	_____	_____	_____
Social worker used	_____	_____	_____	_____	_____	_____	_____

### Instructions and Definitions

Cases should be counted consistent with the definitions set forth in *Definitions for Reporting Counts of Criminal Cases to the Office of Indigent Legal Services*. **‘Cases closed’** are cases where representation has terminated either because a final disposition was reached in court, or for some other reason such as the discovery of a conflict of interest, or the client opting to change counsel. A case that results in a mistrial is considered a ‘closed’ case. ‘Cases closed’ also include those cases of Juvenile Offenders and Adolescent Offenders initiated in the criminal Youth Part but later transferred to Family Court pursuant to CPL Article 722. The date of case closure is the date of the termination of representation, and not

another date such as the date on which an **assigned counsel** provider receives a voucher from an attorney for his or her services. In **institutional providers**, cases transferred or reassigned between attorneys within a provider should not be counted as ‘closed’ by the first attorney and ‘opened’ by the second. Cases closed should be categorized according to the initial top charge. Thus, a case wherein a defendant was initially charged with a violent felony should be counted in the violent felonies row, even if the defendant was ultimately convicted of a lesser charge, or not convicted at all. Cases should *not* be considered ‘closed’ if clients have absconded (whether or not a bench warrant was issued by a court). Misdemeanor cases dismissed when the client is incapacitated under CPL §730 should be counted as closed. Cases other than misdemeanors where the client is incapacitated under CPL §730 should remain open.

Cases should be counted as **‘investigator used’** when an investigator was assigned to a case from among staff within an office, or was retained for an individual case. **‘Investigator’** includes persons responsible for assisting defense counsel with factual investigation including but not limited to identifying and interviewing witnesses and reviewing evidence. We do not consider investigation to include process serving and/or screening of clients for financial eligibility; cases where these services were provided should not be counted among ‘investigator used’ unless other factual investigation also occurred.

Cases should be counted as **‘expert retained’** when an expert witness was retained, whether or not payment was made to the witness. All cases where experts were retained should be counted including those where they were retained for consultation only but did not testify in court.

Cases should be counted as **‘interpreter retained’** when an interpreter was retained by the defense to assist with client communication. Cases involving use of interpreters provided by a court, or persons acting informally as interpreters without being retained, should not be counted.

Cases should be counted as **‘social worker used’** when a social worker was used in the case. Social workers include all persons licensed as social workers pursuant to Title 8, Article 154, Section 7704 of New York State Education Law and Part 74 and Section 52.30 of the Regulations of the Commissioner of Education, as well as persons performing sentencing advocacy services, client and/or case management services, or mitigation investigation services, whether or not as licensed social workers. Social workers may be assigned to a case from among staff within an office, or retained for an individual case.

23. Of the felony, misdemeanor and violation cases disposed in the last year, please report how many were: Please respond with numbers only. Decimal points are not allowed. A blank entry will result in an error message – please enter ‘0’ where applicable.

	<b>Violent felonies</b>	<b>Other felonies</b>	<b>Misdemeanors &amp; violations</b>
<b>Disposed at trial – fully acquitted</b>	_____	_____	_____
<b>Disposed at trial – found guilty of any charge</b>	_____	_____	_____
<b>Disposed at trial – dismissal</b>	_____	_____	_____

<b>Disposed by guilty plea to top charge</b>	_____	_____	_____
<b>Disposed by guilty plea to a lesser charge</b>	_____	_____	_____
<b>Adjournment in Contemplation of Dismissal</b>	_____	_____	_____
<b>Covered or dismissed in satisfaction of other case</b>	_____	_____	_____
<b>Otherwise dismissed</b>	_____	_____	_____
<b>Other court dispositions</b>	_____	_____	_____

### Instructions and Definitions

This question asks about cases which were disposed in the last year. Cases which do not end with a court disposition – for example, those where representation ends due to discovery of a conflict of interest – should not be counted in this question at all. Instead they are counted in a subsequent question.

The question requests information on violent felony, other felony, misdemeanor and violation cases only. Do not include any counts of post-disposition, parole violation, or appeal cases.

Cases should be counted as **‘disposed at trial – fully acquitted’** when the client was fully acquitted of all charges at trial.

Cases should be counted as **‘disposed at trial – found guilty of any charge’** when the client was found guilty of any charge at trial.

Cases should be counted as **‘disposed at trial – dismissal’** when the case was dismissed during the trial. This may occur, for example, pursuant to granting of a motion under NYCPL §280 for mistrial, or the granting of a trial order of dismissal pursuant to NYCPL §290.

Cases should be counted as **‘disposed by guilty plea to top charge’** when the client pleaded guilty to the most serious charge on the accusatory instrument or indictment.

Cases should be counted as **‘disposed by guilty plea to lesser charge’** when the client pleaded guilty to any lesser charge than the most serious one of which they were accused. This may include pleas to charges that were not initially ‘lesser included’ charges, but were ultimately arrived at as part of a plea deal.

Cases should be counted as **‘Adjournment in Contemplation of Dismissal’** when the case was disposed as Adjournment in Contemplation of Dismissal.

Cases should be counted as **‘covered or dismissed in satisfaction of other case’** when the case was dismissed as a result of an agreement in another case. (For example, the client pleaded guilty in another case, with the consequence this case was dismissed.)

Cases should be counted as **‘otherwise dismissed’** if they were dismissed but not included in any other category in this table (e.g. dismissed as a result of an agreement in another case, dismissed during trial, or Adjourned in Contemplation of Dismissal).

Cases should be counted under **‘other court dispositions’** when disposed by a court in any other manner.

Cases should be counted consistent with the definitions set forth in *Definitions for Reporting Counts of Criminal Cases to the Office of Indigent Legal Services*.

24. Please report the manner of disposition for all appellate cases in this program in the last year. Cases where representation ended before disposition should *not* be included in these counts. Please respond with numbers only. Decimal points are not allowed. A blank entry will result in an error message – please enter ‘0’ where applicable.

	Defendants’ appeals of guilty pleas	Defendants’ appeals of verdicts	People’s appeals
<b>Affirmed</b>	_____	_____	_____
<b>Reversed or Modified</b>	_____	_____	_____
<b>Anders brief filed and case dismissed</b>	_____	_____	_____
<b>Other disposition (dismissed for other reason, withdrawn, etc.)</b>	_____	_____	_____

### Instructions and Definitions

Providers should record counts of all disposed appeals of judgments of conviction and/or sentence, upon guilty plea, or upon verdict. Cases which ended for reasons other than a court disposition (e.g. representation ended when client found ineligible for services) should not be counted. Appeals of denied 440 motions should not be counted.

