



OFFICE OF THE PUBLIC DEFENDER

ANNUAL REPORT

2017

INTRODUCTION

In 2017, the Monroe County Public Defender's Office continued to provide excellent representation to indigent clients in the criminal, family, and appellate courts in Monroe County. Although caseloads in all bureaus of the Office were higher than those in 2016, and the severe financial pressures faced by Monroe County prohibited the dedication of additional local resources, the staff of the Office persevered and enhanced the services provided to clients.

Despite the challenges we faced, due to the extraordinary dedication of the attorneys and support staff, we were able to continue to provide excellent representation for our clients. The attorneys in the Office continued to work significant, unpaid overtime to ensure that we continue to provide excellent representation to our clients. The support staff also expended considerable effort in assisting the attorneys in dealing with the heavy caseload.

But the hard work expended by staff led to excellent results for our clients. For example, in 2017 the attorneys in the Office prevailed in 44% of the felony trials conducted by staff (a complete acquittal, top count acquittal, or trial order of dismissal granted).

In 2017, the Office continued its efforts in examining how to improve the representation we provide our clients. We also completed several initiatives began in 2015, and began several new initiatives, all designed to improve the quality of services we provide, and assist the criminal defense bar in providing quality representation to criminal defendants in the Greater Rochester Area.

In Part I of this Report, the Office's efforts to improve client representation,

increase contact with the community that we serve, and continue our efforts to recruit highly qualified attorneys to be assistant public defenders, and increase office diversity, is discussed. In Part II of this Report, the Office, its staffing, and caseloads will be outlined. Part III of this Report will discuss Office recognition, community involvement and support; and Part IV will discuss future plans for the Office.

PART I: OFFICE INITIATIVES

A. Introduction

The strength of this Office is in the enormously talented and committed people who work here. They are truly an asset to our community. It is through their efforts that the following improvements and initiatives were undertaken and accomplished in 2017.

B. New Financial Eligibility Guidelines

On July 1, 2017 the Monroe County Public Defender's Office implemented new financial eligibility guidelines in criminal cases that were mandated by the New York State Office of Indigent Legal Services. Under the new criteria an applicant is presumptively eligible for assignment of counsel when the applicant's net income is below 250% of the Federal Poverty Guidelines. "Net income" means an individual's wages or other earnings after deductions for any taxes.¹

As a result of the new eligibility criteria, the number of potential applicants for assigned counsel has significantly increased. As a result, the Monroe County Public Defender's Office caseloads have increased approximately 1,000 cases over 2016

¹ Previously, the Monroe County Public Defender's Office determined that an applicant was eligible for assignment of counsel if their income did not exceed 125% of the federal poverty guidelines.

numbers. Unfortunately, due to the severe financial strain on County finances, no additional staff attorney positions were added to the Office to assist with the increased caseload, nor were there any additional funds provided by the State of New York to assist with the increased caseloads. It is anticipated that the caseload increases for 2018 will be even higher, as the increases reflected in 2017 were the result of the Office operating under the new criteria in the last six months of 2017.

Furthermore, it is anticipated that the Office of Indigent Legal Services will soon issue eligibility criteria that will be applied to family court cases that will similarly result in increased caseloads in the Family Court Bureau of the Monroe County Public Defender's Office.

C. Expanded Counsel at First Appearance Program

In May of 2011, Chief Judge Jonathan Lippman called upon New York State indigent defense providers to resolve the problem of lack of counsel at a defendant's first appearance in a local court. In August of 2013, to assist indigent defense providers in providing this service, the Office of Indigent Legal Services awarded 25 counties three-year grants (in varying amounts). The Monroe County Public Defender's Office was awarded a three-year grant totaling \$724,218 to begin providing indigent defendants with an attorney at arraignments in the town and village courts.

In February of 2014, the Office implemented the first phase of the Counsel at First Appearance Program (CAFA). Under the first phase of the Program, two staff attorneys were on-call to attend local court arraignments, seven-days-per-week from 8:00 a.m. to 8:00 p.m. Additionally, staff attorneys began attending each town and village court's arraignment dockets (there are 49 individual town and village justices in

Monroe County, each with a separate court docket). During the first phase of the program, Monroe County Public Defender's Office attended over 5,560 arraignments in the town and village courts. This required a significant commitment of staff time in order to provide this service. Indeed, staff attorneys provided over 8,400 hours of "on-call" arraignment coverage in order to provide this service.

On June 1, 2015, the Monroe County Public Defender's Office expanded the Program to include arraignments that occur between the hours of 8:00 p.m. and 8:00 a.m., seven-days-per-week. As a result, the Monroe County Public Defender's Office became a "24-hour operation" requiring one or more staff persons to be available "on-call" 24 hours per day, seven days per week. As a result, the Office is now providing almost 15,000 hours of "on-call" arraignment coverage annually in the town and village courts of Monroe County.

