

Defense System Caseloads in 52 Upstate Counties and New York City, 2020

A Report to the Division of Budget

October 29, 2021



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Introduction

The Office of Indigent Legal Services (ILS) presents this report to the Division of Budget pursuant to Executive Law § 832 (4) (b) (iv) and its commitment to deliver an analysis of criminal court caseloads of public defense providers located within the fifty-two upstate counties and New York City beginning in 2017. This is the fourth annual report. It contains data pertaining to the caseloads of every provider of criminal defense representation in those localities in 2020, the numbers of attorneys employed to handle those caseloads, resources expended by providers, and historical data to show trends over time. As in prior years, this report analyzes changes over time regarding the adequacy of caseload specific resources available to providers of criminal defense representation.

Institutional Providers v. Assigned Counsel Programs

Caseload analysis of institutional providers differs significantly from the analysis of caseloads in Assigned Counsel Programs. The difference stems from a fundamental structural distinction between the two types of programs for public defense representation in New York.

For institutional providers that employ attorneys as staff members on either a full- or part-time basis to provide representation, the analysis compares the total number of weighted cases to the total numbers of attorneys and support staff available. This results in a ‘weighted cases per attorney’ metric that serves as a strong indicator of resource sufficiency for these providers that can be tracked over time to monitor whether caseloads per attorney increase or diminish.

Assigned Counsel Programs do not provide representation with staff attorneys whose employment status is knowable – i.e., full or part-time, etc. Instead, these programs deliver representation using private attorneys paid an hourly statutory rate to represent clients on cases to which they are assigned.¹ This poses a significant challenge in assessing weighted cases per attorney. Accordingly, our analysis compares the total number of cases in these programs to the amount of funding expended on representation, resulting in a ‘dollars per case’ metric. While this may not be the only measure of Assigned Counsel Program caseload standard compliance, it is a meaningful way to assess resource sufficiency for Assigned Counsel Programs and can be tracked over time to monitor whether the use of resources is increasing or diminishing. Additionally, it is the measure that ILS has used in previous caseload reports.

Overall, as the statewide expansion of the *Hurrell-Harring* reforms progresses, ILS expects the numbers of cases per attorney in institutional provider offices to decrease, and the dollars expended per case in Assigned Counsel Programs to increase.

How This Report Differs from Previous ILS Caseload Reports

This report differs from the previous three annual reports in several significant respects.

First, this report advances analysis of provider caseloads by using the significantly more precise and appropriate ILS Caseload Standards enunciated in *A Determination of Caseload Standards pursuant to § IV of the Hurrell-Harring v. The State of New York Settlement* (December 8, 2016) which differentiate criminal cases by seven case types. Prior to this the report, ILS measured case weights according to a slightly revised version of the 1973 National Advisory Council (NAC) standards of 150 felony assignments

¹ See N.Y. County Law §722-b, which sets the hourly rate for assigned counsel attorneys.

or 400 misdemeanor assignments or 25 appeals assignments per year.² These standards have lost credibility over time.³ In the past, ILS necessarily relied upon the NAC standards because, as explained in our December 1, 2017 statewide plan for caseload relief submitted pursuant to Executive Law § 832 (4), most providers of mandated criminal defense representation lacked the capacity to provide accurate case data under the seven categories of cases required by the ILS caseload standards. However, in the past few years ILS has worked with and prepared providers for this change. As of 2020, providers are required to report their caseloads using the seven criminal case categories, and ILS is now able to use these improved measurements for the first time in the current report.

Second, ILS now also collects data that distinguishes attorney time dedicated to criminal cases and attorney time dedicated to Family Court cases for both institutional providers and Assigned Counsel Programs. Most providers of representation across the state represent clients in both criminal court and Family Court. The Statewide expansion of the *Hurrell-Harring* Settlement Agreement, however, targets funding for the improvement of criminal representation exclusively. With the collection of more refined data distinguishing between time dedicated to criminal and Family Court cases, in calculating the average number of criminal weighted cases per attorney, ILS is now able to separate out the impact that reform is having on criminal representation from contemporaneous work in Family Court for attorneys employed by institutional provider offices.

For Assigned Counsel Programs, however, this report continues to apply the previously used case weights under the slightly revised NAC standards utilized in previous reports while also setting forth information in accordance with the ILS criminal caseload standard case weights. As of 2020, ILS started collecting more refined data from Assigned Counsel Programs on the number of cases closed in the new seven criminal case types as well as the total number of attorney hours reported for cases closed for these case types. Yet, given that 2020 was the first year ILS requested the more refined data and that request unfortunately happened to coincide with the onset of the Covid-19 pandemic, many Assigned Counsel Programs struggled to provide accurate and complete data. Moreover, more Assigned Counsel Programs than institutional providers have needed to start ‘from scratch’ in setting up a data collection and reporting system to meet ILS’s reporting requirements. In fact, this challenge remains an important focus of the first five-year implementation of the Statewide reforms, and ILS continues to work with many Assigned Counsel Programs on creating a data recording and reporting infrastructure. In many counties, ILS has devoted Statewide funds to the acquisition, implementation, and maintenance of electronic case management systems, which will continue to improve Assigned Counsel Programs’ ability to collect and report more refined and accurate data.

A third important way in which this current annual caseload report differs from previous reports is that it reports information on caseloads, staffing, and expenditures during a year in which we experienced an unprecedented public health crisis. March 2020 marked the onset of the Covid-19 pandemic. The pandemic deeply impacted the delivery of public defense in New York State. Court delays, case filing delays, hiring freezes, and an increasing backlog of cases produced an extreme challenge and directly

² This slightly revised version of 367 weighted cases (or 138 felonies, or 23 appeals) in any given year was adopted by the ILS Board in September 2014. This revised NAC caseload standard takes into account the need to factor in supervisory resources. For a more comprehensive explanation see *A Determination of Caseload Standards pursuant to §IV of the Hurrell-Harring v. The State of New York Settlement*, December 8, 2016, Section IV, p. 12.

³ See *A Determination of Caseload Standards pursuant to §IV of the Hurrell-Harring v. The State of New York Settlement*, Section I, pp. 2-5.

impacted the caseloads, staffing numbers, expenditures, and weighted numbers presented in the current report.

Although we report numbers that indicate the extent to which criminal defense providers in New York State are moving towards caseload compliance, it is premature to draw definitive conclusions from the data presented in this report. First, Executive Law 832(4) has not yet been fully funded and implemented, thus it is not expected that providers be compliant with caseload standards at this time. Second, and perhaps more importantly, the pandemic significantly impacted the number of new case assignments and the ability to hire new attorneys – which are the two ingredients to caseload standard compliance. ILS cannot yet determine, based on the data collected, the *exact* impact Covid-19 has had on providers' caseloads, staffing, and expenditures. For instance, although we anticipate a decrease in the number of new case assignments and expenditures, the data does not reveal exactly how much of this decrease is due to the Covid-19 pandemic, and how much of it may result from other factors such as the implementation of the Statewide reforms, other criminal justice reforms, or other unobserved factors. Consequently, although ILS hoped to present the first year of 'new baseline data' in 2020 – using the new and improved seven criminal case types – due to the Covid-19 pandemic and its related impact on the public defense system in New York State the data does not reliably provide an accurate baseline. It may take a few years to set an appropriate baseline, since the extent to which new case assignments continue to be impacted by the pandemic remains unknown. Moreover, the increased backlog of cases created by court and other delays due to Covid-19 will continue to impact attorney-workloads (i.e., current number of cases) for the next few years. In other words, attorney caseloads based on *new* case assignments in the next few years may not accurately reflect their *actual workload* created by the 'backlog' of pending cases.

Presentation of the Caseload Data

The caseload numbers that follow are presented in two ways. First, we report the 2020 number of cases by using the seven new criminal caseload categories for institutional providers and assigned counsel providers. Then, we apply a conversion method (described in Appendix C) and compare the converted 2020 caseloads to those of the years before. As we anticipated a significant decrease in the number of new cases handled in the year 2020 because of the Covid-19 pandemic, this comparison is useful to get a rough – although not a precise – idea of the magnitude of this decrease.

This report relies on data collected annually by ILS on the caseloads, staffing, and expenditures of providers of criminal representation in the fifty-two upstate counties for the calendar years 2012-2020, and in New York City for the calendar years 2017-2020. The data include the reported numbers of homicide, felony, misdemeanor/violation, Family Court, and criminal appeal cases opened in each provider in the year in question and, as of the calendar year 2020, the number of violent felonies, other felonies, misdemeanors/violations, parole violations, post-dispositions, appeals of a guilty plea, appeals of a verdict, Family Court, and Family Court appeals. In addition, the data include the number of attorney and non-attorney staff in each institutional provider on July 1 (2012-2019) or December 31 (2020) of the year in question, expressed in full-time equivalent terms; and the total expended by the provider across the whole year. Although ILS collected data for all the counties and providers in the state (totaling 160 providers in 2020), we omit from this report any data relating to any provider in the five *Hurrell-Harring* defendant counties (n=11), and any provider that engaged solely in Family Court representation (n=12). Thus, our dataset is comprised of 137 providers of representation.

The specific techniques used to collect these data were consistent across the years in which the data were collected and were as follows.

- First, ILS received the annual reports, known historically as the ‘UCS-195’ and more recently the ‘ILS-195’, directly from providers and extracted from those reports data on caseloads, staffing, and expenditures for all providers where available.
- Second, where those reports were missing, incomplete, facially inaccurate, or combine statistics for multiple providers into a single form, ILS followed up with providers for clarification and corrections.

The dataset itself is organized by ‘provider’ of representation: where we speak in this report about caseloads, staffing, and expenditures, the implicit understanding throughout is that these are properties of individual providers of defense representation. The definition of the term ‘provider’ cannot be taken for granted, however. To clarify its need for data to be broken down appropriately by provider, ILS has developed the following definition of ‘provider’:

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 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 data 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 data must be submitted for each provider.

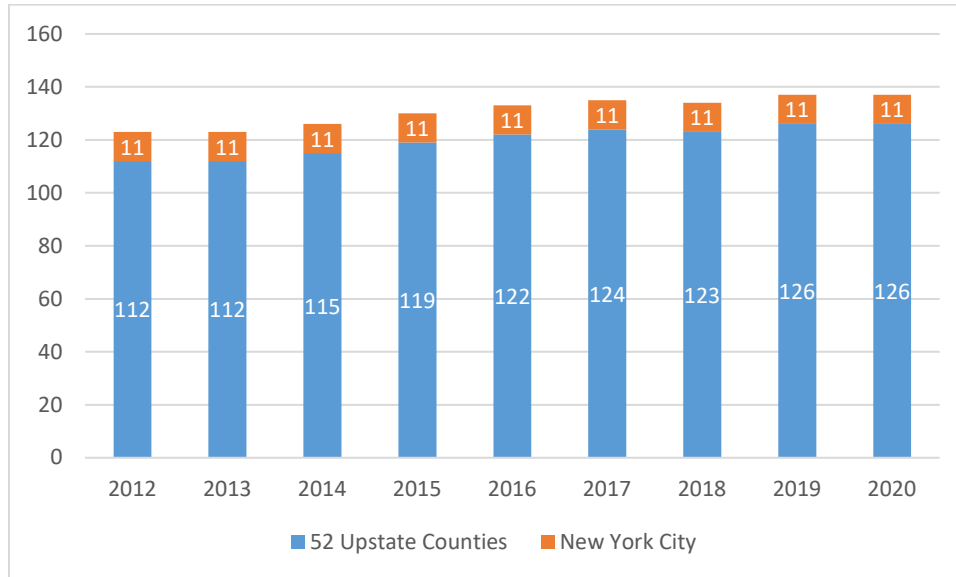
Across the years for which the data have been gathered, the number of providers of representation has changed slightly, generally as the result of the addition of new programs providing legally mandated representation. In 2020, ILS counted 137 providers of mandated criminal representation across the fifty-two upstate counties and New York City. Twenty-three of these were dedicated only to criminal representation; the remaining 113 carried a mixture of Family Court and criminal cases.⁴ Figure 1 shows the trend in the number of providers of representation across these counties and New York City since 2012, while Table 1 notes the specific changes in providers that occurred each year.

⁴ One provider, the Regional Appellate Program in Livingston county, reported not handling any cases in 2020 but did report the presence of attorney staff and therefore is included as a provider in this report.

Table 1: Provider changes by year.

Year	Provider changes
2014	<ul style="list-style-type: none"> • Appellate representation programs in Cattaraugus, Genesee, and Orleans Counties.
2015	<ul style="list-style-type: none"> • Appellate representation programs in Otsego, Saint Lawrence, and Warren Counties. • Yates County Conflict Defender.
2016	<ul style="list-style-type: none"> • Franklin County Alternate Conflict Defender. • Steuben County Conflict Defender. • Appellate representation program in Fulton County.
2017	<ul style="list-style-type: none"> • Third Alternate Conflict Defender in Columbia County (program existed since 2015 but took criminal cases for the first time). • Appellate representation program in Cortland County.
2018	<ul style="list-style-type: none"> • Appellate representation in Livingston County. • Franklin County Alternate Conflict Defender Office abolished. • Third Alternate Conflict Defender in Columbia County only takes Family Court cases.
2019	<ul style="list-style-type: none"> • Public Defender in Clinton County. • Public Defender in Delaware County. • Appellate representation program in Saratoga County.
2020	<ul style="list-style-type: none"> • Public Defender in Hamilton County. • Attica Legal Aid Bureau in Wyoming County takes Parole Violation cases; Public Defender takes all other case types (these two programs existed before, but data was reported under only one institutional provider in previous reports) • Allegany-Cattaraugus Legal Aid only takes Family Court cases. • Fulton Rural Law Center only takes Family Court Appeals. • Yates County Conflict Defender abolished per March 31, 2020 (still included as a provider in this report since the office was open for the first three months of 2020)

Figure 1: Providers of representation by year, family court providers and Hurrell-Harring settlement counties excluded.



