

Statewide Plan for Implementing Quality Improvement:

Year Three Report

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**Office of Indigent
Legal Services**

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

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Introduction

The New York State Office of Indigent Legal Services (ILS), pursuant to Executive Law § 832(4)(c)(ii) submits this status update report addressing Year 3 of implementation of ILS' December 1, 2017 Statewide Plan for Quality Improvement (Quality Improvement Plan).

Executive Law § 832(4)(c) requires ILS to ensure that attorneys providing constitutionally mandated, publicly funded representation in criminal cases for people who are unable to afford counsel: (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 18-B of the County Law and in a manner that accounts for the attorney's level of experience and caseload/workload. This report details funding and developments directly related to these factors. It also addresses the logistics and infrastructure required to properly report data, enhance professionalism, and increase the capacity for programs to effectively utilize vastly expanded statutory access to pre-trial discovery material.

The Impact of the COVID-19 Pandemic

In 2020, the severe impact of the COVID-19 pandemic dominated every aspect of our society. The criminal legal system, including the providers of public defense services, could not escape its stranglehold and was placed under an unprecedented strain. The pandemic produced a lengthy government shutdown, including courthouses, jails, mandated provider offices, and services for clients. The impact of this shutdown was far reaching. Public defense providers suddenly had extremely limited access to courts, clients, and witnesses. Nevertheless, as the crisis unfolded, they immediately rose to the challenge and focused their efforts upon saving incarcerated clients whose presence inside of a jail put their lives at risk. A press release from Brooklyn Defender Services Executive Director Lisa Schreibersdorf in the early days of the pandemic epitomizes the type of tenacious client-centered advocacy displayed by public defenders throughout New York State as they attempted to ameliorate the dire circumstances faced by their incarcerated clients:

For weeks, we have joined defenders, advocates, incarcerated people, medical professionals, and elected officials to warn of the grave risks that an outbreak of COVID-19 in jails and prisons poses to incarcerated people, staff, and all New Yorkers. As the virus spreads like wildfire through Rikers Island, we worry that every hour that passes brings us closer to disaster and death, whether inside the facilities or shortly after release. Given the extremely high infection rate in jails to date, we fear that no one in the jails — whether incarcerated people or staff — is safe. Too few have been released thus far and too slowly. Elected officials at

every level of government must take immediate action to initiate mass release and halt new admissions before it is too late.¹

As the crisis persisted, public defense providers did their best to cope with ever-evolving circumstances, attempting to implement the technology that would enable them to appear virtually on behalf of their clients, work remotely, conduct necessary work on their cases, maintain contact with their clients, and attend training programs. Additionally, during the pandemic, all the statewide agencies dedicated to ensuring the provision of high-quality public defense representation worked together to assist providers of public defense with remaining part of a connected, supportive public defense community.²

The enduring nature of the pandemic also generated an enormous fiscal crisis for New York State and municipalities. Consequently, the ability of providers to properly utilize Statewide funding remained inextricably linked to this serious problem. Even though the third year of Statewide funding was included in the enacted State fiscal year 2020-2021 budget, the enacted budget included a provision authorizing the Budget Director to conduct periodic reviews of the budget to determine whether its priorities could be implemented. Not surprisingly, given their own tenuous overall financial picture, counties were extremely reluctant to spend money in the public defense arena without the certainty of reimbursement from the State. As a result, in addition to the interruption of usual day-to-day tasks like client communication and case investigation, public defense providers faced furloughs, hiring freezes, and limitations on spending. This fiscal crisis seriously slowed the Statewide budget development and implementation process with confidence in the fiscal stability of New York State's budget only recently returning from the extended period of hibernation caused by the pandemic.

Although diminished by the extreme challenges wrought by the pandemic, this year's Quality Improvement Report reveals that despite these circumstances, public defense providers continued to expand their programs and think creatively and resourcefully about implementing lasting reforms. Indeed, many providers initiated new reforms while others built upon existing reforms, showcasing the unique and multi-layered approach inherent to county-based public defense reform. Although nearly all counties have achieved significant progress with their Year 3 budget development, because of the pandemic not all counties have completed that process. Both approved budgets and near final budget proposals supply the information for the "Initiatives" section below, which outlines the inventive and distinctive ways that indigent defense providers have utilized ILS funds to improve their programs even amidst a pandemic. This is followed by the "Numbers" section, which outlines aggregate data from the counties' completed budgets.

¹ Brooklyn Defender Services Statement on Growing Outbreak of COVID-19 on Rikers Island, March 26, 2020. <https://bds.org/brooklyn-defender-services-statement-on-growing-outbreak-of-covid-19-at-rikers-island/>.

² These statewide organizations include The 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). In particular, the CDANY held bi-weekly virtual meetings with Chief Defenders from across New York State. ILS was regularly invited to participate in these meetings along with NYSDA.

I. The Bigger Picture - Quality Improvement Initiatives

Last year’s Quality Improvement Report focused upon the connection between Statewide budget developments and the requirements of various criminal defense practice standards, demonstrating that the various reforms adhere to these standards. This year’s report will assist with understanding the bigger picture of how these reforms are also laying the foundation for the provision of holistic, client-centered, and team-based representation. The various initiatives described below actually comprise pieces of a much larger picture and, when considered together, reveal the groundbreaking nature of these reforms. This report, therefore, provides a window into the broad categories of public defense reform that are forming the roots of a solid foundation throughout New York State that can be replicated and expanded upon in subsequent years.

Holistic, client-centered representation is a cornerstone of quality public defense. The principle is based upon the fundamental notion that a public defense provider should represent a person, not a case, and that the office should invest the time and resources needed to “delve more deeply into the lives of their clients or work collaboratively with them on addressing the issues that drove them into the criminal justice system.”³ Holistic representation also requires teamwork and collaboration within each office. The model, therefore, requires development of the entire public defense office and does not simply focus upon the work of the attorney. Public defense offices in New York City such as the Neighborhood Defender Service, Bronx Defenders, and Brooklyn Defender Service have pioneered this approach and reveal its effectiveness.⁴ The statewide reforms aim to emulate the best practices of these nationally recognized programs and bolster the entire range of services provided by each individual provider enabling a defense team to have access to the resources necessary for spending time with their clients, getting to know what matters to them, and assisting them with making critical decisions about the direction of the case to achieve the best possible outcomes in their cases.

The initiatives described below each represent a foundational component in providing comprehensive, holistic, client-centered, and team-based representation. They showcase some of the innovations in public criminal defense reform that are receiving extensive support from Statewide funding.

Community Building

Before his untimely death at the young age of 13, the child poet Mattie Stepanek once remarked that “[u]nity is strength, when there is teamwork and collaboration, wonderful things can be achieved.” New York State’s county based public defense system consists of approximately 135

³ Robin Steinberg, “Beyond Lawyering: How Holistic Representation Makes for Good Policy, Better lawyers, and More Satisfied Clients,” at 4 (available at: <https://www.nycourts.gov/ip/partnersinjustice/Beyond-Lawyering.pdf>).