Cases should be counted consistent with the definitions set forth in *Definitions for Reporting Counts of Criminal Cases to the Office of Indigent Legal Services*. Those *Definitions* state that “A new [appellate] case must be counted whenever leave is granted to appeal to a higher court. A direct appeal should be counted as a case; in the event such an appeal fails and leave is granted to appeal to a higher court, a new appellate case should be counted. Filing of a notice of appeal should not be counted as a new appellate case in the absence of an assignment to conduct appellate representation.”

Cases should be counted as **defendant’s appeals** when the provider represents a client appealing a judgment of conviction and/or sentence.

Cases should be counted as **people’s appeals** when the provider represents a client in a case where the people have appealed. This includes appeals from pretrial orders, and appeals from trial or sentencing orders.

A case should be counted as **affirmed** if the appellate court affirmed the judgment of the lower court without any changes.

A case should be counted as **reversed or modified** if the appellate court reversed the judgment of the lower court, or modified it in any way. Cases should be so counted regardless of the relief offered by the court to the appellant, if any.

A case should be counted as **Anders brief filed and case dismissed** if a brief was submitted in accordance with *Anders v. California*, 386 U.S. 738 (1967) asserting that a case presents only legally frivolous issues *and* the case was subsequently dismissed.

A case should be counted as **other disposition** if the case was disposed in any other way, such as through dismissal for any reason other than an *Anders* brief, or the case was withdrawn.

25. In the last year, in how many closed appellate cases were the following activities performed? All cases should be included in these counts regardless of the way in which they were closed. Please respond with numbers only. Decimal points are not allowed. A blank entry will result in an error message – please enter ‘0’ where applicable.

	Appeals of a guilty plea	Appeals of a verdict
<b>Met with client in person</b>	_____	_____
<b>Made oral argument</b>	_____	_____
<b>Moved to appeal to New York Court of Appeals</b>	_____	_____

#### Instructions and Definitions

Providers should record counts of all appellate cases, whether the case was disposed by a court or ended for some other reason (e.g. representation ended when client found ineligible for services).

Cases should be counted consistent with the definitions set forth in *Definitions for Reporting Counts of Criminal Cases to the Office of Indigent Legal Services*. Those *Definitions* state that “A new [appellate] case must be counted whenever leave is granted to appeal to a higher court. A direct appeal should be counted as a case; in the event such an appeal fails and leave is granted to appeal to a higher court, a new appellate case should be counted. Filing of a notice of appeal should not be counted as a new appellate case in the absence of an assignment to conduct appellate representation.”

A case should be counted as **met with client in person** if counsel met with the client in person at least once during the representation.

A case should be counted as **made oral argument** if counsel appeared and made oral argument on the client’s behalf during the representation.

A case should be counted as **moved to appeal to New York Court of Appeals** if counsel made such a motion at the conclusion of the case.

26. Please report the total number of **criminal cases closed** in the last year, broken out as follows. Please respond with numbers only. Decimal points are not allowed. A blank entry will result in an error message – please enter ‘0’ where applicable.

	<b>Violent felonies</b>	<b>Other felonies</b>	<b>Misdemeanors &amp; violations</b>
Represented <b>through arraignment only</b>	_____	_____	_____
Represented <b>only after arraignment</b>	_____	_____	_____

**Instructions and Definitions**

Cases where representation was **‘through arraignment only’** are those where representation by this provider began at or before arraignment, but ended after arraignment and before the next court proceeding.

Cases where representation was **‘only after arraignment’** are those where representation by this provider began after arraignment.

Cases should be counted consistent with the definitions set forth in *Definitions for Reporting Counts of Criminal Cases to the Office of Indigent Legal Services*. **‘Cases closed’** are cases where representation has terminated either because a final disposition was reached in court, or for some other reason such as the discovery of a conflict of interest, or the client opting to change counsel. A case that results in a mistrial is considered a ‘closed’ case. ‘Cases closed’ also include those cases of **Juvenile Offenders** and **Adolescent Offenders** initiated in the criminal Youth Part but later transferred to Family Court pursuant to CPL Article 722. The date of case closure is the date of the termination of representation, and not another date such as the date on which an **assigned counsel** provider receives a voucher from an attorney for his or her services. In **institutional providers**, cases transferred or reassigned between attorneys within a provider should not be counted as ‘closed’ by the first attorney and ‘opened’ by the second. Cases closed should be categorized according to the initial top charge. Thus, a case wherein a defendant was initially charged with a violent felony should be counted in the violent felonies row, even if the defendant was ultimately convicted of a lesser charge, or not convicted at all. Cases should *not* be considered ‘closed’ if clients have absconded (whether or not a bench warrant was issued by a court). Misdemeanor cases dismissed when the client is incapacitated under CPL §730 should be counted as closed. Cases other than misdemeanors where the client is incapacitated under CPL §730 should remain open.

27. In how many **criminal cases closed** in the last year were the following true? Please respond with numbers only. Decimal points are not allowed. A blank entry will result in an error message – please enter ‘0’ where applicable.

	<b>Violent fel.</b>	<b>Other fel.</b>	<b>Misd. &amp; violations</b>	<b>Parole violation</b>	<b>Post-disp.</b>	<b>Appeal, GP</b>	<b>Appeal, verdict</b>
Representation ended when conflict discovered	_____	_____	_____	_____	_____	_____	_____

Representation ended when client found financially ineligible	_____	_____	_____	_____	_____	_____	_____
Juvenile Offender transferred to Family Court	_____	_____	_____	_____	_____	_____	_____
Adolescent Offender transferred to Family Court	_____	_____	_____	_____	_____	_____	_____
Representation ended prior to case disposition for any other reason (e.g. client retained private counsel)	_____	_____	_____	_____	_____	_____	_____

### Instructions and Definitions

This question asks about cases which were closed for reasons other than a court disposition. Cases which ended in a court disposition – for example, the client was found guilty – should not be counted in this question at all. Instead they are counted in a previous question.

Cases in which representation ended because a **‘conflict [was] discovered’** are those where a conflict of interest was discovered preventing representation from continuing. Such cases should be counted no matter when during the case the conflict was discovered.