Since the beginning of the program in 2014, attorneys from the Monroe County Public Defender's Office have appeared at over **25,000** arraignments in the local courts of Monroe County. Furthermore, Monroe County was the first large county outside of New York City to provide counsel at first appearance for all indigent defendants who are arraigned in a local court.

The benefits to our clients, and the greater community, as a result of the staff's dedication to the Program are significant. Fewer clients are being remanded to custody (which results in less costs in the Monroe County Jail), and in some cases charges are being dismissed at arraignment. This has undoubtedly reduced the collateral costs of criminal convictions in our community (such as a loss of employment due to incarceration, or the need for family members to seek emergency assistance due to a

provider or care-giver being incarcerated).

In 2017 the Monroe County Public Defender's Office received a three-year grant in the amount of \$750,000 to continue the Program.

D. Appellate Pro Bono Program

The Office's Appellate *Pro Bono* Program seeks to establish *pro bono* relationships with law firms who are willing to handle an appellate case *pro bono*. The firms involved agree to handle complex appeals *pro bono*, which allows our appellate staff to concentrate on other appellate cases assigned to the Office. This has allowed the Office to reduce an existing appellate backlog without expending additional taxpayer dollars.

In 2017, the following firms handled cases for the Office: Sullivan and Cromwell LLP (NYC office); Kellogg, Hansen, Todd, Figel & Frederick P.L.L.C (Washington, D.C.); Harris Beach (Rochester Office), Phillips Lytle (Buffalo Office); NYSDA; National Constitution Center (Philadelphia); and Hodgson Russ LLP (Buffalo office) These firms are to be commended for their commitment to *pro bono* service.

As a result of the Program, since 2014 thirty-five (35) cases have been handled by *pro bono* attorneys. In addition to providing these clients with excellent representation and results, the efforts of these firms have saved county taxpayers approximately \$145,000.

E. Hiring Committee

Ensuring that each new hire exemplifies the qualities that make an excellent public defender is the responsibility of the hiring committee. Chaired by Special Assistant Public Defender John Bradley, the committee members in 2017 (Special

Assistant Public Defender Drew DuBrin, Special Assistant Public Defender Josh Stubbe, 1st Assistant Public Defender Jill Paperno, Assistant Public Defender Jessica Naclerio, and Assistant Public Defender Danielle Ponder) screened all applicants for open attorney positions, conducted all initial interviews with prospective applicants, and recommended to the Public Defender the top three applicants for each open position.

Based upon their excellent work this past year, the Office hired eight attorneys who were well-qualified for the position of assistant public defender and who exhibited a commitment to public defense. All of the new hires possessed excellent academic credentials and a dedication to public interest law. Importantly, the new hires further expanded the diversity of our staff.

F. Continuing Legal Education (CLE) Committee, Training and Skills Programs

In order to effectively represent our clients, our attorneys must be provided frequent and regular trainings on changes in the law, and how to improve their trial skills. To accomplish the necessary training for staff, the Office conducts numerous continuing legal education (CLE) programs and training programs. It is the responsibility of the CLE Committee to organize continuing legal education programs for staff attorneys and the legal community. In 2017 it was chaired by 1st Assistant Public Defender Jill Paperno.

The Monroe County Public Defender's Office is an accredited CLE provider. The Office strives to provide staff attorneys and attorneys in the legal community high-quality CLE programs at no cost. In 2017 the Office sponsored the following CLE programs for the attorneys in the Office, and the private defense bar:

1/27/2017	Town Court Intermediate Trainer
2/10/2017	Helping Clients Avoid a Messy Pileup at the Intersection of Criminal and Family Court
2/13/2017	Monroe County CLE (Monroe County Law Department)
2/17/2017	Who's the Boss?
2/24/2017	New Attorney Town Court Trainer
3/24/2017	Town Court Program
4/28/2017	Making Your Legal Practice Welcoming and Friendly for the Transgender Community
6/2/2017	Challenging Fines and Fees
7/14/2017	Representing Your Client Through The Preliminary Hearing and Grand Jury
8/25/2017	When Should An Attorney Consider Consulting a Mental Health Expert?
8/25/2017	Standardized Field Sobriety Testing: What Officers Are Being Taught
9/15/2017	31st Annual Steinberg Lecture: Public Safety, The Community and the University in Times of Change
9/29/2017	Impeachment by Prior Inconsistent Statements
10/13/2017	The Basics of Handling an EWOC
10/27/2017	Surprise! You're on Body Worn Camera!
11/17/2017	SORA Classification Hearings
12/1/2017	WTF is Social Media Evidence and How Can I Use It?
12/15/2017	The CPL 30.30 Analysis

Hundreds of attorneys from upstate New York attended the above CLE programs. All of the above programs were **provided at no cost to the attendees.**

Attorneys in the Office are often asked to present at various CLE programs throughout New York State. In 2017, Office attorneys presented at CLEs sponsored by the Monroe County Bar Association, the New York State Defenders Association, and the New York State Association of Criminal Defense Lawyers.