In previous years, ILS has needed to substitute in data from the most recent prior year available in order to create a complete dataset for analysis (see *Defense System Caseloads in 52 Upstate Counties and New York City, 2017*).⁵ This year, ILS was able to obtain caseload, staffing, and expenditure data from 133 providers in the state (see Appendix A and B).⁶ Because the year 2020 was an anomaly for reasons described above, we decided not to substitute in data from the most recent prior year available this time.

In the analysis section that follows, we present data on the caseloads, staffing, and expenditures of providers of defense across New York, distinguishing institutional providers, Assigned Counsel Programs, and upstate and New York City data where appropriate and useful. We then present two metrics reflecting resource adequacy in defense providers – weighted cases per attorney in institutional providers (Figure 15) and spending per weighted case in Assigned Counsel Programs (Figure 16). It is by repeated assessment of the weighted cases per attorney (using the seven criminal case types and corresponding weights) that we propose to measure the progress of ILS’s new caseload standards implementation in institutional providers. For Assigned Counsel Programs, we will continue to assess progress of caseload standards implementation by assessing average spending per weighted case, applying the previously used and slightly revised NAC Standards as well as the seven case types and their corresponding weights reflected in ILS’s caseload standards.

⁵ There are six exceptions to this rule. In 2012, five providers did not supply any data, and, having no prior years from which to substitute figures, those data are simply missing in our dataset. In 2015, similarly, the Yates County Conflict Defender was founded, but did not supply any data, and did not have any data from prior years we could use. Those values are also missing in our dataset, therefore.

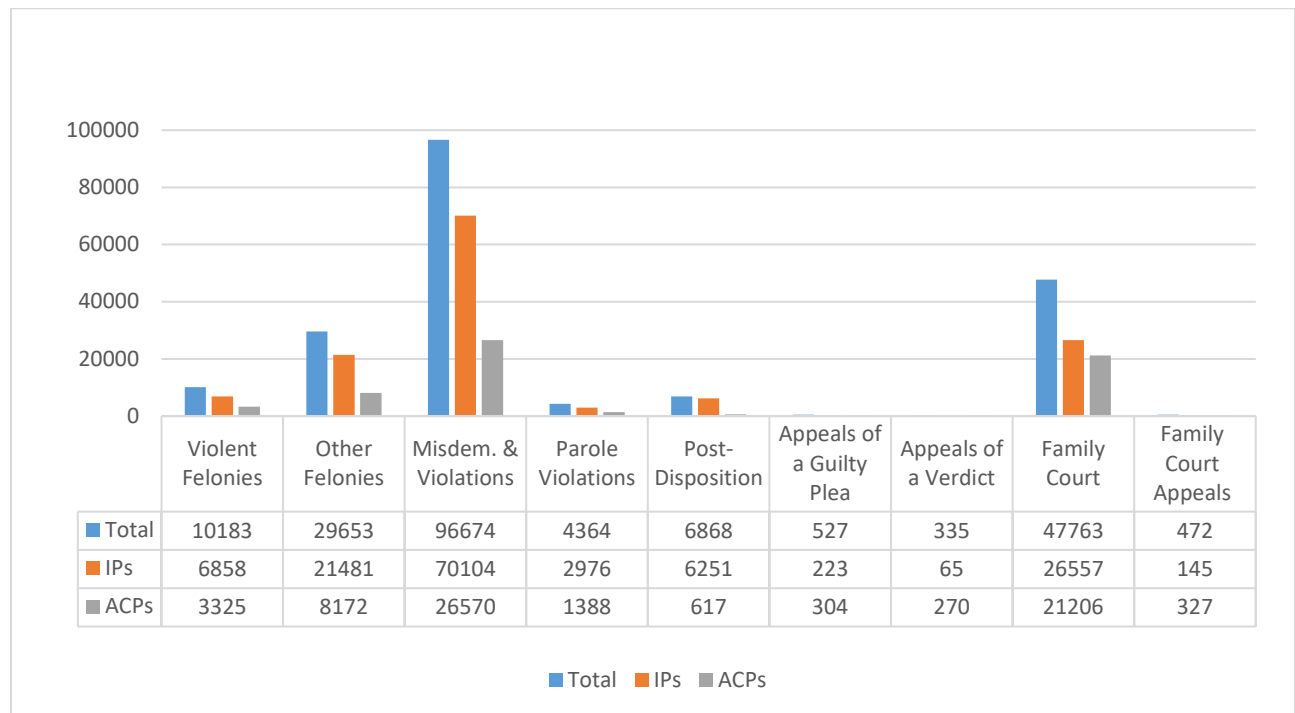
⁶ For an additional two providers, there was one missing data point.

I. Caseloads

Providers' 2020 caseloads in the fifty-two upstate counties in New York: the new caseload categories

Figure 2 presents the sum of total caseloads for the seven criminal categories set forth in the ILS caseload standards (violent felonies; other felonies; misdemeanors and violations; parole violations; post-dispositions; appeals of a guilty plea; appeals of a verdict), and two Family Court categories (Family Court and Family Court appeals) for all providers of mandated criminal representation in the fifty-two upstate counties in New York. It includes the caseloads for all providers, and for institutional providers and Assigned Counsel Programs separately. For a breakdown of the number of cases per case category handled by each upstate provider in 2020, please see Appendix A (for institutional providers) and Appendix B (for Assigned Counsel Programs).

Figure 2: Total Caseloads Handled by Providers of Criminal Representation in Fifty-two Upstate Counties, 2020 – nine ILS caseload categories



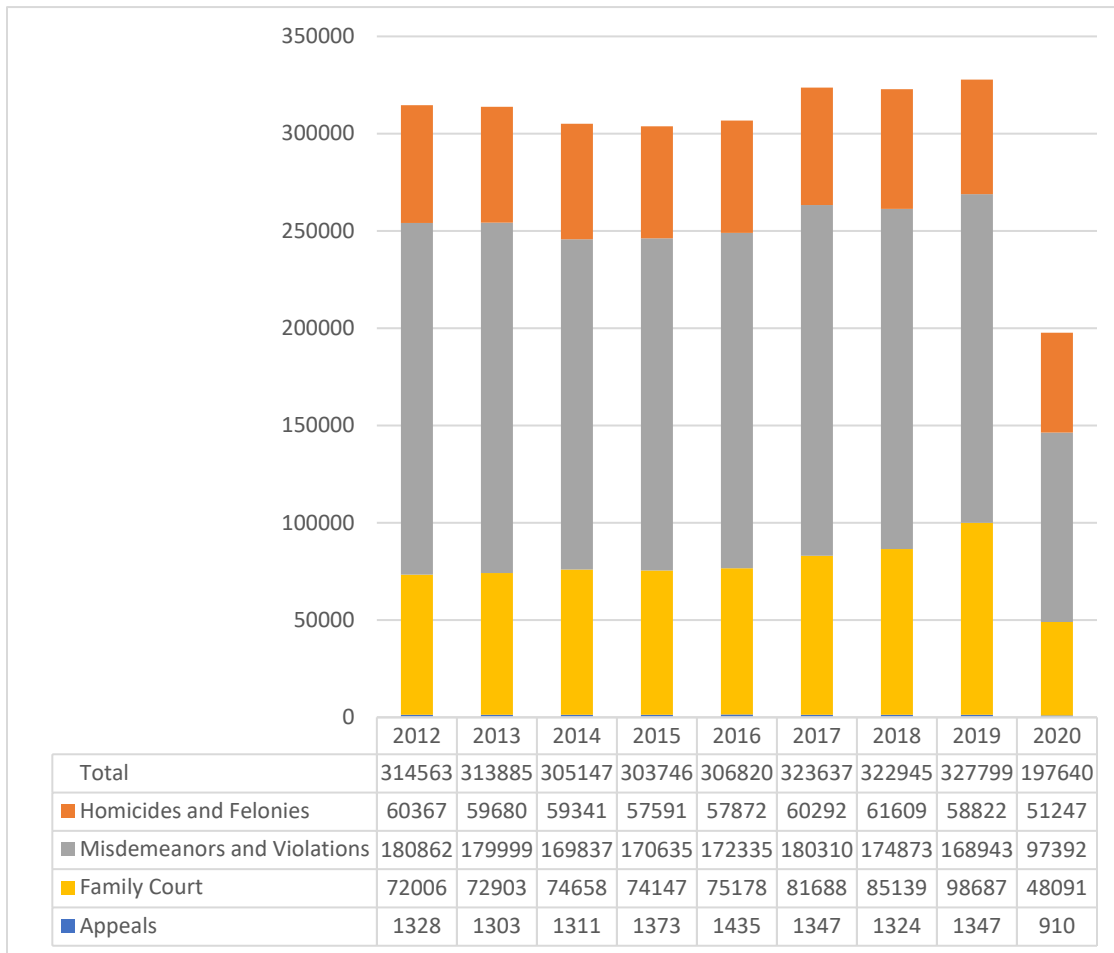
Providers' 2020 caseloads in the fifty-two upstate counties compared to previous years

Since 2012, ILS has collected data on providers' caseloads and monitored annual fluctuations in these caseloads. Over the years 2012-2019, the total caseload handled by all providers of mandated criminal representation in the fifty-two counties was fairly consistent (see Figure 3). However, because of the Covid-19 pandemic – which started in March 2020 – and the related court delays, we anticipated a significant decrease in the number of new cases handled in the year 2020. To get a rough idea of the magnitude of this decrease, we compare the 2020 caseloads to the caseloads in the years before (2012-2019). Because this year's caseload data was reported to ILS for the first time in accordance with the ILS caseload standard case categories, to compare the 2020 caseloads to those of prior years, we had to

convert the caseload numbers in the nine categories (i.e., seven criminal and two Family Court categories) to the five categories previously used. This conversion process is detailed in Appendix C.

Figure 3 presents the sum of total caseloads for two criminal categories (homicides and felonies; misdemeanors and violations), Family Court, and appeals for all providers of mandated criminal representation in the fifty-two upstate counties in New York. It includes the caseloads for both institutional providers and Assigned Counsel Programs.

Figure 3: Total Caseloads Handled by Providers of Criminal Representation in Fifty-two Upstate Counties, 2012-2020



In the following two figures, the total caseloads for the two criminal categories, Family Court, and appeals are presented *separately* for institutional providers (Figure 4) and Assigned Counsel Programs (Figure 5).

Figure 4: Total Caseloads Handled by Institutional Providers of Criminal Representation in Fifty-Two Upstate Counties, 2012-2020

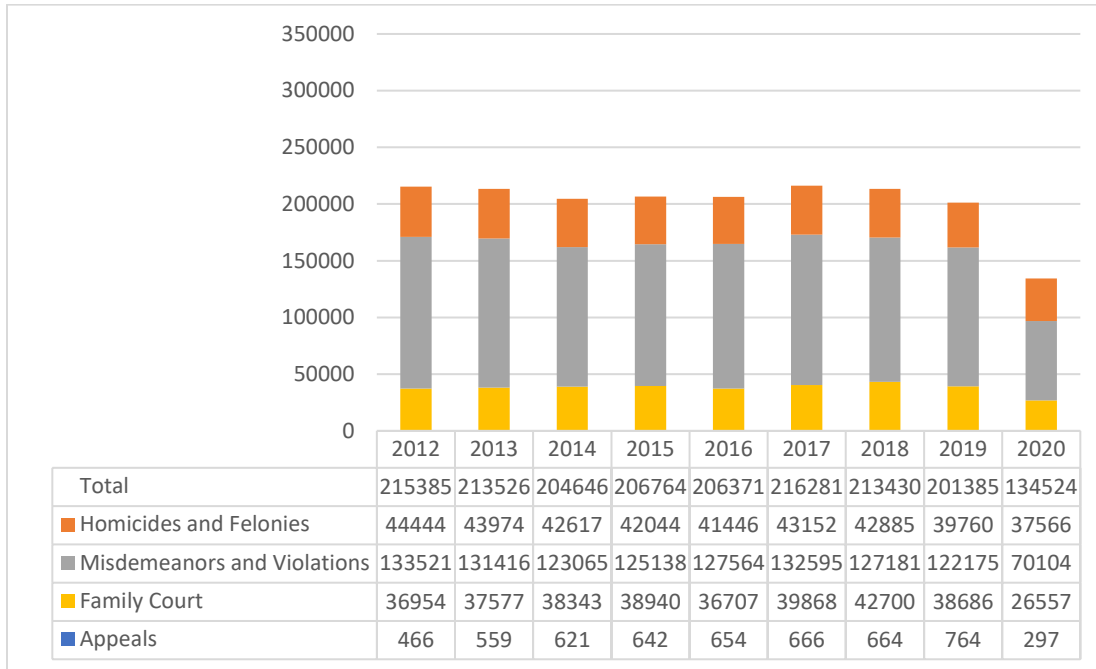
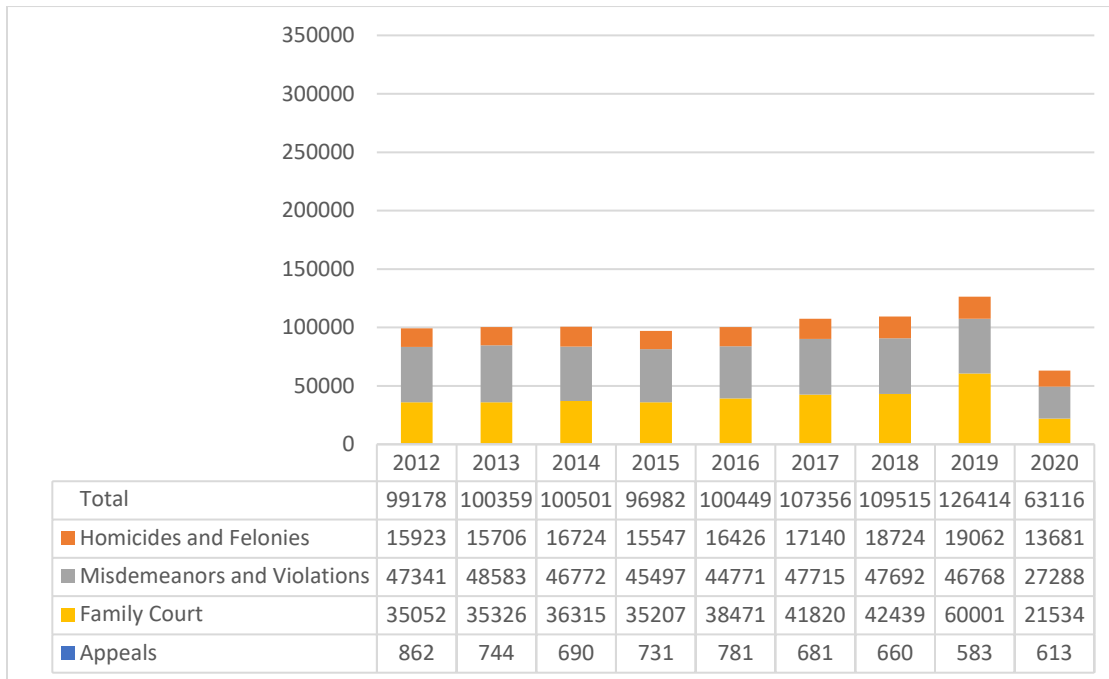