Cases in which representation ended because a client was **‘found financially ineligible’** are those which ended because a client was deemed not to be financially eligible to receive defense services. This does not include clients ordered to pay part of the cost of their representation pursuant to NY County Law §722-d. Such cases should be counted no matter when during the case the ineligibility was discovered.

Cases in which the **‘Juvenile Offender transferred to Family Court’** are those in which the client in the case was 13, 14 or 15 years old at the time of the alleged offense, and the client was originally arraigned in the criminal court Youth part, but the case was subsequently transferred to Family Court.

Cases in which the **‘Adolescent Offender transferred to Family Court’** are those in which the client in the case was 16 or 17 years old at the time of the alleged offense, and the client was originally arraigned in the criminal court Youth part as an Adolescent Offender, but the case was subsequently transferred to Family Court pursuant to CPL §722.

Cases in which representation **‘ended prior to case disposition for any other reason’** are those where representation ended prior to the disposition of the case by a court, but for reasons other than those enumerated elsewhere in this question. These may include that the client opted to retain private counsel.

Cases should be counted consistent with the definitions set forth in *Definitions for Reporting Counts of Criminal Cases to the Office of Indigent Legal Services*. **‘Cases closed’** are cases where representation

has terminated either because a final disposition was reached in court, or for some other reason such as the discovery of a conflict of interest, or the client opting to change counsel. A case that results in a mistrial is considered a 'closed' case. 'Cases closed' also include those cases of **Juvenile Offenders** and **Adolescent Offenders** initiated in the criminal Youth Part but later transferred to Family Court pursuant to CPL Article 722. The date of case closure is the date of the termination of representation, and not another date such as the date on which an **assigned counsel** provider receives a voucher from an attorney for his or her services. In **institutional providers**, cases transferred or reassigned between attorneys within a provider should not be counted as 'closed' by the first attorney and 'opened' by the second. Cases closed should be categorized according to the initial top charge. Thus, a case wherein a defendant was initially charged with a violent felony should be counted in the violent felonies row, even if the defendant was ultimately convicted of a lesser charge, or not convicted at all. Cases should *not* be considered 'closed' if clients have absconded (whether or not a bench warrant was issued by a court). Misdemeanor cases dismissed when the client is incapacitated under CPL §730 should be counted as closed. Cases other than misdemeanors where the client is incapacitated under CPL §730 should remain open.

28. In how many felony cases closed in the last year were clients categorized as **Adolescent Offenders (16-17 years old)**? Please respond with numbers only. Decimal points are not allowed. A blank entry will result in an error message – please enter '0' where applicable.

	<b>Violent felonies</b>	<b>Other felonies</b>
<b>Adolescent Offender (16-17 years old) cases</b>	_____	_____

[Instructions and Definitions](#)

Cases in which the client was categorized as an '**Adolescent Offender (16-17 years old)**' are those in which the client in the case was 16 or 17 years old at the time of the alleged offense, and the client was originally arraigned in the criminal court Youth Part as an Adolescent Offender.

Cases should be counted consistent with the definitions set forth in *Definitions for Reporting Counts of Criminal Cases to the Office of Indigent Legal Services*. '**Cases closed**' are cases where representation has terminated either because a final disposition was reached in court, or for some other reason such as the discovery of a conflict of interest, or the client opting to change counsel. A case that results in a mistrial is considered a 'closed' case. 'Cases closed' also include those cases of **Juvenile Offenders** and **Adolescent Offenders** initiated in the criminal Youth Part but later transferred to Family Court pursuant to CPL Article 722. The date of case closure is the date of the termination of representation, and not another date such as the date on which an **assigned counsel** provider receives a voucher from an attorney for his or her services. In **institutional providers**, cases transferred or reassigned between attorneys within a provider should not be counted as 'closed' by the first attorney and 'opened' by the second. Cases closed should be categorized according to the initial top charge. Thus, a case wherein a defendant was initially charged with a violent felony should be counted in the violent felonies row, even if the defendant was ultimately convicted of a lesser charge, or not convicted at all. Cases should *not* be considered 'closed' if clients have absconded (whether or not a bench warrant was issued by a court). Misdemeanor cases dismissed when the client is incapacitated under CPL §730 should be counted as

closed. Cases other than misdemeanors where the client is incapacitated under CPL §730 should remain open.

29. In how many violent felony **cases closed** in the last year were clients categorized as **Juvenile Offenders (13-15 years old)**? Please respond with numbers only. Decimal points are not allowed. A blank entry will result in an error message – please enter ‘0’ where applicable.

### Juvenile Offender (13-15 years old) cases

#### Instructions and Definitions

Cases in which the client was categorized as a **‘Juvenile Offender (13-15 years old)’** are those in which the client in the case was 13, 14 or 15 years old at the time of the alleged offense, and the client was originally arraigned in the criminal court Youth Part as a Juvenile Offender.

Cases should be counted consistent with the definitions set forth in *Definitions for Reporting Counts of Criminal Cases to the Office of Indigent Legal Services*. **‘Closed’ cases** are cases where representation has terminated either because a final disposition was reached in court, or for some other reason such as the discovery of a conflict of interest, or the client opting to change counsel. A case that results in a mistrial is considered a ‘closed’ case. ‘Closed’ cases also include those cases of **Juvenile Offenders** and **Adolescent Offenders** initiated in the criminal Youth Part but later transferred to Family Court pursuant to CPL Article 722. The date of case closure is the date of the termination of representation, and not another date such as the date on which an **assigned counsel** provider receives a voucher from an attorney for his or her services. In **institutional providers**, cases transferred or reassigned between attorneys within a provider should not be counted as ‘closed’ by the first attorney and ‘opened’ by the second. Cases closed should be categorized according to the initial top charge. Thus, a case wherein a defendant was initially charged with a violent felony should be counted in the violent felony column, even if the defendant was ultimately convicted of a lesser charge, or not convicted at all. Cases should *not* be considered ‘closed’ if clients have absconded (whether or not a bench warrant was issued by a court). Misdemeanor cases dismissed when the client is incapacitated under CPL §730 should be counted as closed. Cases other than misdemeanors where the client is incapacitated under CPL §730 should remain open.

30. Is there anything else you’d like us to know about the information submitted in this Part? This question is *optional*.