Because of the work of this committee, and the attorneys in this Office who donated their time and effort speaking at CLEs, the legal community received valuable instruction in criminal and family law. As a result of the numerous high-quality CLE programs presented by the Office over the last several years, in 2016 the Office was awarded the Monroe County Bar Association's Raymond J. Pauley Award. The Pauley

Award recognizes an attorney or organization that has made "exceptional contributions to the furtherance of legal education".

In late 2017, 1st Assistant Public Defender Jill Paperno assumed the responsibilities of Training Director. She will be responsible for developing training programs for staff attorneys and coordinating with the New York State Defenders Association in developing regional programs for attorneys in Western New York.

G. Internship Committee and Program

In 2017, the Office continued our internship program. In addition to placing college students as interns, the Office continued to place law students, and in select cases, high school students. In 2017 the Office hosted over 30 student interns (from law schools, local colleges, and high schools) throughout the year. All of the student interns obtained valuable experience working in a large law office, and gained additional insight into the criminal justice system.

In 2017, the Office continued its "externship program" with the participating law schools. Student externs receive course credit towards their degree requirements, while also learning valuable knowledge about our criminal justice system. Additionally, the student externs assist attorneys in the Office by conducting legal research, drafting motions, and other forms of legal assistance.

College and high school interns are offered the opportunity to observe the criminal justice system from a unique perspective, and they gain valuable experience. Working with their attorney-supervisors, interns review client files, assist staff during court proceedings, and observe a variety of court proceedings. Our interns also assist the Office, as we ask each intern to volunteer a few hours per week performing office

work, such as filing and copying. We receive very positive reviews from the students who intern in the Office, and have successfully placed students from SUNY Brockport, SUNY Geneseo, the University of Rochester, Nazareth College, and the Rochester City School District.

H. Office Diversity Training

In 2017, the Office began a long-term project to educate staff on issues relating to diversity of our staff, and the clients we serve. Recognizing that as the Office becomes more diverse, and as the staff represents a very diverse client base, we began a program of office trainers on topics designed to increase staff knowledge on various issues relating to increasing diversity, implicit bias, and macroaggressions.

PART II: OFFICE ORGANIZATION

A. Creation of Office and its Jurisdiction

In a 1963 landmark decision, the Supreme Court of the United States ruled that all indigent defendants had the right to be represented by counsel in criminal proceedings. In order to comply with the Supreme Court ruling, Article 18-B of the County Law of the State of New York was adopted by the State Legislature in 1965. This law required the various counties throughout the State to adopt a plan for the representation of indigent defendants. In compliance with the state mandate, on May 23, 1968, by virtue of Resolution No. 250 of 1968, the Monroe County Legislature adopted Local Law No. 5 of 1968, thus creating the Office of the MONROE COUNTY PUBLIC DEFENDER.

By law, the Public Defender is required to "represent, without charge, at the request of the defendant, or by order of the court with the consent of the defendant,

each indigent defendant who is charged with a crime...in the county...in which such public defender serves."

The Monroe County Public Defender's Office represents individuals in the courts within Monroe County, including the City of Rochester and the towns and villages within the geographical boundaries of the County. This area has a population of approximately 750,000 people.

The office handles cases in:

- A. Town and Village Justice Courts
- B. Rochester City Court (including Rochester Drug Treatment Court)
- C. County Court (including Mental Health Court, Veterans Court, and Judicial Diversion Program Court)
- D. Supreme Court
- E. Family Court
- F. Appellate Division, Fourth Department
- G. Court of Appeals
- H. United States Supreme Court (when required)

The Public Defender represents the indigent accused at every stage of the criminal proceeding from the arraignment through final disposition, including, when appropriate, appeals from adverse judgments and decisions.

Our goal is to provide to the poor who are accused of a crime, or who are entitled to representation in family court, truly competent legal representation which exceeds that which they would expect to obtain from privately retained counsel. An individual's

constitutional rights must be protected regardless of his or her financial circumstances.

B. Staff

During 2017, our staff included 71 attorneys, 1 confidential assistant, 5 investigators, 8 investigative assistants, 9 full-time secretaries and 2 receptionists, both of whom are bilingual. The attorneys are precluded from engaging in private practice.

Assistant public defenders are assigned to work in the Town Court Bureau, the City Court Bureau, the Superior Court Bureau (Non-Violent Felony Section and the Violent Felony Section), the Family Court Bureau, or the Appeals Bureau.

The Office staff takes great pride in the quality of the work they provide to our clients. Their work results in high-quality representation that advances justice in our community. **As an example, in 2017 the Office conducted 83 trials (felony or misdemeanor/violation) to completion. Of those, we obtained favorable dispositions (Complete Acquittals, Top Count Acquittals and Trial Orders of Dismissal) in 52 cases (or 59% of the time).** In only 27 of the trials was a client convicted as charged (there were three mistrials).