⁴ See for example, James M. Anderson, et al, “Holistic Representation: An Innovative Approach to Defending Poor Clients Can Reduce Incarceration and Save Taxpayer Dollars – without Harm to Public Safety,” Santa Monica, CA: Rand Corporation, 2019, available at: https://www.rand.org/pubs/research_briefs/RB10050.html. (finding that the holistic representation provided by the Bronx Defenders significantly reduced both the likelihood of and actual prison time, and that clients who received holistic representation committed no more crime than those who did not)

providers of public defense services. The various programs range in size from staffs that number in the hundreds to programs with less than a dozen individuals. Both larger and smaller programs have their advantages and disadvantages. Each possesses unique strengths and weaknesses. Each has a different and unique perspective to offer. As noted above, throughout the pandemic, all the statewide public defense organizations worked together to ensure that clients received high-quality representation and that providers of public defense representation were supported. ILS understands the vital importance of continuing to strengthen the connections between public defense programs throughout New York State to support the sharing of ideas, strategies, and resources. We have, therefore, deliberately, consistently, and creatively focused upon regional and statewide community building as an integral part of our reform effort.

This community building has manifested itself in a variety of ways. In the area of Assigned Counsel Program (ACP) development, ILS has regularly conducted summits that provide both training on topics critical to ACP quality improvement and an opportunity for ACP leaders from all over the state to share ideas and brainstorm about how to implement necessary reforms. In the highly complicated and ever evolving forensic practice arena, ILS has created a statewide forensic practice group to maximize support for offices large and small. ILS has also recently embarked on implementation of leadership training by the nationally recognized public defense support organization, Gideon's Promise, for a cross-section of offices around the state. In the area of immigration defense, the Regional Immigration Assistance Centers actively participate in training and consultation with defense attorneys throughout New York State. ILS also has a point person to assist providers with their efforts to achieve Diversity, Equity, and Inclusion. And finally, given the ever-increasing importance and demands of data collection, in connection with the Statewide Implementation Unit, the ILS Research Team regularly conducts statewide training and provides support for the network of data officers that have been created as part of the statewide reform effort. These and other exciting initiatives are described in more detail below under their relevant topic headings.

Support from Attorneys with Appellate Expertise

The provision of high-quality legal research is a fundamental part of all aspects of criminal defense representation. Legal research is obviously a critical feature of post-conviction work and the drafting of appeals, but it is also directly connected to both trial representation and strategic litigation involving systemic challenges to unconstitutional practices. Statewide reform efforts recognize the ubiquitous importance of appellate type expertise in contexts even beyond the drafting of appeals and have begun implementation of initiatives related to all aspects of legal research.

At the trial level, appellate support is a vital part of providing a robust defense. When properly performed, it guides the development of trial strategy, plays a critical role in plea negotiations, and ensures that when a case proceeds to trial, the trial attorney establishes a sufficient record to raise all relevant issues on appeal. For this initiative, providers have created both in-house positions and contract lines to assist trial attorneys.

For example, both the Albany County Alternate Public Defender and Broome County Public Defender offices have recently created in-house positions to provide specialized appellate support to their trial-level attorneys. The position within the Albany County Alternate Public Defender Office focuses on sentencing advocacy, by conducting life-history investigations that identify clients' personal and mitigating circumstances and, where appropriate, also identify behavioral health needs and connect clients to services. This position also handles post-sentencing matters, such as Criminal Procedure Law (CPL) § 440 motions, CPL § 180.85 hearings, restitution, and probation resentencing proceedings. In Broome County, the Public Defender Office created an Appellate Resource Attorney responsible for providing representation and consultation on appellate issues in trial level criminal cases. In Saratoga County, the Public Defender Office set aside funding to contract with a specialized appellate attorney to provide legal research and writing services in complex felony cases. Similarly, the Genesee Public Defender Office has a Litigation Support budget to contract with the Legal Aid Bureau of Buffalo to consult on pre-trial motions, memoranda of law, writs, and Article 78 petitions. And in Erie County, the Assigned Counsel Program has a specialized Deputy Appellate Counsel position that provides research and appellate consultation to panel attorneys.

Strategic litigation continues to play an increasing role in criminal defense representation. There are often issues that recur on a systemic level that impact the rights of clients that are difficult for individual attorneys handling a full caseload to devote sufficient attention. Consequently, providers have begun to establish specialized positions to address systemic issues that impact all the offices' clients. For instance, both the Legal Aid Society and the Assigned Counsel Program of Westchester created specialized in-house appellate attorney positions. Westchester LAS created a Special Litigation Attorney, responsible for consulting on cases in the areas of bail reform and ensuring representation at the earliest possible time in a criminal case, including arraignments, post-indictments, writs, all types of appeals, and bail pending appeal. The Westchester ACP created an Appellate Support Attorney position, responsible for facilitating communication between assigned attorneys, their clients, and the Assigned Counsel Administrator; assisting assigned attorneys in meeting ILS appellate standards and best practices; and working with the Supervising Attorney to provide technical assistance for the new electronic filing requirements by the Appellate Courts.

Assigned Counsel Programs (ACPs)

Prior to the commencement of the statewide reform process, assigned counsel systems traditionally lacked the structure and resources of institutional offices and many were embedded in the county's executive function or the judiciary, thereby lacking the independence required of a quality defense provider.⁵ Since the initiation of these reforms, ILS has, therefore, remained focused on developing well-managed and independent ACPs. Fortunately, the impressive statewide growth of programs has continued despite the many hiring freezes and above-described general trepidation to spend state funds. In Year 3, new programs have been created in Fulton,

⁵ See ILS Standards for Establishing and Administering Assigned Counsel Programs, Standard 2.3; see also American Bar Association, Ten Principles of a Public Defense System, Principle Number One ("The public defense function, including the selection, funding, and payment of defense counsel, is independent.")

Montgomery, Essex, and Madison counties. In Madison, the county leadership decided to eliminate its contract public defender office and focus entirely upon creation of a high-quality ACP. Indeed, there are only a small handful of counties that do not yet have a well-managed, independent ACP.

Ensuring the development of structured, resourced, and actively managed ACPs throughout New York State plays an instrumental role in promoting client-centered representation as standard practice in assigned counsel systems. Specific initiatives that are being implemented throughout the State to promote the development of independent and well-managed ACPs include providing direct access to necessary resources, an increase in mentor and second chair programs, and a series of Assigned Counsel Summits hosted by ILS.

Direct Access to Resources

ACP panel attorneys traditionally have not had timely or ready access to necessary non-attorney professional supports, such as interpreters, investigators, social workers, mitigation specialists and other experts. Rather, they have had to submit a written application to the court describing the need for the resource, and then await a court decision. Courts have not always granted these requests or have limited the amount of money for these services, sometimes rendering it impossible to find a qualified person. This is one reason that in settling the *Hurrell-Harring* lawsuit the plaintiffs specifically negotiated for the State to fund access to these vitally important supports, and this provision of the settlement is embedded in Executive Law § 832(4). The Statewide Implementation Unit has continued to prioritize access to these necessary support services and carefully examines each provider's budget to ensure that funding is, or soon will be, dedicated to this important area of quality improvement.