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31. Are there any documents you would like to share with us in addition to the information submitted in Part 3? If so, please upload here. This question is *optional*.

[Button to upload documents appears here.]

**I, the undersigned, certify that all data submitted on this form: (all three items must be checked to submit)**

**are correct,**

**comply with ILS definitions, and**

**have been reviewed by this county's data officer.**

**Signature of provider:**

---

Please use your mouse to sign your name in the box below.

**Submission date:**

---



## Data Officers

New York City and each upstate county (other than the five counties currently engaged in the *Hurrell-Harring* settlement) will be staffed with one “data officer.” Data officers’ primary function is to work with ILS in operationalizing the data requirements. As such, their responsibilities should include, but are not limited to:

- Knowledge of the new ILS data requirements and definitions. A draft of a new form, titled ‘ILS-195,’ is available on the [ILS website](#), along with instructions, definitions for reporting counts of criminal cases, and other supporting documents. ILS will be welcoming feedback on the form until November 16, 2018.
- Ability to work with each provider of mandated representation in his/her county to:
  - implement these new requirements
  - operationalize any changes in how data are currently collected, maintained, and reported to comport with ILS definitions, requirements, and deadlines; and
  - Record, report on, and verify any such changes.
- Familiarity with the technology employed by providers of mandated representation to track relevant data as well as with providers’ practices in collecting and maintaining pertinent data.
- Availability for in-person and web-based training on several aspects of data tracking in compliance with ILS requirements
- Availability to provide regular updates to ILS on the status of the implementation of the new data requirements.
- Coordination of the annual reporting of required data in a uniform, accurate and timely fashion.
- Maintenance of an impartial and consistent approach when dealing with different providers.
- The capacity to represent faithfully to ILS the quality of the data from all providers in the county, and communicate to ILS any concerns about data quality.
- Ability to speak authoritatively to the accuracy and consistency of data submitted.

## Ready, set, launch...Court Date Reminders in a Public Defense Setting

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Posted on *July 11, 2019* (<https://a2jlab.org/court-date-reminders-in-a-public-defense-setting/>)

The Access to Justice Lab has started a new study to learn whether text message communication between arrestees and their public defenders can reduce failure to appear (FTA) rates, improve attorney-client relationships, and avoid unnecessary incarceration. Failure to appear at trial is often a reason that policymakers give for incarcerating people before their trial date. If there are methods that help more people appear in court without keeping them in jail and without impacting public safety, there will be strong evidence to support reduction in pretrial detention.

Working with the New York State Office of Indigent Legal Services and the Wayne County, NY, Public Defender, the Access to Justice Lab is now evaluating whether or not using a text messaging reminder system will improve court appearance rates in Wayne County, New York. Existing research tells us that court date notifications provide as much as 30-50 percent increase in appearance rates. Our project seeks to expand on this work to learn more about the most effective method and timing of such notifications. We hope to add sites in the coming months to learn even more about the intervention.

In particular, we're integrating an understudied step in the pretrial process: attendance at meetings with public defenders. Our study will assess whether the structure of a notification system can help arrestees solve a larger problem (their criminal case) by helping them take step one to solve it (attending their attorney appointments), thereby making it more likely that they will take the second key step (attending court).

Andrew Correia, Wayne County public defender, says, “The Wayne County Public Defender is excited to work with the Access to Justice Lab and the New York State Office of Indigent Legal Services to explore how improved communications can help us advocate for the best possible outcomes on behalf of our clients. It is our hope this study will provide information demonstrating to public defender offices and their funding sources that these types of innovations can improve both quality of representation and systemic efficiency simultaneously.”

The study is the first that we know of to examine the impact of text message reminders sent by public defender offices specifically. We are interested to discover whether there is value in messages from defenders, who should be working with their clients to build trusting relationships and defend them in court. It’s possible, for example, that better, earlier contact between arrestees and lawyers might improve the attorney–client relationship, enable quicker case investigation, and shorten the time to dispose cases.

Now randomizing in the field, the study seeks to answer these questions:

- 1) Does the inclusion of notifications earlier in the process, when defendants are meeting with their public defenders, have a greater impact on attendance at appointments and appearances?
- 2) With a focus on new technologies, what types of notification methods are most effective at improving attendance at appointments and appearances?
- 3) How effective are notifications at reducing non-attendance at appointments and appearances?

To examine all three research questions, there will be several treatment groups. The interventions will include: 1) notifications for public defender appointments only; 2) notifications for court appearances only; or 3) notifications for both. To

examine the effectiveness of different technologies, interventions will include either notifications via text message or robocalls (as allowable). In the control group, the status quo will remain in place, such that communications regarding meetings and court hearings will be made in the usual way (paper or verbal format, not systematically implemented). Individuals will be randomly assigned to one of the behavioral change interventions and one of the notification technologies or to the control group.

We'll share the results here when they're available.

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**Share this:**

 (<https://a2jlab.org/court-date-reminders-in-a-public-defense-setting/?share=twitter&nb=1>)

 (<https://a2jlab.org/court-date-reminders-in-a-public-defense-setting/?share=facebook&nb=1>)

 (<https://a2jlab.org/court-date-reminders-in-a-public-defense-setting/?share=google-plus-1&nb=1>)



NYS Office of Indigent Legal Services

ILS Standards for Establishing and  
Administering Assigned Counsel Programs  
**BLACK LETTER STANDARDS**

July 1, 2019

**New York State Office of Indigent Legal Services  
Standards for Establishing and Administering Assigned Counsel Programs  
BLACK LETTER STANDARDS**

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**New York State Office of Indigent Legal Services**  
**Standards for Establishing and Administering Assigned Counsel Programs**  
**BLACK LETTER STANDARDS**

**PART I. INTRODUCTION**

**1. Preamble**

Well-designed, properly maintained, and adequately funded assigned counsel programs (ACPs or Programs) play a vital role in ensuring justice for clients who cannot afford to retain an attorney in criminal defense or family law matters. Every county in New York State depends upon assigned counsel to provide representation for public defense clients. In several counties, ACPs are the primary or sole provider of mandated representation. In most counties, where public defender offices or legal aid societies are the primary providers, the mandated representation of some eligible individuals presents conflicts of interest requiring the assignment of private attorneys.