Figure 5: Total Caseloads Handled by Assigned Counsel Programs of Criminal Representation in Fifty-Two Upstate Counties, 2012-2020



Highlights of providers' caseloads in 2020 versus 2012-2019 in the fifty-two upstate counties:

- As depicted in Figure 3, the **total caseload** (i.e., including the two criminal categories, Family Court, and appeals) handled by all providers of mandated criminal representation in the fifty-two counties **was fairly consistent** over the years 2012-2019.
- From 2019 to 2020, there was a **significant 39.7% decrease in the number of total cases**, from **327,799** (in 2019) to **197,640** (in 2020) cases. This sharp decrease in cases is most likely attributable to the Covid-19 pandemic.⁷
- In 2020, the majority of providers' caseloads consisted of **misdemeanors and violations (49.3% of the total caseload)**, followed by **homicides and felonies (25.9%)** and **Family Court cases (24.3%)**⁸. This ranking is different to the year before: in 2019, misdemeanors and violations ranked first, Family Court cases ranked second, and felonies ranked third.
- When examining the caseloads separately for institutional providers (Figure 4) and Assigned Counsel Programs (Figure 5), we see a **decrease of 33.2%** in the number of total cases for **institutional providers**, and a **decrease of 50.1%** for **Assigned Counsel Programs**.
- In 2020, **Assigned Counsel Programs handled a substantially larger proportion of Family Court cases (35.2% or 21,534 cases) and appeals (1.0% or 613 cases) compared to institutional providers (21.2% or 26,557 Family Court cases versus 0.2% or 297 appeals)**. In fact, the number of appeals for Assigned Counsel Programs in 2020 *increased* (from 583 in 2019 to 613 in 2020). This is in contrast to the number of cases in all other case type categories, which decreased for both Assigned Counsel Programs and institutional providers.
- Similar to previous years, in 2020 **roughly one third** of the total volume of cases is handled by **Assigned Counsel Programs**, and about **two thirds** by **institutional providers**. It is important to note that every county must have an Assigned Counsel Program whereas most (47) of the 52 non-Hurrell-Harring counties have one or more institutional providers.⁹

Providers' 2020 caseloads in New York City: the new caseload categories

Figure 6 presents the sum of total caseloads for the seven ILS criminal categories (violent felonies; other felonies; misdemeanors and violations; parole violations; post-dispositions; appeals of a guilty plea; appeals of a verdict), and two Family Court categories (Family Court and Family Court appeals) for all providers of mandated criminal representation in New York City. It includes the caseloads for all providers that handle criminal cases, and for institutional providers and Assigned Counsel Programs

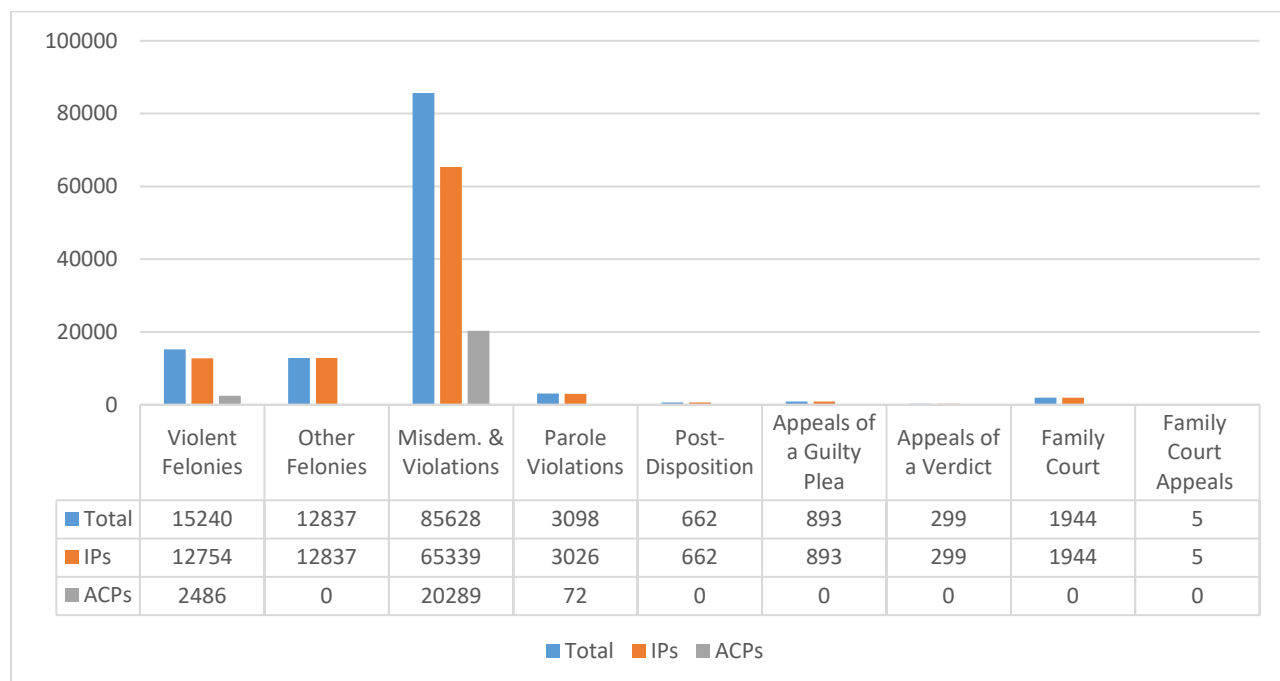
⁷ Please note that part of the decrease in the total number of cases could also be due to other unobserved factors. However, news reports in 2020 consistently noted a pandemic-related decrease in arrests because of stay-at-home orders/advisals, significantly reduced driving, and the closure of many businesses. Additionally, first court appearances on many lower-level cases were adjourned indefinitely, also contributing to a decrease in new case assignments.

⁸ Please note that there are ten providers statewide that focus on Family Court cases exclusively. These providers and their caseload numbers are not included here as this report only includes providers of mandated criminal representation.

⁹ Except for Cayuga, Herkimer, Oswego, Schoharie and Tompkins County, which have an Assigned Counsel Program and no institutional providers.

separately.¹⁰ For a breakdown of the number of cases per case type handled by each New York City provider in 2020, please see Appendix A (for institutional providers) and Appendix B (for Assigned Counsel Programs).

Figure 6: Total Caseloads Handled by Providers of Criminal Representation in New York City, 2020 – nine new caseload categories



Please note that the data base for the Assigned Counsel Programs in New York City does not yet distinguish between violent felonies and other felonies. Since most of the Assigned Counsel felony cases are violent felonies, all felonies in 2020 are reported as violent felonies by these two Assigned Counsel Programs.

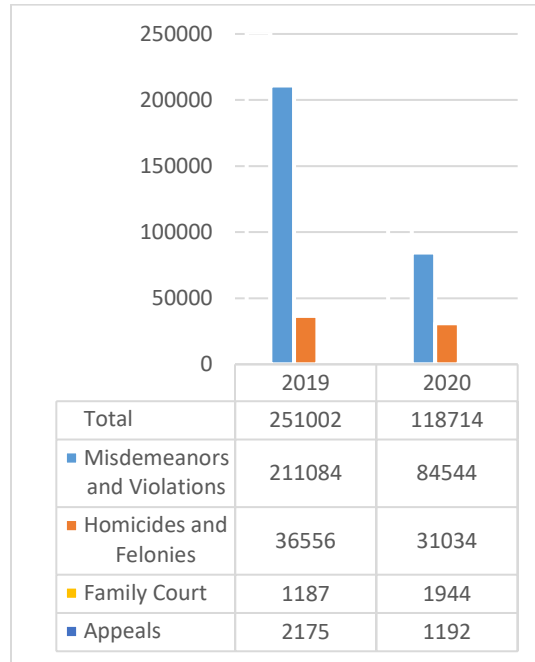
Providers’ 2020 caseloads in New York City compared to 2019

To compare the 2020 caseload numbers to 2019, the same conversion method was applied as described in Appendix C. This comparison gives a rough idea of the magnitude of the decrease in the number of cases during the Covid-19 pandemic.

The following three figures present caseload information for New York City for 2020 compared to 2019. Figure 7 presents the sum of total caseloads for the two caseload categories (homicides and felonies; misdemeanors and violations) as well as for Family Court and appeals for all providers of mandated criminal representation. It includes the caseloads for both institutional providers and Assigned Counsel Programs.

¹⁰ Please note that New York City has two providers which focus on Family Court cases exclusively. These providers and their caseloads are not included here as this report only includes providers of mandated criminal representation.

Figure 7: Total Caseloads Handled by Providers of Criminal Representation in New York City in 2019 and 2020



In Figure 8 and 9, the total caseloads in the two criminal categories, Family Court, and appeals are presented *separately* for institutional providers (Figure 8) and Assigned Counsel Programs (Figure 9) in New York City.

Figure 8: Total Caseloads Handled by Institutional Providers of Criminal Representation in New York City in 2019 and 2020

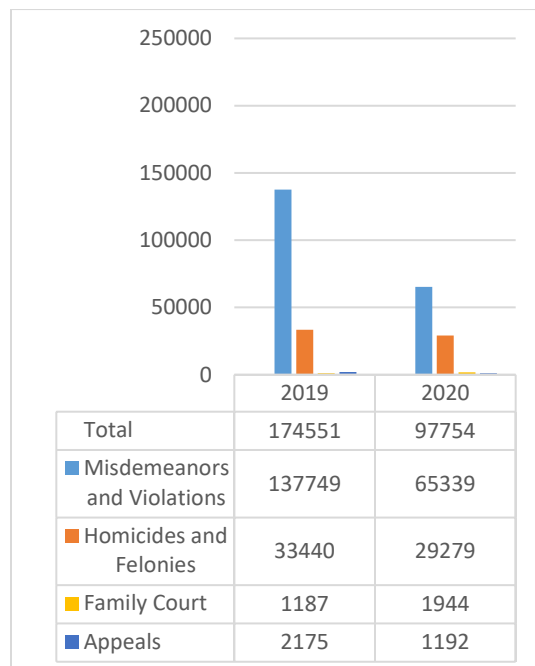
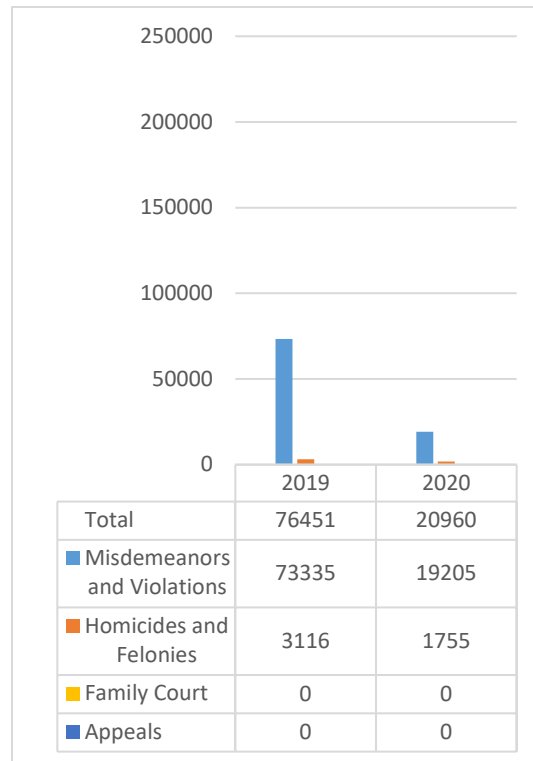