For example, in Orange and Clinton counties, the ACPs are in the process of establishing rules under which panel attorneys can apply to the Assigned Counsel Administrator for non-attorney professionals, rather than apply to the courts for these funds. This improves client-centered representation by allowing timely attorney access to these resources and ensuring that the funding available to pay these supports is not needlessly limited. This process also fosters independence between the ACP and the judiciary. As is the case within institutional provider offices, panel attorneys with direct access to these resources do not need to reveal their case strategy as they prepare their defense, and they do not need to continue to justify using experts, investigators, and other professionals on a regular basis.

Second Chair/Mentoring Programs

Second Chair and Mentoring programs are also continuing to grow statewide. These programs improve representation in multiple ways: they can provide training opportunities between a mentor and mentee, they can ensure more vigorous representation by having two attorneys on a case, or they can accomplish both. Clinton, Dutchess, Fulton, and Schenectady Assigned Counsel Programs all recently created budget lines for both Second Chair and Mentoring programs.

Additionally, the Warren and Nassau County ACPs both expanded their programs by separating funding for the Second Chair program from the Mentor program, providing more resources for

each program. The Warren County ACP Administrator reports that the Second Chair program is very popular and that panel attorneys see it as valuable resource. The Nassau County ACP Administrator is also currently identifying experienced attorneys who can serve as mentors or second chairs and has reached out to other counties to troubleshoot expanding and supporting these two programs. Notably, these developments followed the most recent ILS ACP Summit, which addressed Mentoring and Second Chair programs.

The Tompkins County ACP also expanded their existing Second Chair program to include both lower-level felony and misdemeanor cases, ensuring that this excellent resource is available to more clients. The program also intends to specialize Second Chair appointments to address discrete components of a case, such as jury selection, a specific hearing, or researching narrow legal issues. The Program also added Resource Attorneys (in addition to their existing Mentor Line) to fund attorneys with specialized knowledge as consultants on specific legal issues.

As set forth in the Numbers section of this report, currently 24 counties have funding for Second Chair, Mentor programs, or both. As statewide implantation continues, ILS expects that this number will continue to rise.

ACP Summits

In addition to the above reforms, ILS has assisted Assigned Counsel Programs with navigating transitions from the shutdown to the reopening of the courts. ACPs struggled during the pandemic as increasing numbers of panel attorneys stopped taking cases. Those attorneys that remain find themselves inundated with burgeoning caseloads as courts reopen. Strong support, like the support provided by ILS, is needed more than ever as the ACPs adjust to these new circumstances.

ILS also continues to host Summits for Assigned Counsel Administrators. The Summits focus on key aspects of program implementation and create a vibrant forum for ACP leaders to discuss how to achieve changes in their counties. In Year 3, ILS hosted Summits on the topics of effectuating the use of non-attorney professional supports and creation of mentoring and second-chair programs. A third Summit on data collection is scheduled for this Fall. The Summits provide both training and inspiration for ACP leaders as they are exposed to the mechanics and intricacies of resource implementation from ILS staff, guest speakers, and their more experienced peers. The Summit on Mentor and Second Chair programs, for example, inspired some ACP leaders who had previously been hesitant to establish a Mentor program to do so after hearing from their peers about the value of these programs.

ILS has supplemented these Summits by creating a Listserv that further facilitates the exchange ideas, solutions, and tips for enhancing their programs. The type of collaboration enabled by the Summits and Listserv is building a feeling of community and camaraderie amongst the leaders, which is in turn leading to healthier and more effective programs as they work in partnership to improve the services they provide.

Client Services

High-quality client-centered representation frequently requires attorneys to utilize additional resources to address issues that may appear collateral to the facts of the case, but usually bear directly upon the ultimate outcome of the case and are always central to the client's life and ultimate prosperity. These issues may be as seemingly "small" as a lack of transportation but can have an enormous impact. For example, if a Public Defender's Office can provide transportation for a client to appear in court just once, on an emergency basis, that may prevent a bench warrant from being issued and the client from being arrested. Avoiding that arrest may mean that the client can keep their job, continue to care for their family, or continue their schooling uninterrupted. Providers have created several inventive ways to address these issues. Examples include, but are not limited to, creating specialized positions, re-entry programs, and budgeting for trial clothing and emergency transportation costs.

Specialized Positions

The creation of specialized, non-attorney positions is an integral part of defense team building that vastly increases the resources available to holistically address the client's needs. These positions take a variety of forms, but all share the common goal of improving the client's life circumstances so that they can achieve a better outcome for their case and, equally, if not more importantly, improve their circumstances so that they can lead fruitful, positive, law-abiding, and happy lives. The following examples demonstrate the range of services and creative approaches that providers have undertaken in this important arena.

New York County Defender Services is creating a "Para-Social Worker" position, which focuses on administrative tasks such as obtaining signed authorizations for client records and medical records, that social workers currently perform. This position will allow social workers to focus more time and energy on client engagement, drafting pre-plea and sentencing memoranda, and finding program placement. Similarly, the Genesee County Public Defender Office created a Social Worker/Case Manager position, dedicated to assisting clients with all the non-legal issues that create a greater risk of relapse and recidivism. More specifically, the position will work with clients in the criminal courts to help them remain compliant with pre-trial release, treatment court, probation supervision, and re-entry into the community from prison or jail. Along these lines, the Niagara County Public Defender Office plans to implement a Client Program Coordinator, responsible for assisting clients with access to mental health/substance abuse evaluations and appointments, community partners, employment opportunities, and community services and resources. The Tompkins County ACP has also used ILS funding to pay for social workers. This budget initiative has continued from Year 1, but in Year 3 it will also be used to pay for Peer Advocates that panel attorneys may use in Wellness Court, the first mental health court in the 6th Judicial District.

Additionally, the Broome County Public Defender Office created a Mental Health/Chemical Addiction Specialist Attorney position, who will provide representation and be available for consultation in criminal matters involving the use of mental health experts and diversion to mental health and drug treatment programs. The Montgomery County Public Defender Office

has created a Communication Liaison Specialist, who will be responsible for providing translation services to clients for case-related meetings and in court proceedings. And the Ulster County Public Defender Office is also going to hire a part-time investigator and a full-time social worker to address their client needs.

Re-entry Programs

Many individuals charged with criminal offenses find themselves detained while their case is pending or sentenced to a period of incarceration as the ultimate disposition of the case. Unless the client is convicted of an offense that carries life in prison, the client will be released from incarceration and return to society. The transition to freedom may occur quickly, in days or weeks from the initial incarceration, or after a lengthy period of months or years. Clients—even if they do not remain incarcerated for the entire duration of their case—often lose housing, jobs, and public assistance if they’re incarcerated even for a short while. In all cases, however, it is vitally important that public defense programs attempt to assist clients with this transition so that clients avoid recidivism and a return to jail or prison.

Providers throughout New York State are endeavoring to address this issue directly. Several excellent approaches to this problem are being pioneered in Western New York. The Chautauqua Public Defender Office created a Client Services Clinic (staffed by a Social Worker and law student interns), which will provide clients recently released from pre-trial detention, jail, or prison with the tools and assistance they need to reintegrate successfully into society. Law student interns work with lawyers, licensed social workers, and health professionals to help clients navigate the complicated systems in which they are involved. And the Erie Assigned Counsel Program proposed a budget line for Client Support Resources, which will fund the office “LEAD” Program (Liberating and Empowering All Defendants) to purchase basic toiletries and clothing items for recently released clients.