For compelling reasons beyond conflicts of interest, the continuing involvement of the private bar is essential to the success of public defense. First and foremost, effective public defense requires a robust competition of ideas among practitioners with a broad range of perspectives. By bringing their experiences representing private clients to public defense, private assigned counsel may show staff attorneys new and different ways of doing things, thus helping to ensure that public defense practice remains rich and innovative. Further, private attorneys who represent public defense clients can serve as effective ambassadors to bar associations, legislatures, community groups, and others. They can educate the public and system stakeholders about the needs of the criminal justice system and promote funding and initiatives that will ensure quality public defense. Finally, when public defenders face unanticipated fluctuations in staffing and caseloads, the private bar can help achieve administrative stability and quality of representation.

County Law article 18-B, enacted in 1965, delegates to localities the responsibility for public defense services. Section 722 sets out the types of providers that counties may employ to fulfill the right to counsel. One permissible mechanism is a bar association program in which an Administrator rotates assignments and administers the services of private counsel. However, County Law § 722 provides no details as to the proper establishment of ACPs, so counties and bar associations have created and maintained programs with little guidance. To aid counties and ACP Administrators and to ensure quality representation, the State Office of Indigent Legal Services (ILS), in consultation with the ILS Board, promulgates these Standards for Establishing and Administering Assigned Counsel Programs (Standards), pursuant to Executive Law § 832.

These Standards draw from existing national, state, and local standards; developments in ACPs over the last half-century; and the experience and knowledge of the Standards Working Group and ILS staff. Materials consulted include: New York State Bar Association (NYSBA) Revised Standards for Providing Mandated Representation (NYSBA Revised Standards); National Legal Aid and Defender Association (NLADA) Standards for the Administration of Assigned Counsel Systems (NLADA ACS Standards); and standards promulgated by the New York State Defenders Association (NYSDA), including Standards for Providing Constitutionally and Statutorily Mandated Representation in New York State (NYSDA Standards for Mandated Representation),

and by the American Bar Association (ABA). These Standards reference, and should be read in conjunction with, other relevant ILS standards listed in the Commentary to Standard 1.2, as set forth in the comprehensive version of these Standards including Commentaries.

ILS has created these Standards to help ACPs ensure that panel attorneys can comply with all applicable individual representation standards and with New York Rules of Professional Conduct. There are many unique and challenging aspects of assigned counsel representation. For instance, where judges select attorneys to handle public defense cases, those attorneys may be concerned that zealous representation could discourage future assignments. Attorneys may sometimes feel pressure to consider the fiscal interests of the government, which may be adverse to the needs of clients. These pressures can be exacerbated for the many panel attorneys who depend on assignments as part of a solo or small law practice.

These challenges must not result in any compromise in the quality of representation provided to public defense clients or the independence of panel attorneys. *Gideon v Wainwright*, 372 US 335, 345 (1963), established the right of state criminal defendants to the “guiding hand of counsel at every step in the proceedings.” Implicit in that concept is “the assumption that counsel will be free of state control. There can be no fair trial unless the accused receives the services of an effective and independent advocate.” *Polk County v Dodson*, 454 US 312, 322 (1981). The government must adequately fund public defense services and structure ACPs so that lawyers can remain independent, meet their ethical obligations, and deliver quality representation. ILS and its Board will continue to work with stakeholders to secure the funding necessary for compliance with these Standards.

**1.1. Applicability.** These Standards apply to all existing and future systems in the state for the delivery of mandated representation by assigned counsel.

**1.2. Scope.** These Standards are designed to guide ACPs to ensure that attorneys can comply with relevant performance standards in providing mandated representation.

**1.3. Purpose.** These Standards set out the structure and components of ACPs necessary to ensure quality representation.

#### **1.4. Definitions.**

**1.4.a. Administrator.** The organizational leader who administers the ACP and ensures that these Standards are met.

**1.4.b. Assigned Counsel.** A private attorney or attorneys, other than an attorney or attorneys employed by an institutional provider, paid by the government to represent public defense clients.

**1.4.c. Assigned Counsel Program (ACP).** An entity that sets forth protocols and policies for assigning attorneys to public defense clients and ensures that those attorneys provide quality representation.

**1.4.d. Clients.** Persons entitled to representation in criminal defense and family law matters under County Law article 18-B.

**1.4.e. Counties.** All 62 counties in the state: the 57 upstate counties and the five boroughs of New York City.

**1.4.f. Independence.** Freedom from improper influence and control by an outside entity, to ensure that ACPs and assigned counsel make decisions based solely on the interests of clients.

**1.4.g. Judge.** Judges, magistrates, and any other persons with adjudicative powers over clients eligible for mandated representation.

**1.4.h. Mandated Representation.** Government-funded legal representation that is constitutionally or statutorily required. “Mandated representation” is used interchangeably with “public defense representation.” As employed in these Standards, both terms encompass 18-B representation in family law litigation, regardless of the client’s party status.

**1.4.i. Mentor or Mentoring Attorney.** An experienced attorney who provides training, consultation, and guidance to less experienced attorneys on the panel.

**1.4.j. Panel.** The ACP’s list of attorneys eligible to receive assignments, which should be limited to those in good standing and with the requisite skills and training.

**1.4.k. Quality Representation.** Representation of clients in a professional, skilled, ethical, and client-centered manner.

**1.4.l. Supervising Attorney.** An attorney who assists the Administrator in ensuring that each individual assigned counsel provides quality representation.

**1.4.m. Chief Defender.** A leader of a Public Defender office, Conflict Defender office, Legal Aid Society or ACP.

## **PART II. COUNTY RESPONSIBILITIES**

### **A. Establishment and Maintenance of an Assigned Counsel Program**

#### **2. General Policies**

**2.1. ACP Requirement.** Each county should establish and maintain an ACP that complies with these Standards.

**2.1.a. Regional Programs.** Counties may agree to create a regional ACP to comply with these Standards and to promote the efficient delivery of services.

**2.2. Quality Representation.** Each ACP shall ensure the provision of professional, skilled, ethical, and client-centered legal representation for all clients.

**2.3. Independence.** Each ACP shall remain independent and free from improper influence and conflicts of interest.

**2.3.a. Independent Office.** The ACP shall not be part of a Legal Aid Society, Public Defender office, Conflict Defender office or County Attorney office.

**2.3.b. Judicial Supervision.** The ACP and individual assigned counsel should be subject to judicial supervision only in the same manner and to the same extent as applies to all other practicing lawyers.