C, Caseload Standards

On May 10, 2017 the New York State Office of Indigent Legal Services issued new caseload standards for indigent defense offices handling criminal cases. The new caseload standards replace the outdated national standards of no more than 400 misdemeanors per attorney, or no more than 150 felony cases per attorney. The new standards state that an attorney should not have more than the following maximum cases per year:

Case Type	Maximum Annual Assignments	Minimum Average Hours
Violent Felonies⁴⁵	50	37.5
Non-Violent Felonies	100	18.8
Misdemeanors and Violations	300	6.3
Post-Disposition (including Probation Revocation)	200	9.4
Parole Revocation	200	9.4
Appeals of Verdicts	12	156.3
Appeals of Guilty Pleas	35	53.6

Current caseloads in the criminal trial sections of the Monroe County Public Defender's Office greatly exceed these caseload standards.

D. City Court Bureau

The Rochester City Court has a heavier caseload than any other Criminal Court in Monroe County. All felonies, misdemeanors and violations of the law committed within the geographical boundaries of the City of Rochester are handled by City Court. A City Court judge has preliminary jurisdiction over all felonies and complete jurisdiction over misdemeanors and violations.

The responsibilities of the Assistant Public Defender assigned to City Court include gathering information to assist the court in determining a defendant's eligibility for representation, appearing at arraignment, making bail applications, participating in pre-trial conferences, investigating and preparing a defense to the charges, preparation and argument of various types of motions, pre-trial hearings, preliminary hearings, trials, social service agency referrals, and sentencing.

In 2017, all of these responsibilities were carried out by a total of fourteen

Assistant Public Defenders and two Special Assistant Public Defenders who supervised the City Court Section (while also handling a violent felony caseload). The attorneys share the enumerated responsibilities on a rotating basis.

In 2017, this Office was called upon to represent clients in approximately 8,000 cases in the City Court of Rochester. That means, on average, each Assistant Public Defender would have been assigned to approximately 571 cases during the course of the year. Although this number is significantly lower than in past years due to increased staffing being allocated to this Bureau, that number of case assignments is significantly higher than the recommended maximum caseload as established by the Office of Indigent Legal Services.

E. Town Court Bureau

The office is required to represent persons accused of crimes in the various town and villages throughout the County. In 2017 the Office had fourteen assistant public defenders (overseen by two Special Assistant Public Defenders) assigned to cover the Town and Village Justice Courts within the 21 towns and villages of Monroe County.²

The newly hired Assistant Public Defenders are traditionally assigned to the Town Courts. The Town Courts have heavy case loads, erratic court hours and varying local court procedures. The assignment of two Special Assistant Public Defenders (who also carry a violent felony caseload) to supervise the section enables us to provide our new attorneys with the appropriate training and orientation to the local justice court process and essential supervision so as to ensure quality representation for our clients.

² Although there are 21 Town and Villages in Monroe County with a justice court, almost all of those courts have at least two judges. The attorneys in the Town Court section must handle 49 separate courts in the 21 Towns and Villages in Monroe County.

In 2017, approximately 7,000 clients were assigned to our justice court staff of thirteen full-time attorneys. In addition, the attorneys in this section were assigned to represent more than 931 parolees who were charged with violating the conditions of their parole release. Therefore, each of the newly hired attorneys in the section was assigned to an average of approximately 610 cases. Additionally, each staff attorney in the Town Court Bureau is required to staff one 12 hour arraignment shift (8:00 a.m. to 8:00 p.m.) each week under the CAFA Program. The Town Court Section also has the added responsibility of representing individuals whose cases have been transferred to Rochester Drug Treatment Court, Monroe County Mental Health Court, the Integrated Domestic Violence Court, or Monroe County Veterans Court.

F. Superior Court Bureau

In 2017, the Superior Court Bureau (divided into the non-violent felony section and the violent felony section) was staffed with the full time equivalent of 22 attorneys, including the 1st Assistant Public Defender, the 2nd Assistant Public Defender, and three Special Assistant Public Defenders (some senior staff have reduced caseloads due to supervisory responsibilities).

The attorneys in the Bureau handled felony cases, the most serious charges against the indigent accused. The attorneys appeared in all courts, including: Supreme Court, County Court, City Court and Town/Justice Courts. The Bureau handled violent and nonviolent felony offenses.

The attorneys in this Bureau handled all aspects of the criminal process, including local court preliminary hearings, local court pleas and sentencing; superior court pleas and sentencing, hearings, motions, and trials. In addition, these attorneys

handle probation violation proceedings, parole cases (preliminary hearings, final hearings, and administrative appeals), habeas corpus proceedings, and mental health proceedings under the Criminal Procedure Law.

While our present staffing level does not permit us to provide vertical representation in all felony cases, we do provide this type of representation in violent felony offender and repeat offender cases. Vertical representation was also provided in all homicide cases and to select clients charged with other serious felonies, such as class A and B drug offenses.

This Office remains committed to providing vertical representation whenever possible since it provides the indigent accused the most effective representation possible. Our goal is to provide vertical representation to all those accused of a felony offense.