Trial Clothing/Emergency Transportation

Courtrooms are formal, intimidating environments. There is an unwritten expectation that parties should dress appropriately when they appear before the Court. The inability to afford proper clothing can make a person feel uncomfortable and pre-judged. Unfortunately, clients often lack the means to dress in a manner that removes the possibility of any real or perceived negative judgments about their appearance. The Chief Public Defender in Rensselaer County, John Turi, explained to ILS that investing even just a small amount of funding in trial apparel has made a huge difference for his clients, who can now present themselves in a more professional, humanizing manner before the jury and judge. The Albany and Clinton Public Defender Offices provide examples of offices that have created budget lines to cover client trial clothing. In Albany County, the “Client-Related Services” line supports a clothing loan bank for court appearances, and maintenance/cleaning of worn clothing as well as transportation expenses for clients to get to/from court appearances. In Clinton County, the funding supports trial apparel for clients to wear to hearings and trials when the client is incarcerated or unable to afford appropriate clothing.

Public defense clients also often lack the financial means to get to court and may face additional unnecessary consequences for failing to appear in court as required. Consequently, providers are

creating budget lines to assist clients in dire circumstances who would otherwise be unable to appear. The public defender offices in Albany and Clinton counties have both created budget lines for emergency transportation. In Clinton County the budget line includes travel costs to and from court appearances or attorney meetings in situations when Office staff determines that clients are unable to provide their own transportation to necessary court appearances or attorney meetings.

Infrastructure and Technology: Data and Discovery

Data

In addition to the supervision, training, and resources attorneys need to provide holistic representation, offices also require infrastructure and technology to run smoothly, enhance professionalism, keep consistent and useful records, and handle the influx of case-related information. ILS also has various data reporting requirements that each county must meet, and having the correct software and equipment is vital to meeting these requirements.

Many counties proposed new budget lines to purchase or upgrade their Case Management Systems. These systems allow offices to be better equipped to record and report data accurately, including with more specificity. For example, to gauge caseload standard compliance, providers must now report criminal caseloads according to the seven distinct case type categories outlined in the ILS Caseload Standards. ACPs also now report hours of attorney time per these seven case types. Offices are budgeting for the tools they need to ensure that caseload data as well as other important data is correctly collected, recorded, and reported.

Brooklyn Defender Services, New York County Defender Services, Orange County Assigned Counsel Program, Jefferson County Public Defender and Assigned Counsel Program, Montgomery Assigned Counsel Program, Ulster Assigned Counsel Program, and the Essex Assigned Counsel Program all budgeted for either installation of a new Case Management System or software upgrades for increased customization. The Jefferson County Public Defender Office and Assigned Counsel Program both funded upgrades to their Case Management Systems, which updated features such as a dashboard of caseloads and status for each attorney, as well as created the ability to sync events, track expenditure data, communicate with clients via text and/or email through PDCMS, and collaborate on cases internally.

In addition to better tools for collecting, maintaining, and reporting data, there are now also more ILS Data Officers. It was reported in 2020 that 38 localities (37 counties and New York City) had designated Data Officers. In 2021, that number has increased to 47 localities.

Pre-trial Discovery Support

Prior to 2020, New York State had one of the most restrictive and fundamentally unfair pretrial discovery statutes in the entire United States. Trial by ambush and plea negotiation without the provision of critical case information was the norm. For decades, clients and defense attorneys remained at a severe disadvantage in comparison to the prosecution. To its credit, New York took an enormous step toward rectifying the injustices wrought by the previous discovery statute and now has a model statute that promotes transparency and true fairness. In addition to much needed fairness, the new statute also produced a much anticipated, much welcomed, but

admittedly heavy burden for the public defense community: voluminous, even terabyte quantities of audio, video, digital, and written materials that require careful evaluation by counsel.

Not surprisingly, with a strong assist from ILS statewide reform, providers continue to formulate ways to effectively access and use the influx of discovery produced by the recent discovery reforms. Offices are investing in computer systems and personnel that can handle the thousands of digital documents, videos, and pictures they receive as part of their practice now, to ensure the material is available quickly and easily to the assigned attorney.

The Dutchess Public Defender Office created a Supervising Criminal Justice Intake Specialist position with a threefold set of responsibilities—to oversee the “front end” of the office (reception, intake and opening and closing files); to oversee the processing of all the electronic discovery the Office is now receiving (downloading discovery materials provided by the District Attorney to Public Defender Office servers and then uploading the materials for preservation once the case is closed); and to supervise the Office’s large college internship program (Fall, Spring, and Summer).

The Broome Assigned Counsel Program created a Digital Evidence/Document Specialist position to facilitate discovery access for panel attorneys (opening documents, viewing videos, etc.), while New York County Defender Services proposed an IT Technician to assist staff with issues related to technology (hardware and software). The Cattaraugus Public Defender Office budgeted for upgraded equipment and technology to help attorneys work remotely and in the field, as well as handle the increased discovery requirements.

The Monroe Assigned Counsel Program created three Digital Media Technician positions to assist assigned counsel panel attorneys in processing, viewing, and storing digital videos obtained via discovery and/or case investigation. Additionally, they will be responsible for upkeep of the new ACP website. Similarly, the Erie Assigned Counsel Program proposed a Trial Support Technician to facilitate exhibit and technology preparation and use during hearings and trials.

Diversity, Equity, and Inclusion Efforts (DEI)

New York State—along with the rest of the nation—has become increasingly aware of the importance of an intentional, consistent, and explicit commitment to diversity, equity, and inclusion. The concerns are twofold: ensuring that client representation is impartial, unbiased, and inclusive, and ensuring that the office itself is an impartial, unbiased, and inclusive place to work. Public defense providers and ILS are addressing both facets of this work. Integrating DEI into public defense allows for a more inclusive work environment for attorney and non-attorney staff. DEI programs and trainings also provide attorney and non-attorney staff with tools to effectively communicate and represent clients.

The New York County Defender Services has proposed a “Litigating Race/DEI Position” in their Year 3 budget, which will lead NYCDS’ internal DEI efforts while also working with the Training Director and Trial Attorneys to litigate race during every stage of a client’s representation. Similarly, the New York City Legal Aid Society has requested a budget line for a

Racial Justice Unit Staff Attorney “Rotator,” responsible for supporting staff with research, analysis and development of novel practice-wide litigation strategies that tackle racial inequities. The position would rotate every 18 months and would also work with local advocates, community organizers, city agencies, and policy groups. And the Monroe County Public Defender Office has used Statewide funding to create a “Special Assistant, Diversity and Recruitment” position. Among other things, this higher-level position assists with recruitment, provides training at a local, state, and national level, and has served as a representative on the County’s Commission on Racial and Structural Equity. Additionally, the Erie County Assigned Counsel Program is working on developing a DEI position and the Nassau Assigned Counsel Program proposed a budget line for an HR Director who will, among other things, focus on DEI initiatives including organizing society-wide DEI trainings.