**2.3.c. Independent Function.** The function of providing mandated representation—including the assignment, selection, funding, and payment of counsel—shall be independent.

### **3. Required Structure**

**3.1. Governing Law.** Each county should establish an ACP pursuant to a plan of a bar association within the county.

**3.2. ACP Board.** To ensure that the management of the ACP is independent of all branches of county government, the ACP shall operate under the guidance of a governing Board.

**3.2.a. Board Members.** The majority of the Board’s members shall be attorneys who are not judges; and no members of the Board shall hold a position as a prosecutor, law enforcement or government official.

**3.2.b. Board Supervision.** The Board shall appoint the ACP Administrator and may supervise the operation of the ACP and establish policies to support implementation of these Standards.

**3.2.c. No Interference.** The Board shall not interfere with the representation of individual clients.

**3.2.d. Insurance.** The ACP shall insure the Board and the Administrator, for all insurable risks incident to the operation of the ACP, to a dollar amount specified by the Board. The funding agency shall indemnify the Board and the Administrator for all liability arising from their authorized activities pursuant to the ACP.

**3.3. Assigned Counsel Administrator.** The Board shall appoint an Administrator to implement the policies and duties of the ACP.

**3.3.a. Administrator Qualifications.** The Administrator shall be an attorney licensed in the State of New York who possesses administrative experience and skill in the representation of criminal defendants and/or adults in family law matters and who demonstrates integrity and a commitment to quality representation of public defense clients.

**3.3.b. Administrator Selection.** The Administrator shall be selected based on merit; appointed for a stated term set by the Board; serve full-time where feasible; if full-time, shall not engage in the private practice of law; and may be dismissed prior to the expiration of his or her term only for good cause, following a hearing.

**3.3.c. Administrator Continuity.** The ACP shall establish protocols to address personnel transitions in the operation of the Program.

**3.3.d. Administrator Functions.** The Administrator shall implement and ensure adherence to these Standards and ACP policies.

**3.3.d.i. Delegating Duties.** The Administrator may delegate day-to-day tasks to foster efficiency, but may not delegate ultimate responsibility for the Administrator's primary functions. The Administrator shall not delegate to a nonlawyer any duties for which legal training is needed.

**3.3.d.ii. Spokesperson Role.** The Administrator shall act as the spokesperson for the ACP in matters involving policy and the operation of the Program.

**3.3.d.iii. Addressing Issues.** The Administrator shall address matters that arise among the ACP, its attorneys, and other actors in the criminal justice and parental representation systems.

**3.3.d.iv. Planning and Policy.** The Administrator shall engage in planning and policy discussions with the county and other entities regarding decisions affecting the ACP, assigned lawyers, and public defense clients; and shall be responsible for preparing and submitting a proposed budget to the funding entity.

**3.3.d.v. Assignment Process.** The Administrator shall oversee the rotation and coordination of panel attorneys and implement a fair process for assignments.

**3.3.d.vi. Vouchers.** The Administrator shall establish protocols for the review of assigned counsel vouchers for quality-review purposes and to ensure that attorney billing is accurate.

**3.3.d.vii. Non-Attorney Professional Services.** The Administrator shall approve applications for the provision of investigative, social work or other professional services; and shall review vouchers submitted for such services.

## **B: Provision of Necessary Resources**

### **4. ACP Capacity**

**4.1. Facilities.** Each county shall provide suitable facilities so that the ACP can carry out its duties under County Law article 18-B and meet these Standards.

**4.1.a. Office Space.** Each county shall establish an administrative office for its ACP. Such administrative office shall have a suitable location, and suitable space, technology, equipment, and supplies to facilitate independent, professional representation.

**4.1.b. Technology.** Each county shall provide its ACP with the technology necessary to effectively and efficiently administer the Program. Such technology shall enable the ACP to communicate efficiently with clients, courts, attorneys, and the public; to collect, analyze, and report on data; and to track caseloads.

**4.2. Necessary Services.** Each county shall ensure that its ACP provides assigned counsel with access to the following services necessary for quality representation.

**4.2.a. Supervision.** Each ACP shall ensure that its panel is appropriately supervised by an attorney or attorneys.

**4.2.b. Mentoring.** Each ACP shall ensure that every attorney new to the representation of public defense clients receives a mentor to help the attorney develop high professional standards and provide quality representation.

**4.2.c. Consultation.** Each ACP shall ensure that assigned counsel have access to resources to assist in addressing complex or systemic issues arising during individual representation.

**4.2.d. Training.** Each ACP shall provide its panel with access to appropriate substantive, procedural, and practical training programs.

**4.2.e. Second-Chair Program.** Each ACP shall create a Second-Chair Program to provide necessary trial experience to attorneys.

**4.3. Staffing.** Each county shall provide its ACP with suitable personnel to carry out its duties under County Law § 722 (3) and comply with these Standards.

**4.3.a. Supervising Attorney.** The Administrator shall be responsible for the supervision of assigned counsel, and such responsibility may be delegated to one or more supervising attorneys.

**4.3.b. Administrative Staff.** The ACP shall include staff responsible for providing administrative services, which may include, but not be limited to, clerical support, data management, and budget and finance support.

**4.3.b.i. Hiring Staff.** The Administrator shall be responsible for assessing the administrative staff needs of the ACP and shall oversee the hiring of such staff.

**4.3.b.ii. Client's Rights.** The ACP shall ensure that all staff comply with the Statement of Client's Rights. *See* 22 NYCRR § 1210.1.

### **4.3.c. ACP Staff Salaries**

**4.3.c.i.** The Administrator's compensation should be set at a level commensurate with the attorney's qualifications and experience and the responsibilities of the position. There should be a parity of compensation as between the Administrator and any other Chief Defender in the county.

**4.3.c.ii.** The starting pay for ACP legal and administrative staff should facilitate the recruitment of qualified personnel. Salary levels thereafter should promote the retention of staff. All salary levels should reflect parity as to similar positions in the prosecutor's office or local public defense offices.

**4.4. Client Communication.** The ACP shall work with justice system and other officials to ensure that adequate confidential meeting space for client interviews is provided in courthouses, jails, and prisons. The ACP shall similarly work with officials to establish means by which incarcerated clients can have confidential communication with their assigned counsel by telephone or otherwise.

**4.5. Full Partnership.** The ACP should have a voice in the county's efforts to maintain and improve the justice system.