Figure 9: Total Caseloads Handled by Assigned Counsel Programs in New York City in 2019 and 2020



Highlights of providers' caseloads in 2020 versus 2019 in New York City:

- From 2019 to 2020, there was a **significant 52.7% decrease in the number of total cases**, from **251,002** (in 2019) to **118,714** (in 2020) cases for all New York City providers included in this report.
- There was a **sharper decrease** in the total number of cases handled by New York City's two **Assigned Counsel Programs (i.e., 72.6%)** than for the nine **institutional providers (i.e., a decrease of 44.0%)**.
- Interestingly, in contrast to all other caseload categories, **the number of Family Court cases increased** from 2019 to 2020 **from 1187 to 1944 (i.e., an increase of 63.8%)**. All of these Family Court cases are handled by institutional providers; the Assigned Counsel Programs in New York City did not take Family Court cases (or appeals) in 2019 and 2020.
- The majority of providers' caseloads consist of **misdemeanors and violations (71.2% of the total caseload for all providers in 2020)**, followed by the category **homicides and felonies (26.1%)**.
- In New York City, in 2020 **17.7%** of the total volume of cases is handled by its two **Assigned Counsel Programs**, and **82.3%** by its nine **institutional providers** that are included in this report.¹¹

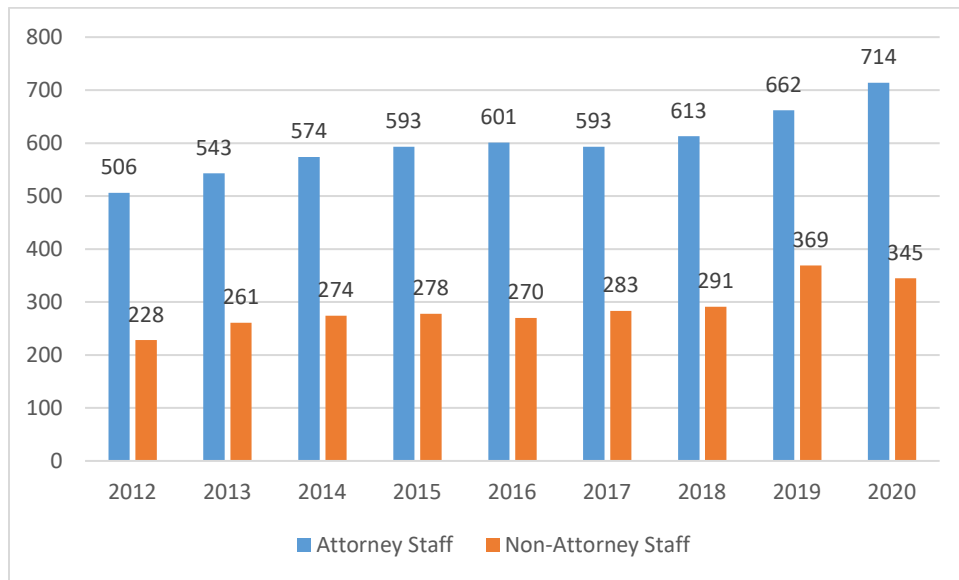
¹¹ Again, please note that New York City has another two providers which focus on Family Court cases exclusively (as mentioned in the above footnote), and that these are not included in this report.

II. Staffing

Attorney and non-attorney staff in the fifty-two upstate counties and New York City

In addition to providers' caseloads, it is relevant to know how many staff members are handling these caseloads. Figure 10 shows the number of full-time equivalent attorney and non-attorney staff for 2012 to 2020 for all institutional providers across the fifty-two upstate counties.¹²

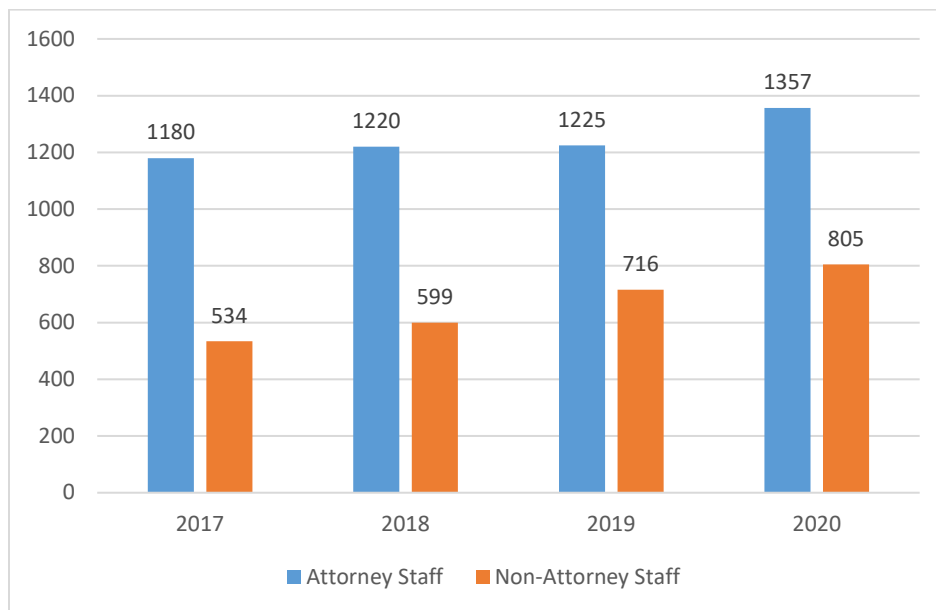
Figure 10: Full-Time Equivalent Attorney and Non-Attorney Staff in Institutional Providers in Fifty-Two Upstate Counties.



¹² Please note that Appendix A also includes attorney and non-attorney staffing numbers for 2020, but that these are different from the staffing numbers reported in Figure 10. Figure 10 reports the 2020 attorney and non-attorney staffing numbers (in FTE) for those representing or working on criminal *and* Family Court cases all added up together, whereas Appendix A solely focuses on the attorney and non-attorney staffing numbers (in FTE) dedicated to criminal cases only.

Figure 11 presents the same data for New York City, for which data are available as of 2017.

Figure 11: Full-Time Equivalent Attorney and Non-Attorney Staff in Institutional Providers in New York City.



Staffing highlights:

- The number of attorneys on staff at institutional providers in the fifty-two upstate counties has **increased substantially** over time from **506 full-time equivalent attorneys in 2012 to 714 attorneys in 2020** (Figure 10). This is an **increase of 41.1%** over the past nine years.
- Despite the Covid-19 pandemic and the related hiring freezes, the number of full-time equivalent attorneys on staff **continued to increase in 2020** from 662 to 714 (i.e., an increase of 7.9%).
- Non-attorney staff consistently increased over time from **228 full-time equivalent non-attorneys in 2012 to 369 in 2019** (i.e., an **increase of 61.8%**) in the upstate counties (Figure 10). However, it slightly decreased in 2020 to 345. Hiring freezes and the non-renewal of contracts during the Covid-19 pandemic are a potential explanation for this slight decrease.
- For New York City, the number of full-time equivalent **attorneys** has **increased from 1180 in 2017 to 1357 in 2020** (i.e., an increase of 15.0%, Figure 11). The number of full-time equivalent **non-attorneys** has **increased significantly from 534 in 2017 to 805 in 2020** (i.e., an increase of 50.7%, Figure 11). **Despite the Covid-19 pandemic, both numbers continued to increase in 2020.**

III. Expenditures

Expenditures in the fifty-two upstate counties and New York City

In addition to assessing providers’ caseload and staffing numbers, we also look at providers’ expenditures. All the expenditures presented in the following figures include 1) expenditures on

personnel services (i.e., salaries, wages, and fringe benefits for attorneys, investigators, social workers and other staff members employed by the provider), and 2) expenditures on all other than personnel services, which include both contract services (i.e., expenditures for attorneys and non-attorney professionals *not* employed by but *on contract with* the provider), and any other expenditures attendant to mandated representation (rent, equipment, supplies, etc.). These spending figures are for all expenditures, regardless of revenue source, and thus reflect a combination of funding from both state and local sources. Figure 12 presents the total spending for Assigned Counsel Programs and institutional providers in the *fifty-seven* upstate counties, thus *including* the *Hurrell-Harring* settlement counties. The spending figures in Figure 12 also include spending for providers that exclusively engage in Family Court representation.

Figure 12: Total Spending in Institutional and Assigned Counsel Providers, Fifty-Seven Upstate Counties, 2012-2020

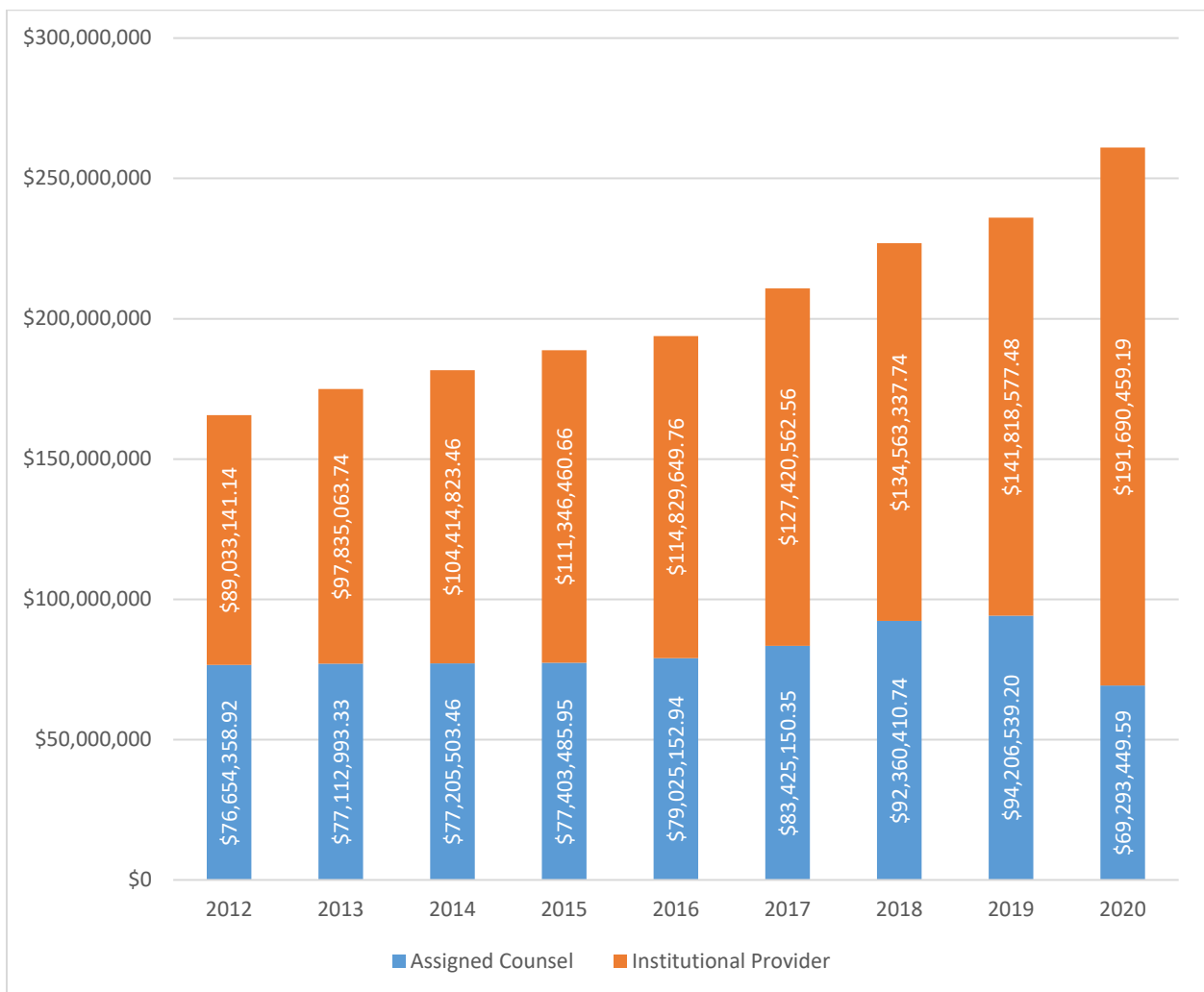


Figure 13 presents the total spending in the fifty-two upstate counties for assigned counsel and institutional providers from 2017 to 2020¹³; Figure 14 does the same for New York City.