Because diversity, equity, and inclusion are key components to improving the quality of mandated criminal defense representation, ILS is building a Diversity, Equity, and Inclusion infrastructure by working with mandated criminal defense providers and assigned counsel programs to integrate DEI positions and practices in provider offices. Additionally, ILS has designated a point person in this arena whose responsibilities include offering guidance and support to providers on how to recruit and retain a diverse workforce, researching and developing programs and practices to better understand DEI concepts, and increasing awareness of implicit bias.

Forensic Training

Given the ever-increasing presence and complexity of forensic science issues in criminal cases, combined with a disparity of resources amongst providers of public defense representation across New York State to address these issues, there is a compelling need to centralize and support quality improvement initiatives related to forensic practice. Thus, access to quality forensic resources is one of the core foundations to well-rounded, client-centered representation. Criminal defense cases often involve forensic issues including, but not limited to, DNA, ballistics, fingerprints, blood pattern evidence, psychiatric evidence, digital evidence, and pathology. Having access to qualified experts to understand and litigate these types of issues is a necessity, not a luxury. In addition to ensuring funding for expert witnesses, providers are increasingly developing in-house expertise to assist all the attorneys in their program by creating positions that will provide specialized knowledge in these types of cases.

The Erie County Assigned Counsel Program has created a specialized forensic unit lead by an experienced attorney and supplemented by an expert in crime scene investigation. The Broome Public Defender Office has budgeted for a Forensic Specialist Attorney position, who is responsible for providing representation and being available for consultation in criminal matters involving the use of mental health experts and diversion to mental health and drug treatment programs. The Tompkins Assigned Counsel Program has expanded its funding to increase access for panel attorneys. In the Year 2 budget, the Program used funding to acquire Cellebrite software (which provides tools for collection, analysis, and management of digital data) and for providing technical support for panel attorneys to handle the large digital volume of discovery information they receive in response to New York’s 2019 discovery reforms; the Program’s

proposed Year 3 budget further expands attorneys' access to technological support with the intended development and maintenance of a cloud database which will include researched materials and court decisions.

New York City, which has traditionally led the way in developing specialized forensic units, is continuing to increase its capacity. For instance, the Assigned Counsel Program in New York City has recently hired a specialized forensic attorney to assist its panel attorneys. The Brooklyn Defender Services has proposed supplementing its existing forensic unit with a groundbreaking Forensic Data Scientist position that will be responsible for strategic data analysis for use in litigation; devising data strategies for maximizing available data streams in defense of clients; and consulting with attorneys regarding police, prosecutorial, and governmental use of "big data" techniques. And finally, the New York City Legal Aid Society proposed a DNA Paralegal and a DNA Analyst. The DNA Paralegal would be responsible for handling case records, assessing client requests for services, and assisting with case preparation and client correspondence within the specialized DNA Unit. The DNA Analyst serves as a staff scientist to the DNA Unit and is the primary point of contact on scientific issues related to DNA analysis for attorneys and clients, including reviewing electronic raw data and DNA reports that are provided under New York's new discovery laws.

Leadership

Leadership of a public defense program can present many challenges. These challenges can become particularly acute as the program transitions away from prior practices that did not focus upon client-centered representation and/or did not benefit from adequate resources. Strong leadership in provider offices directly correlates with providing client-centered representation by ensuring an innovative yet stable office culture that facilitates a more holistic approach to public defense practice. Many providers have seized the opportunity to creatively utilize Statewide Implementation funds to promote leadership in their own offices. Some providers have added positions, while others are taking advantage of existing attorneys and offering stipends to assign them more supervisory duties on a limited basis. Others are availing themselves of the opportunity to participate in unique training opportunities.

Supervisory Positions

New York County Defender Services (NYCDS) and the Rensselaer County Public Defender Office both proposed budget lines that offer existing attorneys a stipend to accept more supervisory duties on a rotating basis. NYCDS plans to create a rotating position for mid- and higher-level trial attorneys from among existing trial lawyers, who will refrain from carrying a caseload for 12 months as they work in a supervisory role. The Rensselaer Public Defender Office created a budget line to provide stipends for existing part-time employees to take on increased administrative duties such as training, mentoring, and supervising new attorneys. The supervising and mentoring duties will include specialized attention to particular types of cases, acting as an inmate liaison, attending county and regional opioid meetings and trainings, and overseeing the law intern program. The administrative duties will include monitoring attorney CLE requirements, inmate populations, and cases involving mental health and veteran issues.

Similarly, both the Schenectady County Public Defender and Conflict Defender Offices have created Deputy Chief positions within their existing office structures. Each of these positions is responsible for mentoring and supervision duties. The Warren Public Defender Office also added a new part-time Coordinating Supervisor position, which will provide increased supervision and attorney development in the office. This new position supplements the existing full-time coordinating supervisor line that the office created in Year 1 and adds an additional layer of supervision and mentoring for the office attorneys—something the office was previously lacking. And in Sullivan County, the Executive Director of the Legal Aid Society has explained that the addition of staff to his office has finally allowed him the opportunity to play an active role in supervising and training his staff since he is no longer responsible for handling every felony case assigned to his office.

Gideon's Promise

New York providers now have access to a special New York-oriented leadership program offered through Gideon's Promise. Based in Atlanta, Georgia, Gideon's Promise offers training for new and seasoned attorneys, focusing on client-centered representation, camaraderie within the defender community, and excellent training to create top notch attorneys. While the program is starting small and available to a small number of counties, ILS expects that it will grow and soon become available statewide.

II. The Numbers

All 52 counties and New York City have fully executed contracts with a Year 1 budget. At the time of data collection for this report, all counties – except for one⁶ – had an approved Year 2 budget, 12 counties also had an approved Year 3 budget⁷, and one county had an approved Year 4 budget.⁸ For these counties, we analyze what is funded in both Year 1 and Year 2, Year 1, 2, and 3, and Year 1, 2, 3, and 4 respectively.

Supervision

Consistent with the imperative for supervision, ILS has worked with the 52 counties and New York City to ensure that *Hurrell-Harring* statewide implementation (“Statewide”) funding is available to bolster existing supervisory structures and, in some cases, create new supervision structures. A review of the Statewide contracts reveals that considerable progress has been made in making funding available for supervision infrastructure, and as a result:

⁶ Oswego is the sole county with an approved Year 1 budget only. This is because the County has decided to create a Public Defender Office, which is a significant quality improvement initiative. ILS is working with the County to develop a Year 2 and Year 3 budget to accomplish this important goal.

⁷ The 12 counties with an approved Year 3 budget are: Albany, Clinton, Dutchess, Fulton, Hamilton, Lewis, Madison, Nassau, Saratoga, Sullivan, Tioga, and Warren.

⁸ Hamilton has an approved Year 4 budget.

- **38 out of the 53 Statewide contracts (71.7%)** include funding to hire⁹ **attorneys with supervisory responsibilities** (including chief attorneys, directors, ACP administrators, managers, supervising attorneys).
- In total, **24 out of 53 (45.3%)** Statewide contracts include funding for **mentoring and resource attorneys**.