**4.6. Ensuring Adequacy of Facilities for Representation.** The ACP shall require that all panel attorneys have the facilities necessary to provide quality representation.

**4.6.a. Confidential Client Communication Facilities.** The ACP shall ensure that assigned counsel have access to meeting facilities and equipment as needed to ensure client confidentiality, including a means for clients to contact the attorney by telephone without the client having to incur burdensome charges.

**4.6.b. Legal Research Capacity.** ACP services and facilities shall ensure that assigned counsel have access to adequate research resources. The ACP is not obligated to provide these support services directly, but should strive to do so where feasible.

## **5. Timely Representation**

**5.1. General.** The ACP shall implement systematic procedures to ensure the prompt assignment of counsel for all persons eligible for mandated representation.

**5.1.a. Assignment During Eligibility Determination.** Provision of counsel shall not be delayed while a person's eligibility for mandated representation is being determined or verified.

**5.1.b. Subsequent Appearances.** Eligible persons shall have counsel at every court appearance.

**5.2. Counsel in Criminal Cases.** Counsel shall be provided as soon as possible to any persons who are subject to state action due to allegations of criminal conduct. The ACP, working with other components of the justice system, shall ensure the provision of counsel at first appearance. Upon request, the ACP shall provide counsel prior to the initiation of formal charges, when it appears that such charges, and mandated representation, are imminent.

**5.3. Counsel for Litigants in Family Law Matters.** The ACP shall provide counsel, upon request, to any person legally entitled to representation in family law matters; and the Program should make representation available during the investigatory stage of a child protective matter.

## **6. Duration and Continuity of Representation**

**6.1. Duration of Representation.** The ACP shall ensure that all clients receive legal representation throughout the matter for which representation was approved.

**6.2 Continuity of Representation.** The ACP shall ensure representation by the same attorney throughout the trial level, unless the needs of the client or unavoidable circumstances require otherwise.

## **7. Budget and Funding**

**7.1. General.** Each ACP shall be provided with sufficient funding to carry out its functions under County Law § 722 (3) and to ensure quality representation.

**7.1.a. Periodic Review.** Each county shall conduct periodic evaluation and review of the ACP budget and communicate the fiscal and programmatic needs of the ACP to ILS.

**7.1.b. Compliance with all ILS Standards.** The ACP and the county shall make known to ILS the state funding needed to comply with these and all other ILS standards.

**7.1.c. Budget and Record-Keeping.** The ACP shall prepare and submit a detailed budget to the county funding authority and shall maintain records and accounts of expenditures in accordance with accepted accounting practices and relevant laws and regulations.

**7.1.d. Voucher Review.** The county and ACP shall not delay the payment of vouchers or reduce the amount paid to reduce costs.

## **PART III. ACP RESPONSIBILITIES**

### **A. General Responsibilities**

## **8. Operational Responsibilities**

**8.1. Attorney Panels.** The ACP shall create panels of attorneys who have demonstrated the skill, experience, and commitment needed to provide quality representation to public defense clients.

**8.1.a. Differentiated Panels.** To ensure the competence necessary for a given case, the ACP shall create specific types of panels based upon the category and complexity of the case.

**8.1.b. Qualifications.** The ACP shall create standards and a process for attorneys to apply to participate on the panel, including specific criteria for acceptance onto any subpanel.

**8.1.c. Regional Recruitment.** While recruitment for the panel may begin with the local bar association, all qualified attorneys shall be considered; and the opportunity to participate in the panel should be publicized to all attorneys within the ACP's county or region.

**8.1.d. No Fee.** The ACP shall not charge a fee for applying to, or remaining on, a panel.

**8.1.e. Administrator Assignments.** The selection of assigned counsel for a case should be made by, or at the direction of, the Administrator; should ensure that the ability, training, and experience of panel attorneys are matched to the complexity of the cases to which they are assigned; and should not be made by a judge or court official, except in an emergency, in exceptional circumstances, or when an initial assignment of counsel in one court is continued by a judge in a court to which the case is transferred.

**8.1.f. Geographic Areas.** To ensure that assigned counsel are available at first appearance for every client, the ACP may establish geographic areas in which each assigned attorney may accept cases.

**8.1.g. Malpractice Insurance.** The ACP should require all attorneys seeking appointment to the panel to provide evidence of adequate malpractice insurance coverage.

**8.2. Requirement that Eligible Clients Receive Representation.** The ACP shall utilize applicable ILS Eligibility Standards.

**8.3. Procedures for Compensating Panel Attorneys.** The ACP shall establish and maintain procedures for compensating assigned counsel.

**8.3.a. Full Compensation.** The ACP shall compensate assigned counsel for all hours necessary to provide quality legal representation.

**8.3.b. Prompt Payment.** The ACP shall develop and implement procedures for compensating panel attorneys that ensure prompt payment.

**8.3.c. Additional Payment.** On the matter to which counsel is assigned, he or she shall not seek to be privately retained to represent the client, shall not agree to be privately retained upon request of the client, and shall neither seek nor accept payment from a client or any other person. Noncompliance with this rule is a ground for removal from the panel. Assigned counsel should not seek nor accept payment from a client or any other source to supplement fees and expenses for non-attorney professional services authorized by the ACP.

**8.3.d. Interim Vouchers.** Procedures for compensating assigned counsel should include policies allowing for the payment of interim vouchers for fees and expenses.

**8.3.e. Post-Disposition Work.** Policies for compensating assigned counsel shall allow for payment of vouchers in cases requiring post-disposition work.

**8.3.f. Expenses.** The ACP shall advise assigned counsel as to which expenses are reimbursable and shall promptly authorize reimbursement for all reasonable out-of-pocket expenses.

**8.3.g. Changes in Procedures.** The ACP shall distribute prompt, clear information regarding payment or reimbursement procedures to panel attorneys and shall provide prompt, clear information regarding any changes in such procedures.

**8.4. Administrative Responsibilities for Panel Attorneys.** The ACP shall establish clear, fair guidelines regarding the administrative responsibilities of panel attorneys.

**8.5. Access to Appropriate Non-Attorney Professional Services.** The ACP shall ensure that individual assigned counsel have access to the non-attorney professional services needed at every phase of the case.

**8.5.a. Range of Services.** Such professional services shall include access to investigatory, expert, social work, mental health, interpreter, and other relevant services.

**8.5.b. Direct Services.** The ACP is not obligated to provide these services directly, but should strive to do so where feasible.