In 2017, we were assigned to approximately 4,321 felony cases. This was an increase of approximately 300 cases over 2016. The felony caseload per attorney ratio is approximately 185 new cases per attorney. That represents a current felony assignment rate that is significantly above ILS caseload maximums.

G. Family Court Bureau

The role of the Public Defender's Office in Family Court has continually grown. The State Legislature has consistently expanded the right to counsel for indigent persons involved in the Family Court process to include more cases where counsel is required.³ The State has also passed legislation requiring more court appearances in

³ The Public Defender's jurisdiction in Family Court is specifically set forth in § 262 of the Family Court Act which includes representing indigent respondents in child abuse, child neglect, permanent termination of parental rights, family offense, custody, paternity/support and support violation cases.

certain types of family court actions, which requires our family court attorneys to devote a significant amount of time to appearing in court.

In 2017 our Family Court staff was comprised of one Special Assistant Public Defender and nine Assistant Public Defenders. Each attorney is assigned to the "intake part" on a rotating basis and is responsible for handling the cases assigned to our office through completion.

In 2017, this office was assigned to represent approximately 2,511 clients and 3,254 new cases. To put this caseload into a historical perspective, in 1987, there were five attorneys in our Family Court section who were assigned to represent 865 clients. That 1987 caseload was within 10% of management guidelines which suggest that a maximum caseload of approximately 150 cases be assigned to each attorney per year. Currently our ten Family Court attorneys are each required to provide representation to significantly greater number of clients each year. Last year, each family court attorney was asked to represent over 320 cases per year.

This number is far above the recommended caseload for family court attorneys.

The goal of our office is to try and maintain the family unit whenever possible and to assist clients to negotiate the network of court-ordered services and providers thereby holding the state to its statutorily mandated obligation "to help the family with services [in order] to prevent its breakup."

H. Appeals Bureau

A person who is aggrieved by the final determination of a court has the constitutional right to at least one appeal. The Public Defender's Office is assigned by the Appellate Division or the appropriate appellate court to handle such proceedings.

The Public Defender is assigned to appeal not only cases of our clients, but also for those defendants who want to appeal, but have exhausted their funds and who, after it is determined by the Court, cannot afford to retain private attorneys for purpose of an appeal.

The preparation and argument of appeals are specialties within the field of criminal law. Proper appellate practice requires not only a strong background in law, but also strong writing skills and the ability to orally argue the law before an appellate court. The appellate attorney must first familiarize himself with what went on in the court below and then must research the law pertaining to the issues which have been discovered. The appeals attorneys argue cases before the Monroe County Court, Appellate Division (Fourth Department), Court of Appeals and the United States Supreme Court (when required).

In 2017, our authorized appeal staff consisted of the Special Assistant Public Defender in-charge of the section and six Assistant Public Defenders.

The attorneys in the Appeals Bureau of the Monroe County Public Defender are primarily responsible for representing persons appealing felony convictions, and perfecting family court appeals.

Finally, the Bureau has continued to assist in the research, analysis and presentation of trial court cases. This work is instrumental in ensuring that our attorneys are able to provide the best possible representation for our clients. This work occurs on a variety of levels. Pretrial motions and written requests for jury charge in felony cases are regularly reviewed and edited by attorneys from this Bureau. Additionally, Bureau attorneys research numerous evidentiary issues, -- sometimes

preparing memoranda or motions. Bureau attorneys have also assisted trial attorneys on collateral issues that sometimes arise.

In 2017, the seven attorneys in our Appeals Bureau closed approximately 182 cases.

I. Investigation Bureau

During 2017, the Monroe County Public Defender's Office employed five full-time investigators, one of whom is the Chief Investigator in charge of the section.

The statistics for 2017 are as follows:

INVESTIGATIVE SECTION ANNUAL STATISTICS	CRIMINAL TRIAL PARTS	FAMILY COURT/ APPEALS	TOTAL
INVESTIGATION/ INTERVIEWS	4064	647	4711
SUBPOENAS	460	356	816
LOCATE/NOTIFY	114	21	135
MISCELLANEOUS (TRANSLATIONS, PHOTOS, MEASUREMENTS, ETC.)	1043	110	1153

In 2017, more than 6,815 criminal and family court investigation requests were handled by our investigative staff. The work performed by our investigative staff is reflected in our ability to successfully resolve cases for our clients either by disposition or trial.

PART III: OFFICE RECOGNITION, COMMUNITY
INVOLVEMENT AND SUPPORT

A. The Jeffrey A. Jacobs Award

In 2010 the Office established an annual award in the memory of former Special Assistant Public Defender Jeffrey A. Jacobs. Jeff Jacobs was a truly outstanding attorney and person. His commitment to justice for the indigent was unparalleled in our community. Jeff was a fierce advocate, and was justifiably proud of his trying over 100 felony cases. Many of those cases were difficult, complex cases requiring Jeff to become familiar with novel scientific theories, and develop effective trial strategies.

