



OFFICE OF THE PUBLIC DEFENDER

ANNUAL REPORT

2015

INTRODUCTION

In 2015 the Monroe County Public Defender's Office significantly expanded the services offered to its clients, while continuing 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 remained higher than historical norms, 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. Indeed, in 2015 the Office expanded a new initiative, discussed in detail below, to expand the services provided to clients by providing counsel at first appearance in the town and village courts.

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 2015 the attorneys in the Office prevailed in 60% of the felony trials conducted by staff (a complete acquittal, top count acquittal, or trial order of dismissal granted).

In 2015 the Office continued its efforts in examining how to improve the representation we provide our clients. We also completed several initiatives began in 2014, 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 2015.

B. Expanded Counsel at First Appearance Program

In 2008 the United States Supreme Court held that the right to counsel attaches at the first appearance before a magistrate where the defendant is advised of the charges and pre-trial detention conditions are determined. (*Rothgery v. Gillespie County, Texas*, 554 US 191 [2008].) In 2010 the New York Court of Appeals, citing *Rothgery*, held that the arraignment in a “local court”, such as the town and village courts of Monroe County, was a proceeding requiring the presence of counsel if desired by the defendant. (*Hurrell-Harring et al v State of New York*, 15 NY3d 8 [2010].) Historically, counsel has not been provided to indigent defendants who were arraigned

in the town and village justice courts in New York State.

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 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 **15,000** arraignments in the local courts of Monroe County.¹ Furthermore, Monroe County is now 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).

C. Criminal Appeals *Pro Bono* Program, and the Appellate *Pro Bono* Program

In 2014 the Office created the Criminal Appeals *Pro Bono* Program, and that Program continued in 2015. The program allowed less experienced attorneys to provide *pro bono* services to indigent criminal defendants while being mentored by experienced

1 Since Feb 1, 2014, the Monroe County Public Defender’s Office appeared for the following number of arraignments in the town and village courts under the CAFA Program:

Homicides: 4

Drug offense: 74

Violent Felony Offense: 493

Non-Violent Felony Offense: 2,070

Misdemeanor: 10,836

Violation 1,323

Violation of Probation: 455

appellate practitioners in the Appeals Bureau. Participants in the program learned about appellate practice through a series of continuing legal education classes taught by local appellate practitioners, appellate judges, and staff of the Appellate Division, Fourth Department. Each participant completed a criminal appeal, and argued the appeal at the Appellate Division, Fourth Department in the first half of 2015.

In addition to direct supervision provided by their mentors, participants in the Criminal Appeals *Pro Bono* Program were required to attend a series of continuing legal education programs designed to educate them about appellate practice. The courses were taught by experienced criminal appellate practitioners, as well as appellate division judges and court staff. Each participant attended approximately six continuing legal education programs which discussed the basics of appellate practice, “issue spotting”, the rules and procedures of appellate practice, effective legal writing, effective oral advocacy and a “view from the bench”, ethics of appellate practice, and leave applications (and motions) to the Court of Appeals. The programs were exclusively for the participants in the pro bono program.

Additionally, the Appeals Bureau developed the Appellate *Pro Bono* Program by establishing *pro bono* relationships with several law firms. In 2015 the following firms handled cases for the Office: Covington & Burling LLP (NYC Office); Kellogg, Huber, Hansen, Todd, Evans & Figel, PLLC (Washington, D.C. Office); Harter Secrest & Emery LLP (Rochester Office); Harris Beach PLLC (Rochester Office); Nixon Peabody LLP (Rochester Office); Orrick, Herrington, and Suttcliffe LLP (Washington DC Office); and Phillips Lytle LLP (Buffalo and Rochester Offices) These firms are also to be commended for their commitment to *pro bono* service.

As a result of both programs, since 2014 twenty-six (26) 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 \$90,000.

D. 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 2015 (Special Assistant Public Defender Drew DuBrin, Special Assistant Public Defender Julie Cianca, 1st Assistant Public Defender Jill Paperno, Assistant Public Defender Emily Rosmus, 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 seven 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.

E. 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 2015 it was chaired by 1st Assistant Public Defender Roger Brazill (ret.). Additionally, in 2013 the Office created the new position of Training Director. Special Assistant Public Defender Andre Vitale was appointed to the new position where he oversees the development and implementation of training programs for office attorneys, as well as programs designed to improve the practice skills of attorneys in the defense community.