**8.6. Quality Assurance Procedures.** The ACP shall develop and implement comprehensive quality assurance procedures, as set forth below.

## **B: Quality Assurance Provisions**

### **9. General Provisions**

**9.1. Compliance with Applicable Standards.** The ACP shall ensure that assigned counsel are aware of, and comply with, all applicable performance and ethical standards.

**9.2. Client-Centered Representation.** The ACP shall ensure that assigned counsel provide client-centered representation, which, at a minimum, shall include:

**9.2.a.** Contacting clients as soon as possible after appointment.

**9.2.b.** Promptly meeting with clients (whether in detention or not) prior to a court appearance, and as needed, in a space that complies with Standard 9.2.e.

**9.2.c.** Accepting telephone calls from clients, including from detention facilities.

**9.2.d.** Timely responding to client inquiries.

**9.2.e.** Ensuring that client privacy and the confidentiality of communications are protected.

**9.2.f.** Communicating relevant information about the case to the client in a timely and respectful manner, and using clear and understandable language, so that the client can make informed decisions.

**9.2.g.** Discussing relevant documents with the client and providing copies upon request.

**9.2.h.** Collaborating with the client to achieve the best possible result, consistent with the client's objectives.

**9.2.i.** In criminal matters, pursuing alternatives to incarceration where appropriate; providing accurate information about sentencing; reviewing the presentence report with the client; acting to correct errors in that report; and filing a defense presentence memorandum where appropriate.

**9.2.j.** With respect to Family Court cases, providing accurate information about dispositions; reviewing any (pre)dispositional report with the client; acting to correct errors in such report; and, where appropriate, filing a memorandum on behalf of the client advocating an appropriate disposition.

**9.2.k.** Utilizing appropriate non-attorney professional services, such as investigators, expert witnesses, sentencing advocates, and social workers.

**9.2.l.** Determining, and explaining to clients, the collateral consequences of any course of action, and where appropriate, using the existence of these consequences to achieve better plea negotiations.

**9.2.m.** When representing adolescent and young adult clients—whether charged with criminal or delinquent behavior or facing loss of the opportunity to parent their children—developing expertise in adolescent development, custody and care of youth, and other unique needs of these clients.

**9.2.n.** Taking all necessary steps to protect, preserve, and enforce clients' post-conviction, post-disposition, and appellate rights.

## **10. Attorney Capability**

**10.1. Knowledge and Experience.** The ACP shall establish and maintain systems to ensure that assigned counsel have sufficient knowledge and experience to provide quality representation to clients.

**10.2. Assessment of Attorneys.** The ACP shall develop and maintain systems to (a) determine which levels of cases are appropriate for each attorney; (b) recertify panel attorneys; and (c) identify the training needs of panel attorneys.

## **11. Attorney Caseload**

**11.1. Attorney Caseloads.** The ACP shall establish and maintain systems to ensure that caseloads comply with ILS Caseload Standards.<sup>1</sup>

**11.1.a. Evaluation of Attorney Caseload.** In assigning cases to panel attorneys, the ACP shall take into consideration: (a) the types of cases being handled; (b) the qualifications and experience of the attorneys; (c) the distance between the attorney's office and the courts or other relevant sites; (d) the time needed to interview clients and witnesses; (e) the attorneys' total workload, including the extent of the attorney's private practice; and (f) any other relevant factors.

**11.1.b. Review of Attorney Caseload.** The ACP shall review attorney caseloads on a regular basis.

## **12. Training**

**12.1. Orientation.** For new panel members, the ACP shall provide a mandatory orientation, which should include a discussion of expectations for quality representation and administrative procedures.

**12.2. Initial Training.** The ACP shall ensure that panel attorneys receive appropriate training prior to any case assignments. The ACP may directly provide, or financially support, this training, but is not required to do so.

### **12.3. Ongoing Training**

**12.3.a. Obtaining CLE Training.** The ACP shall ensure that all assigned counsel obtain continuing legal education (CLE) and other training needed so that their skills and knowledge will enable them to provide quality representation. The ACP should encourage panel attorneys to utilize national, regional, state, and local sources of training.

**12.3.b. Mandated Representation Topics.** The ACP shall ensure that all assigned counsel allocate a significant portion of their mandatory CLE credit requirement to courses related to the subject matter of the mandated representation they provide.

**12.3.c. Monitoring CLE Programs.** The ACP shall monitor CLE programs attended by assigned counsel.

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<sup>1</sup>ILS, Determination of Caseload Standards pursuant to § IV of the *Hurrell-Harring v. The State of New York* Settlement (2016), <https://www.ils.ny.gov/files/Hurrell-Harring/Caseload%20Reduction/Caseload%20Standards%20Report%20Final%20120816.pdf> (last accessed Feb. 22, 2019). *See also* Executive Law § 832 (4) (b).

**12.3.d. Providing Affordable Programs.** The ACP shall ensure that assigned counsel have access to high-quality free or affordable CLE and other training programs relevant to their work.

### **13. Supervision and Mentoring**

**13.1. Use of ACP Resources.** The ACP shall ensure that assigned counsel are aware of, and utilize, the services described in Section 4.2 of these Standards.

### **14. Performance Review and Remediation**

**14.1. Performance Review and Remediation Policies.** The ACP shall provide assigned counsel with meaningful, periodic evaluation of their work, based on objective criteria, and shall publicize the criteria applied.

**14.2. Complaint Procedures.** The ACP shall establish procedures for the receipt, investigation, and resolution of complaints from clients, client family members, co-counsel, opposing counsel, the judiciary, and any other relevant source.

**14.3. Remediation.** The ACP shall establish policies for remediation to be employed when an attorney's performance fails to satisfy applicable criteria and standards.

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The Chief Defenders Association of New York, in conjunction with the New York State Defenders Association and the University at Buffalo School of Law, is pleased to present the first New York State Public Defenders Career Fair!

Over 20 criminal defense providers will be available to meet with applicants to discuss public defense opportunities throughout New York State.

Many offices will be conducting on-site interviews for Internships and employment opportunities, so come prepared! Register online at <http://bit.ly/PDJobFair>.

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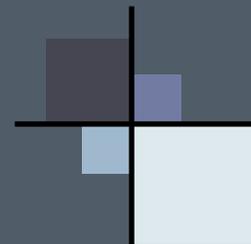
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New York State

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