Training and CLEs

To achieve the goal of ongoing quality training, ILS has worked with the 52 counties and New York City to make funding available via the Statewide contracts, and as a result:

- **49 of the 53 Statewide contracts (92.5%)** include funding for **attorney trainings, conferences, and Continuing Legal Education courses (CLEs)**.
- **Second chair programs** are funded in **24 of the 53 (45.3%)** Statewide contracts.
- In total, **39 of the 53 (73.6%)** Statewide contracts include funding for **legal reference materials** (including Westlaw, Lexis, publications, books, subscriptions).

Attorney Qualifications and Experience

As a result of the above strategies to build the structures for attorney certification and qualifications, to date:

- **35 of the 53 Statewide contracts (66.0%)** include funding for **attorney salary enhancements** for parity and/or retention.¹⁰
- **Attorney licenses and professional membership dues** are funded in **30 of the 53 (56.6%)** Statewide contracts.
- **28 of the 53 (52.8%)** statewide contracts include funding to **contract with attorneys who can provide specialized expertise**.
- In total, **25 of the 53 (47.2%)** statewide contracts include funding for **ACP Administrator positions to monitor attorney qualifications and experience and ensure that attorneys have the skills and experience needed for the cases to which they are assigned**.

⁹ The term “hire” encompasses adding a new full or part-time supervisory position as well as increasing the hours of an already existing supervisory position.

¹⁰ Notably, these numbers reflect funding that enhances salaries solely for the purpose of hiring and retaining experienced and qualified attorneys. These numbers are not duplicative of the numbers in Section I, which are numbers to hire attorneys with supervisory responsibilities and include supervisory attorneys who received a salary enhancement because of increased hours.

Non-Attorney Professional Services

Given the importance of access to and use of non-attorney professionals, ILS has prioritized including funding in Statewide contracts for attorneys to retain these vital services and for defense providers to hire non-attorney support staff. As a result:

- **52 of the 53 Statewide contracts (98.1%)** include funding to **retain experts and other non-attorney professional services.**¹¹ Non-attorney professional services include an array of supports, including but not limited to investigative services, social workers, interpreters, and sentencing advocates/mitigation specialists.
- In total, **48 of 53 (90.6%)** Statewide contracts included funding for the **hiring of non-attorneys who provide professional services.**

Effective Client Communication

To achieve effective, consistent client communication, ILS has worked with the 52 counties and New York City to make available the tools that allow for and cultivate client communication. These tools include text messaging, phone communication, and in-person meetings. As a result, currently:

- **24 of the 53 (45.3%)** Statewide contracts include funding for **cell phone upgrades, text messaging programs, or website development**, with the aim of improving **client communication.**
- In total, **35 of the 53 (66.0%)** Statewide contracts include funding for **attorney mileage** which is used for, among other things, **client visitation.**

ACP Quality Improvement

To build independent Assigned Counsel Programs (ACPs), and bolster existing programs, ILS has worked closely with the counties and New York City to better fund ACP infrastructures. Below we identify the programs and structures funded in the Statewide contracts specifically for Assigned Counsel Programs. Some of these numbers duplicate those in previous sections. We highlight them here, however, because development of strong, well-resourced ACPs is vital to ensuring that every person charged with a crime receives quality representation.

To ensure that Statewide funding is used to build strong ACPs, currently:

- **31 of the 53 (58.5%)** Statewide contracts include funding for **hiring ACP Administrators and/or supervising attorneys.**
- In total, **24 of the 53 (45.3%)** Statewide contracts include funding for **ACP mentoring and resource attorneys.**

¹¹ Attorneys often retain non-attorney professionals on their cases by contracting with them. Thus, these services are funded in the “contracted/consultant” section of ILS Statewide contract budgets.

- **Training, professional conferences, and Continuing Legal Education (CLE) resources for ACP attorneys** are funded in **42 of the 53 (79.2%)** Statewide contracts.
- **24 of the 53 (45.3%)** Statewide contracts include funding for **ACP second chair programs**.
- **Legal reference materials for ACPs** are funded in **24 of the 53 (45.3%)** Statewide contracts.
- **47 of the 53 (88.7%)** Statewide contracts include funding for ACP panel attorneys to **retain non-attorney professional services (investigators, social workers, interpreters, sentencing advocates, etc.)**
- **Hired non-attorney professionals for ACPs** are funded in **28 of the 53 (52.8%)** Statewide contracts.
- **12 of the 53 (22.6%)** Statewide contracts include funding for **office space for ACPs**.

Data Collection Infrastructure

While Executive Law § 832 (4) (c) does not identify data reporting as a quality indicator, as made clear by the Commission on the Future of Indigent Defense Services June 2006 Final Report to the Chief Judge of the State of New York (Kaye Commission), the capacity to collect, maintain, and report data is a necessary quality improvement endeavor.¹² Data is critical to measuring and monitoring the quality of defense and allows program leaders and policymakers to make informed decisions about programs and policy. It is also vital to complying with the reporting requirements set forth in the Statewide contracts and specified in County Law § 722-e.

To facilitate and solidify this collaboration, a state-funded Data Officer is designated in each county. The Data Officer is expected to work closely with ILS, each provider, and the county to collect and report reliable data to ILS in a timely and efficient manner.

To achieve the above goals currently:

- **40 of the 53 (75.5%)** Statewide contracts include funding for the acquisition, updating or expansion of an **electronic case management system**.
- In total, **44 of the 53 (83.0%)** Statewide contracts include funding for a **designated ILS Data Officer**.

¹² The Kaye Commission Report can be accessed here: [C:\Documents and Settings\newuser\Desktop\ridiculous\01_COMMFINAL.wpd \(nycourts.gov\)](C:\Documents and Settings\newuser\Desktop\ridiculous\01_COMMFINAL.wpd (nycourts.gov)). One of the Commission's core recommendations was the development of a "comprehensive data collection system designed to provide an accurate picture of the provision of indigent criminal defense services in New York." The Commission explained that "[s]uch a system would enable policy makers and administrators to make informed judgements concerning the administration of indigent defense system and plan for improvements."

Conclusion

The reforms discussed in this Quality Improvement Report attest to the great progress that continues to be achieved with Statewide funding, as well as ILS' guidance in achieving this progress. The steps taken over the past year are especially notable given the crisis unleashed by the pandemic. ILS is confident that offices will come back stronger over the next year once the crisis is over.

These quality improvement reforms are just one piece of the comprehensive statewide solution. They work in conjunction with Statewide funding for caseload relief and counsel at first appearance. Together, they mutually support New York's demonstrated commitment to the five original *Hurrell-Harring* settlement counties in 2015, and funding that ILS has directed across New York through statutory distributions and competitive grants since 2011. Overall, these reforms are revolutionizing public defense practice in criminal cases throughout New York State. They will ensure that each client is treated as a person and not a case and work to ameliorate decades of systemic discrimination that has permeated the criminal justice system.

And of course, ILS will continue to work with the State, all the counties and New York City, and each individual program to fully implement these reforms and ensure that holistic, client-centered quality representation is the rule in New York, not the exception.

APPENDIX A

Appendix A. Quality Improvement structures and programs funded in the 52 counties and New York City.