Figure 13: Total Spending in Assigned Counsel Programs and Institutional Providers in Fifty-Two Upstate Counties, 2017-2020

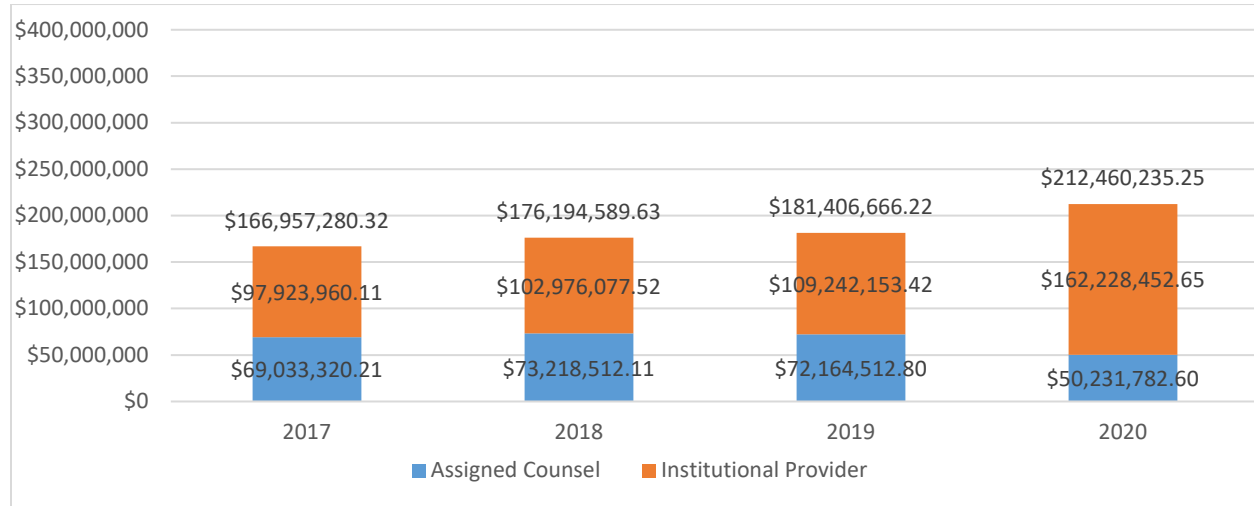
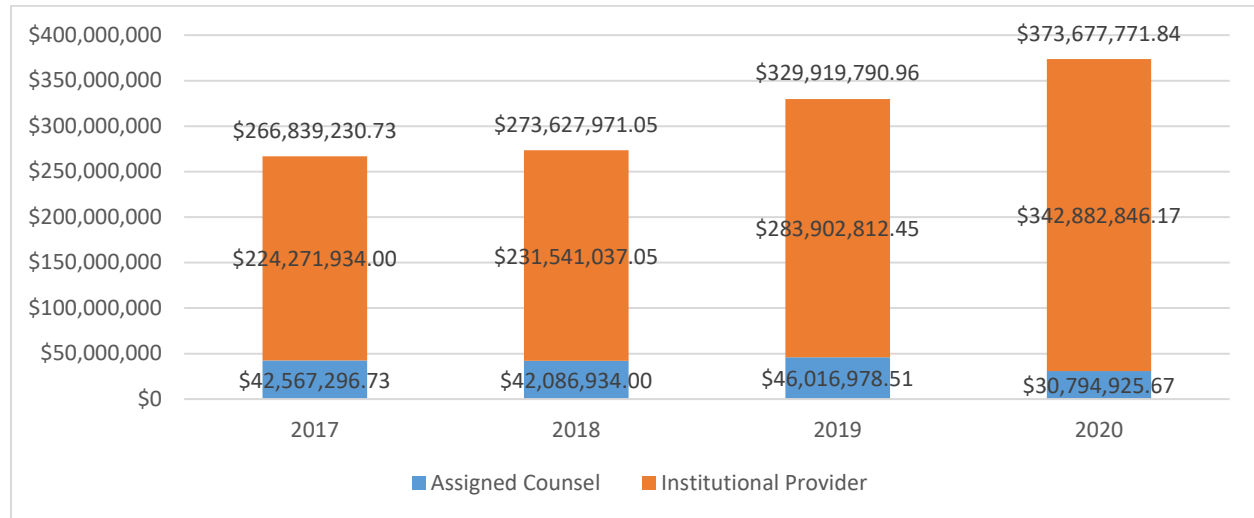


Figure 14: Total Spending in Assigned Counsel and Institutional Providers in New York City, 2017-2020



Expenditures highlights:

- **Total spending in the fifty-seven upstate counties** (including the *Hurrell-Harring* counties and providers exclusively engaging in Family Court representation) **consistently increased** from 2012 to 2019 for both Assigned Counsel Programs and institutional providers (Figure 12). For the institutional providers, this increase **continued and became even larger in magnitude in 2020** (i.e., from \$141.8 million in 2019 to \$191.7 million in 2020; 35.2%). In contrast, for Assigned

¹³ Excluding the *Hurrell-Harring* counties and those exclusively providing Family Court representation.

Counsel Programs, the **total spending decreased** from \$94.2 in 2019 to \$69.3 million in 2020 (i.e., a decrease of 26.4%).

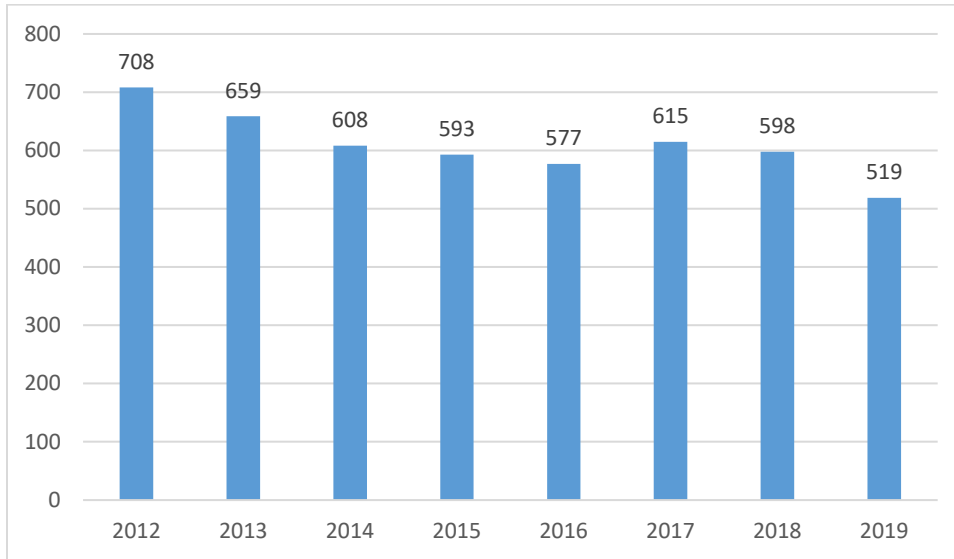
- **Total spending in the fifty-two upstate counties consistently increased** from about \$167 million for all providers in 2017, to about \$212.5 million in 2020 (Figure 13). However, when examining institutional providers and Assigned Counsel Programs separately, we see a similar pattern. For the institutional providers, the increase **continued and became even larger in magnitude in 2020** (i.e., from \$109.2 million in 2019 to \$162.2 million in 2020; 48.5%). In contrast, for Assigned Counsel Programs, the **total spending decreased** from \$72.2 in 2019 to \$50.2 million in 2020 (i.e., a decrease of 30.5%).
- **Total spending in New York City increased substantially** from about \$267 million for all providers in 2017 to almost \$373.7 million in 2020 (Figure 14). Yet again we see that from 2019 to 2020, **the total spending for institutional providers continued to increase** (i.e., from \$283.9 million to \$342.9 million, or 20.8%), whereas **for Assigned Counsel Programs it decreased** (from \$46.0 million in 2019 to \$30.8 million in 2020, or -33.0%).

The decrease in Assigned Counsel Program expenditures in 2020, compared to the marked increase in institutional provider expenditures, is driven by the sharp reduction in caseloads the Assigned Counsel Programs experienced in 2020 as compared to 2019. (See Figure 5 and Figure 9 above). Since Assigned Counsel Program attorneys are paid per case (unlike the institutional providers), the decrease in the number of cases impacted Assigned Counsel Program expenditures. Relatedly, the slow-down in case processing also impacted assigned attorney billing. Assigned counsel attorneys are paid for the hours they work and subsequently bill. During the Covid-19 pandemic, assigned counsel attorneys worked fewer hours due not only to the decrease in case assignments, but also because of the limitations in court functioning and the barriers to in-person contact with their clients. Moreover, because of these court limitations, cases were not resolved, delaying attorney submission of vouchers since attorneys commonly are not permitted to submit a voucher until after the case is resolved. As a result of the foregoing, Assigned Counsel Program attorneys were submitting far fewer vouchers for payment, and even if permitted to voucher prior to a case being resolved (commonly called “interim voucher”), they were vouchering for fewer hours.

IV. Institutional Providers: Weighted Cases Per Attorney

For institutional providers, as we have done in prior caseload reports, we look at progress towards caseload standard compliance by assessing the average number of weighted cases per attorney. Figure 15 shows the average number of weighted cases per attorney in the fifty-two upstate counties for the years 2012 to 2019. The term ‘weighted cases’ refers to an adjustment that is applied to the caseload numbers of individual providers. From 2012 to 2019, caseloads were weighted based on the NAC standards as follows: misdemeanors and violations are weighted at ‘1’, while felony cases are weighted at ‘2.67’. Family Court cases are also weighted at ‘2.67’, while appeals are weighted at ‘16’.

Figure 15: Weighted Cases Per Attorney in Institutional Providers in Fifty-Two Upstate Counties, 2012-2019



As mentioned in the introduction to this report, 2020 is the first year for which we use the weighting measurement for criminal cases that accord with the ILS caseload standards, which are described in ILS' 2016 report *A Determination of Caseload Standards pursuant to § IV of the Hurrell-Harring v. The State of New York Settlement*.

Under the ILS criminal caseload standards, misdemeanors and violations are weighted at '1', while violent felonies are weighted at '6', and other felonies at '3'. Post-disposition and parole violation cases are both weighted at '1.5'. Finally, appeals of a guilty plea are weighted at '8.57' and appeals of a verdict at '25'. As the focus of the Statewide expansion of the *Hurrell-Harring* settlement is on providers of mandated *criminal* representation, these caseload standards include only criminal cases. In the calculation of the average number of weighted cases per attorney at the institutional providers of mandated criminal representation Statewide (see Appendix A), Family Court cases are not considered.

With these new caseload categories and weights, **in 2020 the overall number of weighted cases per attorney in institutional providers in the fifty-two upstate counties is 319.**¹⁴ For a breakdown of the 2020 average number of weighted cases per attorney at the institutional provider level, please see Appendix A. The 2020 overall number of weighted cases per attorney was not added to Figure 15 for several reasons. First, given the more refined ILS caseload standard criminal caseload categories and their respective weights, the number of weighted cases per attorney in 2020 is not directly comparable to that of the years before. Second, for 2012 to 2019, the number of Family Court cases is included in the weighted numbers, whereas as of 2020 this is no longer the case as mentioned above. Third, the year 2020 is an anomaly in terms of new case assignments (and, as a consequence, the number of weighted cases per attorney) due to the Covid-19 pandemic rendering less valid any direct comparison with the weighted cases per attorney in prior years.

¹⁴ This number is calculated by dividing the sum of the total weighted criminal cases (i.e., column 14 in Appendix A) for each of the 74 institutional providers in the 52 upstate counties by the sum of attorney staff taking criminal cases (in FTE; see column 12 in Appendix A) for these providers (i.e., 193,071.61 weighted *criminal* cases / 606.09 *criminal* attorney FTEs)

V. Assigned Counsel Programs: Average Spending Per Weighted Case

While we use the metrics of average weighted case per attorney for institutional providers, for Assigned Counsel Programs we use a different approach – one that reflects how Assigned Counsel Programs are organizationally distinct from institutional providers (relying on contract attorneys rather than employed attorneys) and maintains consistency with how we previously assessed caseloads. For Assigned Counsel Programs we present the average amount of US dollars spent per weighted case. Figure 16 presents the average amount spent per weighted case across all Assigned Counsel Programs in the fifty-two upstate counties. Caseloads were weighted following the weighting scheme used in previous caseload reports. In this weighting scheme, misdemeanors and violations are weighted at ‘1’, while felony cases are weighted at ‘2.67’. Family Court cases are also weighted at ‘2.67’, while appeals are weighted at ‘16’. In order to weigh the 2020 numbers appropriately, we converted the nine “new” caseload categories back to the previously used five categories, using the method described in Appendix C. For a breakdown of the average 2020 spending per weighted case at the Assigned Counsel Program level, please see Appendix B.

Figure 16: Average Spending Per Weighted Case in Assigned Counsel Programs in Fifty-Two Upstate Counties, 2012-2020



While Figure 16 compares spending per weighted case over time using the previous case weights described above, in this report we also set forth the average spending per weighted case using, for the first time, the case weights in accord with the ILS caseload standards (i.e., misdemeanor and violation cases weighted 1, violent felonies 6, other felonies 3, post-disposition and parole violation 1.5, appeals of a guilty plea 8.57, and appeals of a trial verdict 25). Family Court cases and Family Court appeals are weighted as ‘2.67.’¹⁵ For a breakdown of the 2020 average spending per weighted criminal case (per ILS

¹⁵ As the purpose is to set a baseline for future reports, it would be inappropriate to not consider and weigh Family Court appeals at all (as we did for comparing 2020 case numbers to previous years as described in Appendix C). Instead, Family Court cases and Family Court appeals are both weighted at 2.67, which is the weight used for

caseload standard weights) and per weighted Family Court case, at the Assigned Counsel Program level, please see Appendix D.¹⁶

This assessment reveals the following: **the 2020 average spending per weighted criminal case was \$463.58 while the average spending per weighted Family Court case was \$234.31.** This data, presented in accord with the ILS caseload standards, can be used as a baseline for future reports.