Jeff was also a role model for younger assistant public defenders. He generously gave his time to assist younger attorneys on their cases and provide encouragement as they handled difficult cases. His dedication to his clients, perseverance despite the circumstances, and commitment to a fair justice system were a source of inspiration for defense attorneys throughout our community.

Jeff tragically passed away in November of 2006 after an eight month courageous battle with brain cancer.

The Jacobs Award recognizes a criminal defense attorney from the greater Monroe County area who exemplifies the above qualities, and who has performed truly outstanding trial work in the preceding year. The award winner is chosen according to the following criteria: (a) the complexity of the cases tried, which may include the effective use of experts, and/or litigating complex forensic or scientific issues; and/or (b) fearless advocacy exhibited on behalf of the client; and/ or (c) creativity demonstrated in the presentation of the defense.

In 2017 the Office continued its recognition of a local attorney who exemplified Jeff's commitment to excellent defense of the indigent with the awarding of the 2017 Jeffrey A. Jacobs Award to Special Assistant Public Defender Julie Cianca. (Attached is a Daily Record article, dated October 18, 2017 about the award.)

B. Award for Excellence in Indigent Adult Representation in Family Court

The important work of family court is too often overlooked by the legal profession. Despite dealing with complicated and often emotionally charged issues that profoundly affect families, from custody and visitation cases to termination of parental rights cases, family court is not always recognized for the quality of justice it strives to provide to its litigants.

The attorneys who represent indigent adults in family court work tirelessly to preserve one of the most important human relationships – that between parent and child. Their dedication deserves to be recognized by the legal community. To address this, the Monroe County Public Defender's Office created an award in 2014 to recognize excellence in indigent adult representation in Monroe County Family Court.

The award recognizes an attorney who practices in Monroe County Family Court and who, in the previous two years, displayed exceptional dedication to his or her indigent, adult clients, excellent advocacy skills, and superior knowledge of the law. The attorney must have represented one or more indigent adult clients in a custody/visitation, child support, abuse or neglect, or termination of parental rights case. The award is also open to appellate attorneys who represent adult, indigent appellants or respondents in New York State appellate courts and who, in the previous two years displayed exceptional dedication to his or her clients, excellent advocacy

skills, and superior knowledge of the law in an appeal from a custody/visitation, child support, abuse or neglect, or termination of parental rights case.

In 2017 the recipients of the award were Assistant Public Defender Maritza Buitrago, Assistant Conflict Defender Kathleen Reardon, and Assistant Conflict Defender Sarah Holt.

C. Service of Justice Award

A fair criminal justice system requires the dedication of individuals and organizations beyond attorneys, judges, and police agencies. There are countless organizations and professionals who work hard to promote justice in our community. These individuals and organizations are often not recognized for the important work that they do.

In 2014 the Monroe County Public Defender's Office created the Service of Justice Award in order to recognize those individuals, or organizations, that promote justice in our community. In 2017 the Office awarded recently retired Executive Director of the New York State Defenders Association Jonathan Gradess.

D. Defense Community Dinner

On October 21, 2017 the Office hosted the 8th Annual Defense Community Dinner at the Rochester Institute of Technology's University Gallery. Over 100 attorneys, judges, and family members attended and celebrated the excellent work done in our local community by our criminal defense and family law practitioners.

PART IV: THE FUTURE OF THE OFFICE

2018 will be a challenging year for the Office. The new eligibility criteria will be fully implemented which will increase caseloads even higher. As a result, there will be

increasing pressure on the Office to provide excellent representation to our clients, while maintaining costs. As such, the Office will continue its efforts at improving efficiencies in each Bureau, ever mindful that our number one priority is our clients. We are confident that given the enormously talented and committed staff at this Office we will meet those challenges.

As we look ahead to 2018, the Office plans to continue its efforts to improve our representation to our clients, improve our discourse with the community we serve, and enhance the diversity of our staff. The initiatives outlined above will continue, and we will also continue looking at how technology may improve Office operations and efficiency.

PART V: CONCLUSION

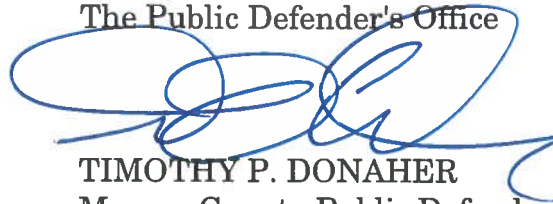
Each and every member of the Public Defender's Office is proud of the amount of work done in the past year, but each individual takes a great deal more pride in the quality of the services we provide. We continue to stress respect for the judicial process and absolute integrity in the handling of all cases assigned to this Office.

It is important to note that the success this Office has achieved is due in part to the support given to us by the Monroe County Legislature and the County Administration. Both the Legislature and the Administration take seriously the obligation of government to ensure justice for all. We would like to take this opportunity to express our thanks for that support, and we look forward to their support in the future.