County	Supervision		Training			Non-Attorney Professional Services		Client Communication ⁱ		Attorney Qualifications and Experience				Data Reporting Infrastructure	
	Hiring supervising attorneys	Funding for mentor & resource attorneys	Funding for training, conferences, and CLEs	Funding for second chair programs	Funding for legal reference material	Funding to retain non-attorneys providing professional services	Hiring non-attorney professionals	Funding for cellphones, text messaging programs,	Funding for attorney mileage	Attorney salary enhancements	Funding for ACP Administrators	Funding for attorney licensing / professional memberships	Funding to contract with attorneys with specialized expertise	Funding for case management systems	Funding for Data Officer
Albany (Y3)*	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✗	✓	✗	✗	✓
Allegany (Y2)	✗	✗	✓	✗	✗	✓	✓	✗	✓	✓	✗	✓	✗	✓	✗
Broome (Y2)	✓	✗	✓	✓	✓	✓	✓	✗	✓	✓	✓	✓	✓	✓	✓
Cattaraugus (Y2)	✗	✓	✓	✓	✓	✓	✓	✓	✓	✓	✗	✓	✓	✗	✓
Cayuga (Y2)	✓	✓	✓	✓	✗	✓	✓	✗	✗	✗	✓	✓	✓	✗	✓
Chautauqua (Y2)	✓	✗	✓	✗	✗	✓	✓	✗	✓	✓	✓	✗	✓	✓	✓
Chemung (Y2)	✓	✗	✓	✗	✓	✓	✓	✓	✓	✓	✓	✓	✗	✓	✓

	Supervision		Training			Non-Attorney Professional Services		Client Communication ⁱ		Attorney Qualifications and Experience				Data Reporting Infrastructure	
County	Hiring supervising attorneys	Funding for mentor & resource attorneys	Funding for training, conferences, and CLEs	Funding for second chair programs	Funding for legal reference material	Funding to retain non-attorneys providing professional services	Hiring non-attorney professionals	Funding for cellphones, text messaging programs, etc.	Funding for attorney mileage	Attorney salary enhancements	Funding for ACP Administrators	Funding for attorney licensing / professional memberships	Funding to contract with attorneys with specialized expertise	Funding for case management systems	Funding for Data Officer
Chenango (Y2)	✗	✗	✗	✗	✗	✓	✓	✓	✓	✓	✗	✗	✗	✓	✓
Clinton (Y3)	✓	✗	✓	✗	✓	✓	✓	✓	✓	✗	✗	✓	✗	✓	✓
Columbia (Y2)	✓	✗	✓	✗	✓	✓	✓	✗	✓	✓	✓	✓	✗	✓	✗
Cortland (Y2)	✗	✓	✓	✓	✓	✓	✓	✓	✓	✗	✗	✗	✗	✓	✓
Delaware (Y2)	✓	✗	✓	✗	✓	✓	✓	✓	✗	✗	✗	✗	✗	✗	✗
Dutchess (Y3)	✓	✗	✓	✓	✓	✓	✓	✓	✓	✗	✓	✓	✗	✓	✓
Erie (Y2)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✗	✓	✓	✗	✓
Essex (Y2)	✓	✗	✓	✗	✓	✓	✓	✓	✓	✓	✓	✓	✗	✓	✓

	Supervision		Training			Non-Attorney Professional Services		Client Communication ⁱ		Attorney Qualifications and Experience				Data Reporting Infrastructure	
County	Hiring supervising attorneys	Funding for mentor & resource attorneys	Funding for training, conferences, and CLEs	Funding for second chair programs	Funding for legal reference material	Funding to retain non-attorneys providing professional services	Hiring non-attorney professionals	Funding for cellphones, text messaging programs, etc.	Funding for attorney mileage	Attorney salary enhancements	Funding for ACP Administrators	Funding for attorney licensing / professional memberships	Funding to contract with attorneys with specialized expertise	Funding for case management systems	Funding for Data Officer
Franklin (Y2)	✗	✗	✓	✗	✓	✓	✓	✓	✗	✓	✗	✓	✓	✓	✓
Fulton (Y3)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Genesee (Y2)	✓	✗	✓	✗	✓	✓	✓	✓	✓	✓	✓	✓	✗	✓	✗
Greene (Y2)	✓	✗	✗	✗	✗	✓	✓	✗	✗	✓	✓	✗	✓	✓	✓
Hamilton (Y4)	✓	✗	✗	✗	✓	✓	✓	✓	✗	✗	✓	✗	✗	✗	✗
Herkimer (Y2)	✓	✓	✓	✓	✓	✓	✗	✗	✓	✗	✓	✗	✓	✗	✓
Jefferson (Y2)	✓	✗	✓	✗	✗	✓	✓	✗	✓	✗	✓	✗	✓	✓	✓
Lewis (Y3)	✓	✗	✓	✗	✓	✓	✓	✗	✓	✓	✓	✗	✓	✓	✓

	Supervision		Training			Non-Attorney Professional Services		Client Communication ⁱ		Attorney Qualifications and Experience				Data Reporting Infrastructure	
County	Hiring supervising attorneys	Funding for mentor & resource attorneys	Funding for training, conferences, and CLEs	Funding for second chair programs	Funding for legal reference material	Funding to retain non-attorneys providing professional services	Hiring non-attorney professionals	Funding for cellphones, text messaging programs,	Funding for attorney mileage	Attorney salary enhancements	Funding for ACP Administrators	Funding for attorney licensing / professional memberships	Funding to contract with attorneys with specialized expertise	Funding for case management systems	Funding for Data Officer
Livingston (Y2)	✗	✗	✓	✗	✓	✓	✓	✓	✗	✓	✗	✓	✓	✓	✓
Madison (Y3)	✓	✓	✓	✓	✗	✓	✓	✓	✗	✓	✓	✓	✓	✓	✓
Monroe (Y2)	✓	✓	✓	✓	✓	✓	✓	✗	✓	✓	✗	✗	✓	✓	✓
Montgomery (Y2)	✓	✗	✓	✗	✓	✓	✓	✗	✓	✗	✓	✗	✓	✓	✓
Nassau (Y3)	✓	✓	✓	✓	✗	✓	✓	✗	✓	✓	✗	✓	✓	✓	✓
New York City (Y2)	✓	✗	✓	✗	✓	✓	✓	✗	✓	✓	✗	✓	✓	✓	✓
Niagara (Y2)	✓	✗	✓	✗	✓	✓	✓	✗	✗	✓	✗	✓	✓	✓	✓
Oneida (Y2)	✓	✓	✓	✓	✓	✓	✓	✓	✓	✗	✓	✓	✗	✓	✓