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 2015 the Office sponsored the following CLE programs for the attorneys in the Office, and the private defense bar:

January 9, 2015	Cross Examination Trainer
January 21, 2015	January Law & Lunch Program: Recent Developments in Criminal Law
January 30, 2015	Prosecutorial Misconduct in Closing Arguments
February 8, 2015	Impeaching with Prior Bad Acts
February 20, 2015	Impeachment/Prior Inconsistent Statements/Impeachment by Omission
March 6, 2015	DWI Basics
March 18, 2015	March Law & Lunch Program: An Overview of Ordinary & Affirmative Defenses & How to Get the Jury Charge You Want
March 20, 2015	Probable Cause/Street Stops
April 3, 2015	Aggressive Brady Practice
May 8, 2015	Jury Selection Revisited
May 16, 2015	Right to Privacy in the Digital Age
May 20, 2015	May Law & Lunch Program: Selected Appellate Division Decisions from March 2015
May 27, 2015	Challenges to the Legal Sufficiency of Local Court Accusatory Instruments
May 29, 2015	When a Client Lies
June 5, 2015	Practical Tips for Handling a Firearms Case
June 12, 2015	Examining the Firearms Examiner
July 15, 2015	July Law & Lunch Program: My Client Threatened (allegedly) a Witness—Now What?
July 17, 2015	Blinding Them With Science

July 31, 2015	New Attorney Trainer
August 7, 2015	New Attorney Trainer (part II)
August 19, 2015	August Law & Lunch Program: Y-STR DNA Testing
August 21, 2015	Fingerprints: Techniques to Block their Admission & Undermining their Persuasiveness
August 28, 2015	The Big Chill: Explaining the Process of Forensic Autopsy & How to Cross Examine the Medical Examiner
August 28, 2015	Intermediate Trial Skills Program
September 16, 2015	Hey, What Can I Say? Ethical Considerations of Defense Counsel's Responses to Allegations of Ineffectiveness
September 18, 2015	True Lies: Client Testimony & Attorney Obligations
September 21, 2015	Persuasive Legal Writing
September 24, 2015	Medical Innovations: Determination of their Constitutional Validity
October 2, 2015	Driving While Ability Impaired by Drugs: Defending Against the DRE
October 21, 2015	October Law & Lunch Program: Searches & Seizures Based Upon an Officer's Mistake of Law--The Background & Application of <i>Heien v. North Carolina</i> (US 2014) & <i>People v. Guthrie</i> (US 2015)
November 6, 2015	Client Centered Representation/Field Sobriety Testing
December 4, 2015	Likelihood Ratio & DNA Evidence
December 18, 2015	New Attorney Trainer

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 2015 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.

In addition to continuing legal education programs, in 2014 the Office developed several new programs designed to provide legal skills and trial training to both new and experienced attorneys within the Office. We developed a training regimen geared towards providing legal instruction, skills training, and education on client-centered

representation to new lawyers starting their careers as assistant public defenders. This first of its kind New Attorney Training Program, centers on a three phase regimen. The first is the New Attorney Orientation lasting several days. It is given to attorneys when they start their careers with the Office and provides basic instruction in courtroom skills, legal knowledge, and the importance of client-centered representation. After several months, these attorneys go through a Three Day Intermediate program, with a focus on more advanced legal and skills training. The New Attorney program culminates after they have been with the Office for approximately one year, when they go through a Five Day Trial Trainer, which allows new lawyers to develop a Theory of Defense for a simulated case problem, as well as receive both instruction on and the opportunity to practice new skills in each phase of a criminal trial. 2014 marked the first Five Day Trial Program and saw the first group of new town court attorneys complete the New Attorney Training Program through all three phases. In the months between each phase, the attorneys receive legal instruction and skills training in shorter programs every few weeks.

All the training programs the Office conducted included experienced presenters both from the Monroe County and Federal Public Defender's Offices, as well a private lawyers from Rochester, Syracuse, and Buffalo. Attendees were exposed to a wide array of talent from a number of different areas. Every training program also followed a new format. Instead of only offering attendees straight lectures, attendees were provided both legal instruction as well as the opportunity to break into small groups so each lawyer in attendance could practice the new skills they learned in a mock trial setting. In addition, the Office introduced joint trainers in which forensic experts

presented alongside experienced lawyers, so that attendees not only received instruction in the particular forensic discipline but also into how to apply that knowledge in the defense of their clients. The Office had great success this year in the development of new, effective, and inspiring training programs. Programs which will not only benefit the Office in terms of the development and enhancement legal skills of its own lawyers but also in raising the level of indigent defense around the area.

F. Western New York Advanced Trial Skills Program

In 2015 the Office continued the Western New York Advanced Trial Skills Program (WNYATSP) which was offered to lawyers with more experience (senior City Court and NVFO attorneys) as well as indigent defense lawyers from the 5th, 7th and 8th Judicial Districts (western New York). The WNYATSP included a series of three-day programs. The first focused on developing a “Theme and Theory of Defense”. The program provided attorneys in attendance, advanced training on the importance of and skills involved in developing a strong theory of defense as well as how to start to work the defense theory through all phases of a trial. The second and third programs were more focused on the skills and forensic training needed to properly defend particular types of cases (drug charges, sex offenses, violent felony offenses, and murder). Twenty attorneys from indigent defense programs in western New York participated in the program and provided very positive reviews.