In conclusion, I would like to note that this Office's excellent reputation is the result of the dedication, commitment, and talent of the attorneys and the support staff.

I am enormously proud of their efforts and the results they achieve for our clients.

Respectfully submitted for
The Public Defender's Office

A handwritten signature in blue ink, appearing to read 'T. Donaher', is written over the text 'The Public Defender's Office'.

TIMOTHY P. DONAHER
Monroe County Public Defender

COURT ACTIVITY SUMMARY 2017

NEW CLIENTS.....28,047

FELONY..... 2,801

FELONY (Drug A and B).. 378

FELONY (VFO)..... 1,122

HOMICIDE 20

MISDEMEANOR.....11,806

VIOLATION..... 3,217
(City and Justice)

PROBATION VIOLATION.... 372
(Superior)

PROBATION VIOLATION.... 667
(City and Towns)

APPEALS..... 218

FAMILY COURT..... 6,200

PAROLE..... 1,095

FUGITIVES..... 101

SORA..... 50

PLEAS AS CHARGED.....1,691

FELONY..... 385

MISDEMEANOR..... 1,054

VIOLATION..... 252

PLEAS TO LESSER

FELONIES..... 1,139

To Lesser Felony..... 169

To Misdemeanor..... 970

PLEAS TO LESSER (Con't)

MISDEMEANORS.....2,684

To Lesser Misd..... 248

To Violation..... 2,436

CLOSED CASES: [OTHER]:

A.C.D..... 2,715

PRIVATE ATTY..... 878

ASSIGNED COUNSEL..... 5,199

W/D D.A, DIS'D ON MOTION..... 4,254

TRIALS.....83

FELONY..... 42

MISDEMEANOR..... 30

VIOLATION..... 11

FINDING AFTER TRIAL*

GUILTY AS CHARGED
(or to part of indict.
when highest court)..... 27

GUILTY TO LESSER
(or to part of indict.
when lesser court)..... 13

NOT GUILTY..... 33

TRIAL ORDER OF DISMISSAL..... 6

MISTRIAL..... 0

* does not include pleas taken during
trial or cases where PD relieved before
sentencing

PUBLIC DEFENDER STAFF
(as of 1/10/18)

Administration

Donaher, T. Public Defender
Paperno, J. 1st Asst. Pub. Def.
Tronolone, T. Conf. Asst. to the Public Defender
Duerr, C. Exec. Secretary to the Public Defender
Rivera, N. Receptionist-Bilingual

Superior Court

Teifke, E. 2nd Asst. Pub. Def.
Cianca, J. Special Assistant
Doran, M. Special Assistant
Scalia, D. Special Assistant
Cook, K. Secretary
Bahr, R. Asst. Pub. Def.
Brach, K. Asst. Pub. Def.
Caputo, J. Sr. Asst. Pub. Def.
Clark, M. Sr. Asst. Pub. Def.
Griffin, J. Sr. Asst. Pub. Def.
Haselbauer, K. Sr. Asst. Pub. Def.
Higgins, K. Asst. Pub. Def.
Myers, G. Asst. Pub. Def.
Naclerio, J. Asst. Pub. Def.
Ponder, D. Asst. Pub. Def.
Rosmus, E. Sr. Asst. Pub. Def.
Roth, C. Asst. Pub. Def.
Santacroce, F. Asst. Pub. Def.
Syme, H. Asst. Pub. Def.
Tischler, S. Asst. Pub. Def.
Winward, T. Sr. Asst. Pub. Def.

Appeals

DuBrin, D. Special Assistant
DeMonte, J.C. Secretary
Davis, T. Sr. Asst. Pub. Def.
Duguay, K. Asst. Pub. Def.
Hobbs, J. Asst. Pub. Def.
Juergens, D. Asst. Pub. Def.
Monks, W. Asst. Pub. Def.
Somes, J. Sr. Asst. Pub. Def.

City Court

Bradley, J. Special Assistant
Lopez, M. Special Assistant
Fish-Krasz, J. Secretary
Graim, M. Secretary
Hagan, T. Secretary
Sands, K. Invest. Asst.
Behrndt, D. Invest. Asst.
Etshman, T. Invest. Asst.
Doran, J. Asst. Pub. Def.
Grippe, J. Asst. Pub. Def.
Hiatt, T. Asst. Pub. Def.
Infantino, M. Asst. Pub. Def.
Kelly, C. Asst. Pub. Def.
Lee, L. Asst. Pub. Def.
McCarthy, M. Asst. Pub. Def.
Meabon, P. Asst. Pub. Def.
Morris, N. Asst. Pub. Def.
Murante, A. Asst. Pub. Def.
Opalinski, K. Asst. Pub. Def.
Poray, S. Asst. Pub. Def.
Schnader, J. Asst. Pub. Def.
Taha, Y. Asst. Pub. Def.