	Supervision		Training			Non-Attorney Professional Services		Client Communication ⁱ		Attorney Qualifications and Experience				Data Reporting Infrastructure	
County	Hiring supervising attorneys	Funding for mentor & resource attorneys	Funding for training, conferences, and CLEs	Funding for second chair programs	Funding for legal reference material	Funding to retain non-attorneys providing professional services	Hiring non-attorney professionals	Funding for cellphones, text messaging programs, etc.	Funding for attorney mileage	Attorney salary enhancements	Funding for ACP Administrators	Funding for attorney licensing / professional memberships	Funding to contract with attorneys with specialized expertise	Funding for case management systems	Funding for Data Officer
Orange (Y2)	✓	✓	✓	✓	✓	✓	✓	✗	✗	✓	✓	✗	✓	✓	✓
Orleans (Y2)	✗	✗	✓	✗	✓	✓	✓	✓	✓	✓	✗	✓	✓	✓	✓
Oswego (Y1)	✗	✗	✓	✗	✓	✓	✓	✓	✓	✓	✗	✗	✓	✗	✗
Otsego (Y2)	✗	✗	✗	✗	✗	✗	✓	✗	✗	✗	✗	✗	✗	✗	✓
Putnam (Y2)	✓	✗	✓	✗	✗	✓	✓	✗	✗	✗	✓	✗	✗	✓	✓
Rensselaer (Y2)	✓	✗	✓	✗	✓	✓	✓	✗	✓	✗	✓	✓	✗	✓	✓
Rockland (Y2)	✓	✓	✓	✓	✓	✓	✓	✗	✓	✓	✗	✓	✗	✓	✗
Saratoga (Y3)	✓	✓	✓	✓	✓	✓	✓	✗	✓	✗	✓	✗	✓	✗	✓

County	Supervision		Training			Non-Attorney Professional Services		Client Communication ⁱ		Attorney Qualifications and Experience				Data Reporting Infrastructure	
	Hiring supervising attorneys	Funding for mentor & resource attorneys	Funding for training, conferences, and CLEs	Funding for second chair programs	Funding for legal reference material	Funding to retain non-attorneys providing professional services	Hiring non-attorney professionals	Funding for cellphones, text messaging programs, etc.	Funding for attorney mileage	Attorney salary enhancements	Funding for ACP Administrators	Funding for attorney licensing / professional memberships	Funding to contract with attorneys with specialized expertise	Funding for case management systems	Funding for Data Officer
Ulster (Y2)	✓	✗	✓	✗	✓	✓	✓	✗	✗	✓	✓	✗	✗	✓	✓
Warren (Y3)	✓	✓	✓	✓	✓	✓	✓	✓	✗	✓	✗	✓	✓	✓	✓
Wayne (Y2)	✗	✓	✓	✓	✓	✓	✓	✓	✗	✓	✗	✓	✓	✓	✓
Westchester (Y2)	✓	✓	✓	✓	✓	✓	✓	✗	✓	✗	✗	✗	✓	✓	✓
Wyoming (Y2)	✗	✗	✓	✗	✗	✓	✓	✗	✗	✓	✗	✗	✗	✓	✗
Yates (Y2)	✗	✓	✓	✓	✓	✓	✗	✗	✗	✓	✗	✓	✗	✓	✓
TOTAL # OF ✓ COUNTIES	38	24	49	24	39	52	48	24	35	35	25	30	28	40	44

* Y1, Y2, Y3, or Y4 in parentheses in the county column indicates whether the county's most recent statewide budget that was approved was a year 1 (Y1), year 2 (Y2), year 3 (Y3), or year 4 (Y4) budget.

ⁱ For 3 counties, an “other” type of client communication was funded in one or more of the budget years included in the analyses for this report. For the Genesee Public Defender’s Office, the budget included funding for emergency client transportation in year 1, which was discontinued in year 2. For the Legal Aid Society in New York City the budget included funding for “communications” in both year 1 and year 2. For the Rockland Assigned Counsel Program, the budget included funding for “video-conferencing equipment” in year 2 (but not in year 1).

APPENDIX B

Appendix B. *Quality Improvement structures and programs funded in Assigned Counsel Programs in the 52 counties and New York City.*

County	Funding to hire ACP Administrator or supervising attorney	Funding for mentoring and resource attorneys	Funding for panel attorneys to attend training, conferences, and CLEs	Funding for second chair programs	Funding for legal reference material	Funding to retain non-attorneys providing professional services	Funding to hire non-attorney professionals	Funding for ACP office space
Albany (Y3)*	✓	✓	✓	✓	✓	✓	✓	✓
Allegany (Y2)	✗	✗	✓	✗	✗	✓	✓	✗
Broome (Y2)	✓	✗	✓	✓	✓	✓	✓	✓
Cattaraugus (Y2)	✗	✓	✓	✓	✗	✓	✗	✗
Cayuga (Y2)	✓	✓	✓	✓	✗	✓	✓	✗
Chautauqua (Y2)	✓	✗	✓	✗	✗	✓	✗	✗
Chemung (Y2)	✓	✗	✓	✗	✓	✓	✓	✗
Chenango (Y2)	✗	✗	✗	✗	✗	✓	✗	✗

County	Funding to hire ACP Administrator or supervising attorney	Funding for mentoring and resource attorneys	Funding for panel attorneys to attend training, conferences, and CLEs	Funding for second chair programs	Funding for legal reference material	Funding to retain non-attorneys providing professional services	Funding to hire non-attorney professionals	Funding for ACP office space
Putnam (Y2)	✓	✗	✗	✗	✗	✓	✓	✗
Rensselaer (Y2)	✓	✗	✓	✗	✗	✓	✗	✗
Rockland (Y2)	✗	✓	✓	✓	✓	✓	✓	✓
Saratoga (Y3)	✓	✓	✓	✓	✗	✓	✗	✗
Schenectady (Y2)	✓	✓	✓	✓	✓	✓	✓	✗
Schoharie (Y2)	✓	✓	✓	✓	✓	✓	✓	✗
Seneca (Y2)	✗	✓	✓	✓	✗	✓	✗	✗
St. Lawrence (Y2)	✗	✓	✓	✗	✗	✓	✗	✗
Steuben (Y2)	✗	✓	✓	✗	✗	✓	✗	✗

County	Funding to hire ACP Administrator or supervising attorney	Funding for mentoring and resource attorneys	Funding for panel attorneys to attend training, conferences, and CLEs	Funding for second chair programs	Funding for legal reference material	Funding to retain non-attorneys providing professional services	Funding to hire non-attorney professionals	Funding for ACP office space
Sullivan (Y3)	✓	✗	✓	✗	✗	✗	✗	✗
Tioga (Y3)	✗	✗	✓	✗	✓	✓	✓	✗
Tompkins (Y2)	✓	✓	✓	✓	✗	✓	✗	✗
Ulster (Y2)	✓	✗	✓	✗	✗	✓	✓	✓
Warren (Y3)	✗	✓	✓	✓	✓	✓	✓	✗
Wayne (Y2)	✗	✓	✓	✓	✓	✓	✓	✗
Westchester (Y2)	✓	✓	✓	✓	✓	✓	✓	✗
Wyoming (Y2)	✗	✗	✓	✗	✗	✓	✓	✗
Yates (Y2)	✗	✓	✓	✓	✓	✓	✗	✗

County	Funding to hire ACP Administrator or supervising attorney	Funding for mentoring and resource attorneys	Funding for panel attorneys to attend training, conferences, and CLEs	Funding for second chair programs	Funding for legal reference material	Funding to retain non-attorneys providing professional services	Funding to hire non-attorney professionals	Funding for ACP office space
TOTAL # OF ✓ COUNTIES	31	24	42	24	24	47	28	12

* Y1, Y2, Y3, or Y4 in parentheses in the county column indicates whether the county's most recent statewide budget that was approved was a year 1 (Y1), year 2 (Y2), year 3 (Y3), or year 4 (Y4) budget.