Weighted numbers highlights:

- For institutional providers in the fifty-two upstate counties, **the weighted caseloads per attorney** were generally **decreasing** from 2012 to 2016, though in 2017 they increased again. **They decreased in 2018 and even more significantly in 2019**, with 598 weighted cases per attorney in 2018 to 519 in 2019 (Figure 15). This suggests **substantial caseload relief** for attorneys in the fifty-two upstate counties since the implementation of the statewide expansion of the *Hurrell-Harring* reforms. It is important to note that **these weighted numbers include both criminal and Family Court cases.**
- **In 2020, the number of weighted cases per attorney at institutional providers in the fifty-two upstate counties is 319.** In calculating this weighted number, the seven new ILS criminal caseload categories and corresponding weights were used for the first time. In contrast to previous years, these weighted numbers **only include criminal**, and not Family Court cases. Therefore, this number is not directly comparable to the weighted caseloads per attorney in previous years.
- For Assigned Counsel Programs in the fifty-two upstate counties, **the average spending per weighted case** remained relatively stable from 2013 to 2018 (Figure 16). The year **2019** showed a temporary decrease in the average spending per case, which – as described in last year’s caseload report – was largely due to the significant increase in the number of Family Court cases handled by upstate assigned counsel programs in 2019. **In 2020, the average spending per weighted case is back up to \$389 per case, which is a significant increase compared to 2019 and the years before and a desired outcome of the statewide expansion of the *Hurrell-Harring* settlement.**

Family Court cases in previous caseload reports. Although ILS has published more refined caseload standards and corresponding weights in its June 4, 2021 report titled *Caseload Standards for Parents’ Attorneys in New York State Family Court Mandated Representation Cases*, these require the collection of data in seven Family Court case types at the trial level, which for the purposes of the current report has not been done. In addition, the more refined ILS caseload standards for Family Court cases do not include weights for Family Court appeals.

¹⁶ Please note that in Appendix D, the more specific measure of *OTPS expenditures* is used for both criminal and Family Court cases. This is in contrast to Appendix B in which the overall *total expenditures* were applied to calculate the average spending per weighted case for Assigned Counsel Programs. It is the general purpose of both appendices that determined our application of different types of expenditures. Appendix B’s purpose is to compare the 2020 average spending per weighted case to that of previous years, and historically this number has been calculated using the overall total expenditures reported by Assigned Counsel Programs. Appendix D’s purpose is to set forth a baseline for future reports. ILS now collects more refined data on expenditures, split out by criminal and Family Court representation. Moving forward, we use the *OTPS expenditures* on criminal and Family Court representation to calculate the average spending per weighted criminal / Family Court case. For Assigned Counsel Programs, this measure is a more accurate measure of the actual amount billed on attorney vouchers for panel attorneys’ and non-attorney professionals’ time (as assigned counsel attorneys and contracted non-attorney professionals are not on staff and thus reported under *OTPS expenditures* on the ILS-195).

- Setting forth the average spending per weighted case using the ILS caseload standards case weights (which will serve as the baseline for future years), reveals that the stark distinction between expenditures on criminal cases versus expenditures on Family Court case persists, and Assigned Counsel Programs continue to spend, on average, significantly more per case on criminal cases than Family Court cases. While this suggests that the statewide expansion of the *Hurrell-Harring* settlement is progressing toward the goal of increased quality time and resources spent on criminal cases, it highlights the lack of similar resources available for Family Court representation.

Conclusion

The data presented in this report resulted in two weighted metrics which assess whether criminal defense providers are moving toward compliance with ILS caseload standards in the fifty-two upstate counties and New York City. Of course, as previously stated, this data is taken from a year of significant upheaval resulting from the Covid-19 pandemic, which had a profound impact on all aspects of mandated representation. Thus, any conclusions to be drawn from this report take into account the unprecedented nature of 2020.

For institutional providers, this report calculates the weighted caseloads per attorney. For the upstate counties, the trend over 2012 to 2019 demonstrated that the weighted caseloads were generally decreasing (with the exception of the year 2017), with an average of 708 weighted cases per attorney in 2012 to 519 in 2019. This suggests substantial caseload relief for attorneys in the fifty-two upstate counties since the implementation of the statewide expansion of the *Hurrell-Harring* reforms. It is important to note that the weighted numbers from 2012 to 2019 include criminal *and* Family Court cases.

In 2020, the number of weighted cases per attorney at institutional providers in the fifty-two upstate counties is 319. In calculating this weighted number, the seven new ILS criminal caseload categories and corresponding weights were used for the first time. In contrast to previous years, these weighted numbers *only include criminal*, and *not* Family Court cases. Therefore, the decreased number of weighted cases in 2020 is not directly comparable to the weighted caseloads per attorney in previous years. Because the pandemic had such a significant impact on caseloads, we draw no conclusions from the 319 weighted case number. However, the fact that the number of full-time equivalent attorneys on staff *continued to increase* from 662 to 714 (i.e., an increase of 7.9%), and that overall expenditures continued to increase despite the Covid-19 pandemic and the related hiring freezes reported by many providers is compelling evidence of ongoing progress toward statewide implementation of the *Hurrell-Harring* settlement reforms.

Second, for Assigned Counsel Programs, similar to previous years, we calculated the average amount of spending per case. For the upstate counties, the trend over 2012 to 2018 demonstrated that the average spending per case remained relatively stable. The year 2019 showed a temporary decrease in the average spending per case which – as described in last year’s caseload report – was largely due to the significant increase in the number of Family Court cases handled by upstate Assigned Counsel Programs in 2019.

In 2020, the average spending per weighted case (\$389) is noticeably higher than previous years and a significant increase from 2019. For this comparison of spending per weighted case over time, we converted the 2020 number of cases in the nine new categories back to the previously used five categories. However, we also set forth average spending per weighted case in accord with the ILS seven case categories to set a baseline for future years. In so doing, we revealed a stark difference in spending on criminal cases (\$464 per weighted case) compared to Family Court cases (only \$234 per weighted case).

Despite the data limitations and our inability to draw definitive conclusions based on the data reported here, the new and improved numbers provide ILS with more refined insight into what providers' staffing patterns need to be to achieve full compliance with ILS's criminal caseload standards. Since the 2020 caseloads are a pandemic-related anomaly, ILS anticipates also using the historical year-by-year numbers on new case assignments to assist in this analysis. In addition, the data empower ILS and providers in their reform implementation efforts. It provides numerical evidence as to why providers of mandated criminal defense still need more attorneys, showing that although progress has occurred, there are still strides to make in achieving full caseload compliance in New York State.

Appendix A

Appendix A. Average Weighted Cases per Attorney at 74 Institutional Providers in 52 Upstate Counties and 9 Institutional Providers in New York City in 2020

County	Provider	Caseload Numbers: Number of Cases Opened									Current Staffing in FTE		Weighted Numbers	
		Violent Felonies	Other Felonies	Misdemeanors and violations	Parole Violations	Post-Dispositions	Appeals of a Guilty Plea	Appeals of a Verdict	Family Court	Family Court Appeals	Attorney staff – criminal only	Non-attorney staff – criminal only	Total weighted cases using the new ILS caseload standards – criminal cases only	Weighted cases per attorney – criminal cases only
Albany	Conflict Defender	70	180	185	3	3	0	1	300	0	5.00	1.00	1179.00	235.80
	Public Defender	364	1021	2769	263	161	10	2	337	0	28.75	12.00	8787.70	305.66
Allegany	Public Defender	62	83	376	10	51	0	0	219	0	3.50	1.50	1088.50	311.00
Broome	Public Defender	347	766	3748	151	486	5	2	0	0	15.00	15.00	9176.35	611.76
Cattaraugus	Public Defender	94	397	1286	28	113	7	0	1992	0	4.30	4.80	3312.49	770.35
	Regional Appellate Program	0	0	0	1	4	10	0	0	0	0.63	0	93.20	147.94
Cayuga	<i>No Institutional Provider – ACP only</i>													
Chautauqua	Public Defender	260	801	3684	91	214	0	0	1086	0	16.00	17.00	8104.50	506.53
Chemung	Public Advocate	56	84	302	1	23	0	1	443	0	3.00	1.00	951.00	317.00
	Public Defender	100	259	1293	0	89	0	0	240	0	6.00	1.75	2803.50	467.25

County	Provider	Caseload Numbers: Number of Cases Opened									Current Staffing in FTE		Weighted Numbers	
		Violent Felonies	Other Felonies	Misdemeanors and violations	Parole Violations	Post-Dispositions	Appeals of a Guilty Plea	Appeals of a Verdict	Family Court	Family Court Appeals	Attorney staff – criminal only	Non-attorney staff – criminal only	Total weighted cases using the new ILS caseload standards – criminal cases only	Weighted cases per attorney – criminal cases only
Chenango	Public Defender	33	118	639	23	84	0	0	184	0	3.00	2.00	1351.50	450.50
Clinton	Public Defender	52	271	1196	0	192	0	0	0	0	7.00	4.00	2609.00	372.71
Columbia	Conflict Defender	2	13	33	1	1	0	0	1	0	1.00	0	87.00	87.00
	1st Alternate Conflict Defender	0	9	1	0	0	0	0	2	0	1.00	0	28.00	28.00
	2nd Alternate Conflict Defender	-	-	-	-	-	-	-	-	-	-	-	-	-
	Public Defender	0	215	1058	24	989	7	0	275	2	5.00	3.00	3282.49	656.50
Cortland	Public Defender	42	141	565	57	55	0	1	292	0	4.10	3.50	1433.00	349.51
	Rural Law Center	0	0	0	0	0	2	2	0	4	0.11	0	67.14	610.36
Delaware	Public Defender	11	43	206	12	30	0	1	30	0	2.75	1.80	489.00	177.82

County	Provider	Caseload Numbers: Number of Cases Opened									Current Staffing in FTE		Weighted Numbers	
		Violent Felonies	Other Felonies	Misdemeanors and violations	Parole Violations	Post-Dispositions	Appeals of a Guilty Plea	Appeals of a Verdict	Family Court	Family Court Appeals	Attorney staff – criminal only	Non-attorney staff – criminal only	Total weighted cases using the new ILS caseload standards – criminal cases only	Weighted cases per attorney – criminal cases only
Dutchess	Public Defender	172	760	2957	123	270	4	2	2306	0	24.50	16.00	6942.78	283.38
Erie	Legal Aid Bureau	399	1012	3825	0	76	2	1	0	0	45.31	18.66	9411.14	207.71
Essex	Public Defender	15	110	436	10	38	0	0	0	0	4.00	2.00	928.00	232.00
Franklin	Conflict Defender	11	42	143	8	20	0	0	84	0	1.00	1.00	377.00	377.00
	Public Defender	15	105	396	16	38	0	0	158	0	1.80	2.50	882.00	490.00
Fulton	Public Defender	29	126	440	36	40	0	0	354	0	5.142	1.00	1106.00	215.09
Genesee	Public Defender	41	201	566	26	94	0	0	422	0	6.00	3.50	1595.00	265.83
	Regional Appellate Program	0	0	0	0	4	14	4	0	0	0.76	0	225.98	297.34
Greene	Public Defender	45	240	644	23	54	1	1	334	0	5.00	3.00	1783.07	356.61
Hamilton	Public Defender	1	7	68	1	1	0	0	0	0	1.00	1.00	98.00	98.00
Herkimer	<i>No Institutional Provider – ACP only</i>													

County	Provider	Caseload Numbers: Number of Cases Opened								Current Staffing in FTE		Weighted Numbers		
		Violent Felonies	Other Felonies	Misdemeanors and violations	Parole Violations	Post-Dispositions	Appeals of a Guilty Plea	Appeals of a Verdict	Family Court	Family Court Appeals	Attorney staff – criminal only	Non-attorney staff – criminal only	Total weighted cases using the new ILS caseload standards – criminal cases only	Weighted cases per attorney – criminal cases only
Jefferson	Public Defender	87	413	1482	37	167	0	0	428	0	7.00	2.00	3549.00	507.00
Lewis	Conflict Defender	0	14	31	0	0	0	0	153	0	3.00	2.00	73.00	24.33
	Lewis Defenders	14	51	218	12	29	0	0	249	0	2.55	1.50	516.50	202.55
Livingston	Conflict Defender	13	48	91	2	19	2	2	120	6	3.00	0.50	411.64	137.21
	Public Defender	45	189	785	10	77	0	0	233	0	5.75	1.25	1752.50	304.78
	Regional Appellate Program	0	0	0	0	0	0	0	0	0	0.14	0	0	0
Madison	Public Defender	51	170	961	36	69	0	0	0	0	2.00	2.00	1934.50	967.25
Monroe	Conflict Defender	0	0	352	26	0	7	4	1263	2	5.50	3.50	550.99	100.18
	Public Defender	1101	2288	7311	636	825	15	4	3956	10	70.90	27.81	23201.05	327.24
Montgomery	Public Defender	37	145	585	60	13	0	0	213	0	5.50	0	1351.50	245.73

County	Provider	Caseload Numbers: Number of Cases Opened									Current Staffing in FTE		Weighted Numbers	
		Violent Felonies	Other Felonies	Misdemeanors and violations	Parole Violations	Post-Dispositions	Appeals of a Guilty Plea	Appeals of a Verdict	Family Court	Family Court Appeals	Attorney staff – criminal only	Non-attorney staff – criminal only	Total weighted cases using the new ILS caseload standards – criminal cases only	Weighted cases per attorney – criminal cases only
Nassau	Legal Aid Society	544	1488	3144	127	140	32	15	1445	80	50.00	13.00	11921.74	238.43
New York City	Appellate Advocates	0	0	0	0	72	162	84	0	0	58.00	21.00	3596.30	62.01
	Brooklyn Defender Services	2452	1951	9753	7	24	0	0	294	0	158.7	102.7	30364.50	191.33
	Center for Appellate Litigation	0	0	0	0	161	179	79	0	0	49.35	14.23	3750.53	76.00
	Legal Aid Society	7163	7848	36635	3019	166	489	81	0	0	729.0	407.0	114150.23	156.58
	Neighborhood Defender Service	439	413	2232	0	23	0	0	437	2	25.30	14.80	6139.50	242.67
	New York County Defender Services	609	677	3060	0	113	0	0	78	0	57.90	32.00	8914.50	153.96