Family Court

Fine, A. Special Assistant
Arguinzoni, A. Secretary
Hutton, A. Paralegal
Enright, C. Paralegal (Job
Share)
Blackburn, P. Paralegal (Job
Share)
Scrivens, M. Paralegal
Altman, J. Asst. Pub. Def.
Belton, O. Asst. Pub. Def.
Buitrago, M. Asst. Pub. Def.
Darby, A. Asst. Pub. Def.
Erturk, E. Asst. Pub. Def.
Lugbill, R. Asst. Pub. Def.
Sartori, S. Asst. Pub. Def.
Turner, R. Asst. Pub. Def.
Wirley, B. Asst. Pub. Def.

Justice Court

Stubbe, J. Special Assistant
Riley, E. Special Assistant
Loughridge, P. Secretary
Short, E. Secretary
Vargas, J. Invest. Asst.
Pealo, M. Invest. Asst.
Bahl, V. Asst. Pub. Def.
Cummings, B. Asst. Pub. Def.
Ejimadu, C. Asst. Pub. Def.
Harned, L. Asst. Pub. Def.
Hellwig, B. Asst. Pub. Def.
Knott, N. Asst. Pub. Def.
Larose, R. Asst. Pub. Def.
Mills-Lexvold, C. Asst. Pub. Def.
Morrison, S. Asst. Pub. Def.
Park, D. Asst. Pub. Def.
Phillips, M. Asst. Pub. Def.
Spangler, T. Asst. Pub. Def.
Spong, A. Asst. Pub. Def.
Sullivan, T. Asst. Pub. Def.
Williams, R. Asst. Pub. Def.

Investigations

DuMont T. Chief Investigator
Camacho, M. Spec. Urban Inv.
Pagan, G. Spec. Urban Inv.
Morse, L. Spec. Urban Inv.
(Vacant) Spec. Urban Inv.
(Vacant) Spec. Urban Inv.



Defense attorneys to be honored

Awards will be presented at dinner Saturday

By: Bennett Loudon | October 18, 2017

Four local defense attorneys will be honored Saturday at the 2017 Defense Community Dinner to be held at Rochester Institute of Technology.

The keynote speaker will be Jonathan E. Gradess, who retired June 30 after nearly 40 years as executive director of the New York State Defenders Association, based in Albany.

Gradess will receive the Service of Justice Award at the event.

Special Assistant Monroe County Public Defender Julie Cianca will receive the Jeff Jacobs Award, which is named for an attorney who worked in the Monroe County Public Defender's Office for more than 20 years and died of brain cancer in 2006.



Julie Cianca

Cianca was singled out for her work representing Alex Rideout, who was convicted of two counts of evidence tampering in relation to the death of his father, Craig Rideout. Alex Rideout's mother and brother were convicted of second-degree murder in the case.

The Rideout case was complicated by the international publicity and public scrutiny it garnered, Ontario County Public Defender Leanne Lapp wrote in her nominating letter for Cianca.

"But, most of all, the case presented multiple forensic issues, backed by prosecution experts, that were significant and complicated," Lapp wrote.

"Julie masterfully navigated these issues in cross examination. More importantly, she explained these intricate areas of science to the jury in a manner that was digestible to a layperson," Lapp wrote.

Cianca, who grew up in Rush, is a 1992 Albany Law School graduate who has worked in the Public Defender's Office about 20 years.

She wanted to be a lawyer since she was a teenager.

"I knew there were people who could be prosecuted and have their life stolen from them for what appeared to be a minimum amount of evidence, or that the government could kind of control the narrative on infamous crimes," she said.

"Those were the things that sort of impacted me when I was in high school, and that's what directed me that I only wanted to do criminal law," she said.

The Excellence in Indigent Adult Representation in Family Court Award will be presented to three attorneys:

- Assistant Monroe County Public Defender Maritza Buitrago
- Assistant Monroe County Conflict Defender Kathleen Reardon
- Assistant Monroe County Conflict Defender Sarah Holt



Maritza Buitrago

"Ms. Buitrago is an excellent advocate and highly-skilled attorney," Monroe County Family Court Judge Joan S. Kohout wrote in a nominating letter for Buitrago.

"She is always prepared and well-informed about the law, but perhaps even more important, she develops positive relationships with her clients," Kohout wrote.

"In particular, Ms. Buitrago provides excellent culturally-sensitive representation to Spanish-speaking parties," Kohout wrote.

Reardon was nominated by Holt, who wrote that "what she has been able to accomplish for several of our clients is exceptional."





Kathleen Reardon

In particular, she commended Reardon for her work on an appeal in a custody case where Reardon represented Holt’s client, the father. Ultimately, a settlement was negotiated and the father won shared custody.

“Absolutely none of this could have or would have happened had Kathy not zealously pursued the appeal,” Holt wrote.

“Family Court appeals is an area of the law that gets little to no recognition, but is so very important to our clients and impacts the future of the families we work with every day,”



Sarah Holt

Holt wrote in the nominating letter.

Holt will also receive the Excellence in Indigent Adult Representation in Family Court Award for her work in the case.

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