County	Provider	Caseload Numbers: Number of Cases Opened									Current Staffing in FTE		Weighted Numbers	
		Violent Felonies	Other Felonies	Misdemeanors and violations	Parole Violations	Post-Dispositions	Appeals of a Guilty Plea	Appeals of a Verdict	Family Court	Family Court Appeals	Attorney staff – criminal only	Non-attorney staff – criminal only	Total weighted cases using the new ILS caseload standards – criminal cases only	Weighted cases per attorney – criminal cases only
New York City	Office of Appellate Defender	0	0	0	0	44	63	55	0	0	22.00	8.00	1980.91	90.04
	Queens Defenders	1102	1269	7127	0	38	0	0	93	0	60.05	87.92	17603.00	293.14
	The Bronx Defenders	989	679	6532	0	21	0	0	1042	3	104.0	54.8	14534.50	139.75
Niagara	Conflict Defender	38	98	218	3	5	0	1	582	0	4.10	1.75	777.00	189.51
	Public Defender	179	876	3087	113	132	4	3	559	1	14.50	9.00	7265.78	501.09
Oneida	Public Defender	191	422	3488	185	317	2	7	0	0	22.00	12.00	6845.14	311.14
Orange	Legal Aid Society	170	768	2519	0	0	0	0	655	0	20.50	8.00	5843.00	285.02
Orleans	Public Defender	30	132	331	12	18	0	0	0	0	3.00	1.30	952.00	317.33
	Regional Appellate Program	0	0	0	0	4	2	0	0	0	0.36	0	23.14	64.28

County	Provider	Caseload Numbers: Number of Cases Opened									Current Staffing in FTE		Weighted Numbers	
		Violent Felonies	Other Felonies	Misdemeanors and violations	Parole Violations	Post-Dispositions	Appeals of a Guilty Plea	Appeals of a Verdict	Family Court	Family Court Appeals	Attorney staff – criminal only	Non-attorney staff – criminal only	Total weighted cases using the new ILS caseload standards – criminal cases only	Weighted cases per attorney – criminal cases only
Oswego	<i>No Institutional Provider – ACP only</i>													
Otsego	Public Defender	45	88	399	0	24	0	0	293	0	2.50	1	969.00	387.60
	Rural Law Center	0	0	0	0	0	2	4	0	6	0.10	0	117.14	1171.40
Putnamⁱⁱ	Legal Aid Society	30	149	718	4	36	0	0	328	0	5.60	2.00	1405.00	250.89
Rensselaer	Conflict Defender	56	89	143	3	23	0	0	408	0	3.62	1.00	785.00	216.85
	Public Defender	232	586	1550	108	135	0	0	715	0	11.067	4.086	5064.50	457.62
Rockland	Public Defender	259	486	2223	38	87	7	2	0	0	21.525	12.2	5532.49	257.03
St Lawrence	Conflict Defender	14	104	362	0	6	0	0	554	0	1.65	1.00	767.00	464.85
	Public Defender	40	379	1250	0	76	0	0	554	0	7.05	2.00	2741.00	388.79
	Rural Law Center	0	0	0	0	0	39	1	0	16	1.10	0	359.23	326.57

County	Provider	Caseload Numbers: Number of Cases Opened									Current Staffing in FTE		Weighted Numbers	
		Violent Felonies	Other Felonies	Misdemeanors and violations	Parole Violations	Post-Dispositions	Appeals of a Guilty Plea	Appeals of a Verdict	Family Court	Family Court Appeals	Attorney staff – criminal only	Non-attorney staff – criminal only	Total weighted cases using the new ILS caseload standards – criminal cases only	Weighted cases per attorney – criminal cases only
Saratoga	Conflict Defender	5	70	95	4	2	0	0	218	0	1.00	0	344.00	344.00
	Public Defender	103	445	1560	79	102	2	0	779	9	8.00	2.40	3801.64	475.21
	Rural Law Center	0	0	0	0	0	12	1	0	4	0.44	0	127.84	290.55
Schenectady	Conflict Defender	30	148	632	2	0	0	0	547	0	4.20	1.00	1259.00	299.76
	Public Defender	51	464	1917	193	87	0	0	595	0	10.00	5.00	4035.00	403.50
Schoharie	<i>No Institutional Provider – ACP only</i>													
Seneca	Public Defender	13	99	298	66	36	0	0	84	0	2.50	0.75	826.00	330.40
Steuben	Conflict Defender	22	125	110	63	21	0	0	0	0	2.50	1.00	743.00	297.20
	Public Defender	102	470	1165	8	164	0	0	800	0	7.00	4.00	3445.00	492.14
Sullivan	Conflict Legal Aid	45	51	119	0	0	0	0	108	0	3.30	0.5	542.00	164.24
	Legal Aid Panel	68	340	1311	64	0	0	0	356	0	5.50	1.50	2835.00	515.45

County	Provider	Caseload Numbers: Number of Cases Opened									Current Staffing in FTE		Weighted Numbers	
		Violent Felonies	Other Felonies	Misdemeanors and violations	Parole Violations	Post-Dispositions	Appeals of a Guilty Plea	Appeals of a Verdict	Family Court	Family Court Appeals	Attorney staff – criminal only	Non-attorney staff – criminal only	Total weighted cases using the new ILS caseload standards – criminal cases only	Weighted cases per attorney – criminal cases only
Tioga	Public Defender	28	68	240	10	45	0	0	135	0	3.50	2.00	694.50	198.43
Tompkins	<i>No Institutional Provider – ACP only</i>													
Ulster	Public Defender	154	570	1454	63	83	11	0	355	1	15.80	3.30	4401.27	278.56
Warren	Public Defender	56	309	1257	49	99	0	0	319	0	7.25	3.30	2742.00	378.21
	Rural Law Center	0	0	0	0	0	6	1	0	3	0.25	0	76.42	305.68
Wayne	Public Defender	55	340	1047	37	122	14	0	0	0	8.00	7.00	2755.48	344.44
Westchester	Legal Aid Society	677	1777	228	7	86	2	1	28	0	44.50	23.00	9802.64	220.28
Wyoming	Attica Legal Aid	0	0	0	9	0	0	0	0	0	3.00	3.00	13.50	4.50
	Public Defender	41	168	416	0	50	2	1	297	1	3.181	2.086	1283.14	403.38
Yatesⁱⁱⁱ	Conflict Defender	0	1	0	0	0	0	0	8	0	0	0	3.00	-
	Public Defender	11	49	191	2	22	0	0	161	0	1.50	0	440.00	293.33

County	Provider	Caseload Numbers: Number of Cases Opened								Current Staffing in FTE		Weighted Numbers	
		Violent Felonies	Other Felonies	Misdemeanors and violations	Parole Violations	Post-Dispositions	Appeals of a Guilty Plea	Appeals of a Verdict	Family Court	Family Court Appeals	Attorney staff – criminal only	Non-attorney staff – criminal only	Total weighted cases using the new ILS caseload standards – criminal cases only
TOTAL	83 IPs												

ⁱ Montgomery County submitted one ILS-195, including data for both the Public Defender and the Assigned Counsel Program. As they were unable to report data separately for these two providers, we decided to include their numbers at the Public Defender (Appendix A) and not the Assigned Counsel Program (Appendices B and D), to avoid double counting.

ⁱⁱ Putnam Legal Aid and Putnam Assigned Counsel Program each submitted one ILS-195 however, each submission included the exact same data / answers to all ILS-195 questions. We therefore decided to include their numbers at the Legal Aid Society (Appendix A) and not the Assigned Counsel Program (Appendices B and D), to avoid double counting.

ⁱⁱⁱ The Conflict Defender Office in Yates County was abolished per March 31, 2020, which explains the low number of new cases opened.

Appendix B

Appendix B. Average Spending per Case by 52 Assigned Counsel Programs in 52 Upstate Counties and 2 Assigned Counsel Programs in New York City in 2020

County	ACP Caseload Numbers: Number of Cases Opened or Closed									Total Expenditures in USD	Weighted Numbers	
	Violent Felonies	Other Felonies	Misdemeanors and violations	Parole Violations	Post-Dispositions	Appeals of a Guilty Plea	Appeals of a Verdict	Family Court	Family Court Appeals		Total weighted cases using the revised NAC standards	Average spending per weighted case
Albany	35	39	11	1	9	11	5	610	11	\$903,902.99	2119.98	\$426.37
Allegany*	0	53	85	0	2	0	0	138	4	\$196,251.20	600.31	\$326.92
Broome	190	189	575	0	0	0	0	0	0	\$73,350.00	1586.93	\$46.22
Cattaraugus	-	-	-	-	-	-	-	-	-	\$10,000.00	-	-
Cayuga	0	101	873	92	0	14	0	563	0	\$1,172,646.49	3115.52	\$376.39
Chautauqua	2	60	71	3	0	0	0	326	0	\$425,223.00	1114.97	\$381.38
Chemung	1	17	76	20	4	9	0	153	20	\$38,410.60	740.65	\$51.86
Chenango*	4	27	158	2	0	0	0	152	0	\$239,312.00	651.95	\$367.07
Clinton	265	0	677	0	48	0	73	61	0	\$997,241.50	2843.58	\$350.70
Columbia	1	3	0	0	0	0	0	6	0	\$303,607.00	26.7	\$11,371.05
Cortland*	60	142	327	9	24	0	0	407	0	\$654,928.00	2041.14	\$320.86

County	ACP Caseload Numbers: Number of Cases Opened or Closed									Total Expenditures in USD	Weighted Numbers	
	Violent Felonies	Other Felonies	Misdemeanors and violations	Parole Violations	Post-Dispositions	Appeals of a Guilty Plea	Appeals of a Verdict	Family Court	Family Court Appeals		Total weighted cases using the revised NAC standards	Average spending per weighted case
Delaware	0	33	69	0	0	0	3	84	6	\$276,209.76	429.39	\$643.26
Dutchess	14	17	32	28	1	20	4	812	13	\$1,416,489.52	2744.24	\$516.17
Erie*	1272	2088	6937	395	298	12	12	4088	41	\$8,895,901.25	29057.47	\$306.15
Essex	2	32	51	0	0	10	1	423	0	\$62,451.39	1447.19	\$43.15
Franklin	20	70	119	13	23	0	0	140	0	\$417,917.24	829.22	\$503.99
Fulton	6	49	33	1	12	0	0	407	0	\$512,921.38	1301.25	\$394.18
Genesee*	35	82	201	6	0	0	0	307	9	\$17,500.00	1349.1	\$12.97
Greene	-	-	-	-	-	-	-	-	-	\$192,849.30	-	-
Hamilton*	0	1	0	0	1	0	0	12	0	\$32,274.42	37.38	\$863.41
Herkimer	0	166	284	37	0	0	0	190	3	\$464,345.19	1333.31	\$348.26
Jefferson	10	24	65	35	12	6	4	196	5	\$146,054.58	964.59	\$151.42

County	ACP Caseload Numbers: Number of Cases Opened or Closed									Total Expenditures in USD	Weighted Numbers	
	Violent Felonies	Other Felonies	Misdemeanors and violations	Parole Violations	Post-Dispositions	Appeals of a Guilty Plea	Appeals of a Verdict	Family Court	Family Court Appeals		Total weighted cases using the revised NAC standards	Average spending per weighted case
Lewis	0	1	3	0	0	0	0	48	0	\$61,344.72	133.83	\$458.38
Livingston*	8	15	19	1	5	0	1	36	2	\$15,212.00	208.55	\$72.94
Madison	1	10	21	0	0	0	2	0	2	\$349,169.77	82.37	\$4,239.04
Monroe*	812	1537	1444	151	4	12	9	1267	10	\$5,699,985.26	11848.57	\$481.07
Montgomery	-	-	-	-	-	-	-	-	-	-	-	-
Nassau	0	838	2586	117	0	98	0	1211	75	\$5,692,363.00	9937.22	\$572.83
New York City – 1st Dept*	1626	0	11920	72	0	0	0	0	0	\$18,097,537.20	16453.66	\$1,099.91
New York City – 2nd Dept*	860	0	8369	0	0	0	0	0	0	\$12,697,388.47	10665.2	\$1,190.54
Niagara*	27	56	79	6	2	7	1	251	2	\$336,117.14	1120.14	\$300.07
Oneida*	17	103	377	6	1	3	6	1964	13	\$1,031,427.44	6103.97	\$168.98

County	ACP Caseload Numbers: Number of Cases Opened or Closed									Total Expenditures in USD	Weighted Numbers	
	Violent Felonies	Other Felonies	Misdemeanors and violations	Parole Violations	Post-Dispositions	Appeals of a Guilty Plea	Appeals of a Verdict	Family Court	Family Court Appeals		Total weighted cases using the revised NAC standards	Average spending per weighted case
Orange	16	498	688	58	0	5	0	427	16	\$1,514,032.19	3435.33	\$440.72
Orleans	4	8	18	1	0	0	0	112	0	\$35,000.00	351.75	\$99.50
Oswego	105	402	1803	82	0	2	5	950	4	\$1,734,476.98	6024.13	\$287.92
Otsego	21	32	31	17	0	0	0	186	0	-	714.52	-
Putnam*ⁱⁱ	-	-	-	-	-	-	-	-	-	-	-	-
Rensselaer	3	6	11	0	1	0	0	160	0	-	464.90	-
Rockland*	3	84	88	0	0	0	14	601	0	\$3.00	2148.96	\$0.00
St Lawrence	38	134	129	66	7	1	36	380	6	\$56,500.00	2389.75	\$23.64
Saratoga	75	188	265	1	5	0	0	39	0	\$358,278.58	1087.36	\$329.49
Schenectady	23	41	50	0	0	0	46	110	26	\$902,622.00	1250.58	\$721.76
Schoharie	0	83	274	10	0	3	2	456	3	\$624,122.72	1819.83	\$342.96

County	ACP Caseload Numbers: Number of Cases Opened or Closed									Total Expenditures in USD	Weighted Numbers	
	Violent Felonies	Other Felonies	Misdemeanors and violations	Parole Violations	Post-Dispositions	Appeals of a Guilty Plea	Appeals of a Verdict	Family Court	Family Court Appeals		Total weighted cases using the revised NAC standards	Average spending per weighted case
Seneca*	8	33	79	6	6	5	0	176	0	\$207,112.71	770.43	\$268.83
Steuben*	13	72	120	8	0	2	5	270	10	\$385,798.47	1201.21	\$321.17
Sullivan	8	19	16	15	6	5	2	42	8	\$463,967.62	368.3	\$1,259.75
Tioga	13	34	49	2	0	3	0	102	6	\$292,699.78	500.17	\$585.20
Tompkins*	49	108	449	20	60	0	1	450	6	\$1,265,922.77	2299.29	\$550.57
Ulster	0	23	32	0	0	0	38	438	0	\$658,570.00	1870.87	\$352.01
Warren	1	36	93	9	2	0	0	147	0	\$1,813,770.49	613.65	\$2,955.71
Wayne*	18	102	181	2	5	0	0	0	0	\$52,974.69	520.09	\$101.86
Westchester	123	476	6928	166	58	68	0	1925	25	\$8,551,767.47	15353.16	\$557.00
Wyoming*	9	33	55	2	9	1	0	200	1	\$131,288.39	746.51	\$175.87
Yates*	13	7	38	0	12	7	0	183	0	\$295,670.86	724.05	\$408.36

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

ⁱ Montgomery County submitted one ILS-195, including data for both the Public Defender and the Assigned Counsel Program. As they were unable to report data separately for these two providers, we decided to include their numbers at the Public Defender (Appendix A) and not the Assigned Counsel Program (Appendices B and D), to avoid double counting.

ⁱⁱ Putnam Legal Aid and Putnam Assigned Counsel Program each submitted one ILS-195 however, each submission included the exact same data / answers to all ILS-195 questions. We therefore decided to include their numbers at the Legal Aid Society (Appendix A) and not the Assigned Counsel Program (Appendices B and D), to avoid double counting.

Appendix C

Appendix C. *Converting new caseload categories to previously used categories*

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

Homicides and Felonies

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

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

Misdemeanors and Violations

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

Appeals

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

Family Court cases

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

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

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

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

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

Appendix D

Appendix D. Average Spending per Case by 52 Assigned Counsel Programs in 52 Upstate Counties and 2 Assigned Counsel Programs in New York City in 2020, reported separately for criminal court cases and Family Court cases

County	ACP Caseload Numbers: Number of Cases Opened or Closed									Expenditures in USD ⁱ		Total Number of Weighted Cases ⁱ		Average Spending per Weighted Case	
	Violent Felonies	Other Felonies	Misdemeanors and violations	Parole Violations	Post-Dispositions	Appeals of a Guilty Plea	Appeals of a Verdict	Family Court	Family Court Appeals	OTPS on Criminal Court Cases	OTPS on Family Court Cases	Weighted Cases – Criminal Court ⁱⁱ	Weighted Cases – Family Court ⁱⁱⁱ	Average spending per weighted case – Criminal Court	Average spending per weighted case – Family Court
Albany	35	39	11	1	9	11	5	610	11	\$336,992	\$362,975	572	1658	\$588.87	\$218.91
Allegany*	0	53	85	0	2	0	0	138	4	\$4,671	\$4,671	247	379	\$18.91	\$12.32
Broome	190	189	575	0	0	0	0	0	0	-	-	2282	0	-	-
Cattaraugus	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Cayuga	0	101	873	92	0	14	0	563	0	-	-	1434	1503	-	-
Chautauqua	2	60	71	3	0	0	0	326	0	\$147,752	\$280,471	268	870	\$552.34	\$322.22
Chemung	1	17	76	20	4	9	0	153	20	\$3,250	\$5,661	246	462	\$13.20	\$12.25
Chenango*	4	27	158	2	0	0	0	152	0	\$3,723	\$3,723	266	406	\$13.99	\$9.17
Clinton	265	0	677	0	48	0	73	61	0	-	-	4164	163	-	-
Columbia	1	3	0	0	0	0	0	6	0	\$91,015	\$49,592	15	16	\$6,067.69	\$3,095.6
Cortland*	60	142	327	9	24	0	0	407	0	\$264,691	\$155,567	1163	1087	\$227.69	\$143.16
Delaware	0	33	69	0	0	0	3	84	6	\$105,101	\$171,108	243	240	\$432.52	\$712.06

County	ACP Caseload Numbers: Number of Cases Opened or Closed									Expenditures in USD ⁱ		Total Number of Weighted Cases ⁱ		Average Spending per Weighted Case	
	Violent Felonies	Other Felonies	Misdemeanors and violations	Parole Violations	Post-Dispositions	Appeals of a Guilty Plea	Appeals of a Verdict	Family Court	Family Court Appeals	OTPS on Criminal Court Cases	OTPS on Family Court Cases	Weighted Cases – Criminal Court ⁱⁱ	Weighted Cases – Family Court ⁱⁱⁱ	Average spending per weighted case – Criminal Court	Average spending per weighted case – Family Court
Dutchess	14	17	32	28	1	20	4	812	13	\$278,459	\$1,000,276	482	2203	\$577.84	\$454.10
Erie*	1272	2088	6937	395	298	12	12	4088	41	\$3,856,347	\$2,322,001	22275	11024	\$173.12	\$210.62
Essex	2	32	51	0	0	10	1	423	0	\$726	-	270	1129	\$2.69	-
Franklin	20	70	119	13	23	0	0	140	0	\$26,700	\$36,901	503	374	\$53.08	\$98.72
Fulton	6	49	33	1	12	0	0	407	0	\$103,112	\$290,081	236	1087	\$437.84	\$266.94
Genesee*	35	82	201	6	0	0	0	307	9	-	-	666	844	-	-
Greene	-	-	-	-	-	-	-	-	-	\$98,634	\$85,485	-	-	-	-
Hamilton*	0	1	0	0	1	0	0	12	0	\$6,402	\$25,872	4.5	32	\$1,422.70	\$807.50
Herkimer	0	166	284	37	0	0	0	190	3	\$283,508	\$134,629	838	515	\$388.52	\$261.26
Jefferson	10	24	65	35	12	6	4	196	5	\$57,498	\$52,260	419	537	\$137.25	\$97.38
Lewis	0	1	3	0	0	0	0	48	0	\$2,095	\$59,249	6	128	\$349.23	\$462.31
Livingston*	8	15	19	1	5	0	1	36	2	-	\$5,198	146	101	-	\$51.23

County	ACP Caseload Numbers: Number of Cases Opened or Closed									Expenditures in USD ⁱ		Total Number of Weighted Cases ⁱ		Average Spending per Weighted Case	
	Violent Felonies	Other Felonies	Misdemeanors and violations	Parole Violations	Post-Dispositions	Appeals of a Guilty Plea	Appeals of a Verdict	Family Court	Family Court Appeals	OTPS on Criminal Court Cases	OTPS on Family Court Cases	Weighted Cases – Criminal Court ⁱⁱ	Weighted Cases – Family Court ⁱⁱⁱ	Average spending per weighted case – Criminal Court	Average spending per weighted case – Family Court
Madison	1	10	21	0	0	0	2	0	2	\$109,215	\$227,914	107	5	\$1,020.70	\$42,681
Monroe*	812	1537	1444	151	4	12	9	1267	10	\$4,680,697	\$645,456	11487	3410	\$407.47	\$189.31
Montgomery ^{iv}	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Nassau	0	838	2586	117	0	98	0	1211	75	\$4,291,213	\$1,433,424	6115	3434	\$701.71	\$417.47
New York City – 1 st Dept*	1626	0	11920	72	0	0	0	0	0	\$17,694,233	0	21784	0	\$812.26	0
New York City – 2 nd Dept*	860	0	8369	0	0	0	0	0	0	\$12,323,922	0	13529	0	\$910.93	0
Niagara*	27	56	79	6	2	7	1	251	2	\$138,815	\$51,217	506	676	\$274.34	\$75.82
Oneida*	17	103	377	6	1	3	6	1964	13	\$159,501	\$806,655	974	5279	\$163.72	\$152.82
Orange	16	498	688	58	0	5	0	427	16	\$842,882	\$400,613	2408	1183	\$350.06	\$338.70
Orleans	4	8	18	1	0	0	0	112	0	-	-	68	299	-	-
Oswego	105	402	1803	82	0	2	5	950	4	\$1,025,793	\$446,485	3904	2547	\$262.74	\$175.29
Otsego	21	32	31	17	0	0	0	186	0	-	-	279	497	-	-

County	ACP Caseload Numbers: Number of Cases Opened or Closed									Expenditures in USD ⁱ		Total Number of Weighted Cases ⁱ		Average Spending per Weighted Case	
	Violent Felonies	Other Felonies	Misdemeanors and violations	Parole Violations	Post-Dispositions	Appeals of a Guilty Plea	Appeals of a Verdict	Family Court	Family Court Appeals	OTPS on Criminal Court Cases	OTPS on Family Court Cases	Weighted Cases – Criminal Court ⁱⁱ	Weighted Cases – Family Court ⁱⁱⁱ	Average spending per weighted case – Criminal Court	Average spending per weighted case – Family Court
Putnam* ^v	-	-	-	-	-	-	-	-	-	-	-	-	-	-	.
Rensselaer	3	6	11	0	1	0	0	160	0	-	-	49	427	-	-
Rockland*	3	84	88	0	0	0	14	601	0	-	-	708	1605	-	-
St Lawrence	38	134	129	66	7	1	36	380	6	\$750	\$750	1777	1031	\$0.42	\$0.73
Saratoga	75	188	265	1	5	0	0	39	0	\$238,049	\$85,073	1288	104	\$184.82	\$816.99
Schenectady	23	41	50	0	0	0	46	110	26	\$6,457	\$8,988	1461	363	\$4.42	\$24.75
Schoharie	0	83	274	10	0	3	2	456	3	\$88,430	\$4,224	614	1226	\$144.09	\$3.45
Seneca*	8	33	79	6	6	5	0	176	0	\$64,196	\$142,917	287	470	\$223.80	\$304.13
Steuben*	13	72	120	8	0	2	5	270	10	\$167,268	\$216,958	568	748	\$294.41	\$290.21
Sullivan	8	19	16	15	6	5	2	42	8	\$274,929	\$63,365	245	134	\$1,120.56	\$474.64
Tioga	13	34	49	2	0	3	0	102	6	\$149,541	\$85,956	258	288	\$580.27	\$298.08
Tompkins*	49	108	449	20	60	0	1	450	6	\$697,629	\$568,294	1212	1218	\$575.60	\$466.76

County	ACP Caseload Numbers: Number of Cases Opened or Closed									Expenditures in USD ⁱ		Total Number of Weighted Cases ⁱ		Average Spending per Weighted Case	
	Violent Felonies	Other Felonies	Misdemeanors and violations	Parole Violations	Post-Dispositions	Appeals of a Guilty Plea	Appeals of a Verdict	Family Court	Family Court Appeals	OTPS on Criminal Court Cases	OTPS on Family Court Cases	Weighted Cases – Criminal Court ⁱⁱ	Weighted Cases – Family Court ⁱⁱⁱ	Average spending per weighted case – Criminal Court	Average spending per weighted case – Family Court
Ulster	0	23	32	0	0	0	38	438	0	\$180,316	\$361,362	1051	1169	\$171.57	\$309.00
Warren	1	36	93	9	2	0	0	147	0	\$346,203	\$361,346	224	392	\$1,549.01	\$920.65
Wayne*	18	102	181	2	5	0	0	0	0	\$13,233	0	606	0	\$21.85	0
Westchester	123	476	6928	166	58	68	0	1925	25	\$5,726,536	\$2,291,940	10013	5207	\$571.92	\$440.21
Wyoming*	9	33	55	2	9	1	0	200	1	\$55,550	\$55,771	233	537	\$238.34	\$103.92
Yates*	13	7	38	0	12	7	0	183	0	\$81,676	\$166,495	215	489	\$379.90	\$340.75
TOTAL	5008	8172	4577 5	1388	617	304	270	2120 6	327	\$55,032,568	\$13,471,237	118,712	57,493	\$463.58	\$234.31

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

ⁱ Numbers in these columns are rounded. However, for calculating the average spending per weighted case, the unrounded numbers were used for optimal precision.

ⁱⁱ Number of weighted criminal cases is calculated using the ILS caseload standards and corresponding weights for the seven criminal case categories.

ⁱⁱⁱ Number of weighted Family Court cases is calculated applying the previously used weight of 2.67 to Family Court cases and Family Court appeals, as explained in the report.

^{iv} Montgomery County submitted one ILS-195, including data for both the Public Defender and the Assigned Counsel Program. As they were unable to report data separately for these two providers, we decided to include their numbers at the Public Defender (Appendix A) and not the Assigned Counsel Program (Appendices B and D), to avoid double counting.

^v Putnam Legal Aid and Putnam Assigned Counsel Program each submitted one ILS-195 however, each submission included the exact same data / answers to all ILS-195 questions. We therefore decided to include their numbers at the Legal Aid Society (Appendix A) and not the Assigned Counsel Program (Appendices B and D), to avoid double counting.