G. Internship Committee and Program

In 2015 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 2015 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 2015 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.

Senior Assistant Public Defender Sonya Zoghlin, with the assistance of Senior Assistant Public Defender Don Scalia, took over the responsibilities of placing law students as interns/ externs in the Public Defender's Office. Law students who are interested in criminal defense volunteer their time learning about the criminal justice system, and gain valuable experience in criminal law, and trial practice. Additionally, they assist staff attorneys in the preparation of motions, briefs, memorandums of law, and research.

In addition to the internship programs offered to local college students throughout the year, in 2015 the Office continued the program to include select high school students. Kelly Sands, our internship coordinator, works very hard to provide our interns a challenging, positive experience as they work in the criminal justice community. Ms. Sands works with Ms. Zoghlin to place interns with our paralegal bureau, our investigators sections, or individual staff attorneys.

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, the Rochester City School District, and the BOCES 2 "New Visions Justice Professions" Program.

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 2014, our staff included 70 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 2015 the Office conducted 124 trials (felony or misdemeanor/violation) to completion. Of those, we obtained favorable dispositions (Complete Acquittals, Top Count Acquittals and Trial Orders of Dismissal) in 83 cases (or 67% of the time).** In only 29 of the trials was a client convicted as charged.

C. 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. The City Court Section also has the added responsibility of representing individuals who were charged with violations of their parole, and 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.

In 2015, all of these responsibilities were carried out by a total of sixteen 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 2015, this Office was called upon to represent clients in approximately 10,000 cases in the City Court of Rochester. That means, on average, each Assistant Public Defender would have been assigned to approximately 625 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 National Legal Aid and Defender's Association.

D. Town Court Bureau

The office is required to represent persons accused of crimes in the various town and villages throughout the County. In 2015 the Office increased the staffing in this Bureau to assist in the implementation of the Counsel at First Appearance Program (discussed above). There are thirteen 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.

In 2014, approximately 5000 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 806 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 445 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.

E. Superior Court Bureau

In 2015, the Superior Court Bureau (divided into the non-violent felony section and the violent felony section) was staffed with the full time equivalent of 19 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

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.

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 2015, we were assigned to approximately 4,024 felony cases. The felony caseload per attorney ratio is approximately 200 new cases per attorney. That represents a current felony assignment rate which is above national standards for caseload maximums.

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

In 2015 our Family Court staff was comprised of one Special Assistant Public Defender and eight Assistant Public Defenders (with the addition of a new family court judge in Monroe County in January of 2016, there will be an additional staff attorney assigned to this Bureau in 2016). 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 2015, this office was assigned to represent approximately 2,500 new clients. 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 nine 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 275 clients per year.

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.

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."

G. 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 2015, 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 which sometimes arise.

In 2015, the seven attorneys in our Appeals Bureau closed approximately 169 cases.

H. Investigation Bureau

During 2015, 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 2014 are as follows:

INVESTIGATIVE SECTION ANNUAL STATISTICS	CRIMINAL TRIAL PARTS	FAMILY COURT/ APPEALS	TOTAL
INVESTIGATION/ INTERVIEWS	3920	546	4466

SUBPOENAS	479	243	722
LOCATE/NOTIFY	101	17	118
MISCELLANEOUS (TRANSLATIONS, PHOTOS, ETC.)	515	95	610

In 2015 more than 5,900 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 2015 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 2015 Jeffrey A. Jacobs Award to James Hinman and Dan Aureli.

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 2015 the recipient of the award was Mary Beth Feindt.

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 2015 the Office awarded recently retired 1st Assistant Public Defender Roger Brazill with the Service of Justice Award.

D. Defense Community Dinner

On November 7th, 2015 the Office hosted the 6th 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.

The Office was honored to have as the keynote speaker Professor John Blume from Cornell Law School. Prof. Blume is the Samuel F. Leibowitz Professor of Trial Techniques; Director of Clinical, Advocacy and Skills Programs; and Director of the Cornell Death Penalty Project.

After graduating from Law School, Prof. Blume clerked for the Hon. Thomas A. Clark on the U.S. Court of Appeals for the Eleventh Circuit. Following several years in private practice, he became the Executive Director of the South Carolina Death Penalty Resource Center, a position which he held until joining the Cornell Law School faculty.

Professor Blume is a co-author (with Rick Lempert, Sam Gross, James Liebman, Steve Landsman and Fred Lederer) of *A MODERN APPROACH TO EVIDENCE*, the co-author (with Keir Weyble) of the *FEDERAL HABEAS CORPUS UPDATE*, and the co-editor (with Jordan Steiker) of *DEATH PENALTY STORIES*. He has also published numerous book chapters and law review articles in the fields of capital punishment, habeas corpus, criminal procedure and evidence.

Professor Blume has argued eight cases in the Supreme Court of the United States, and has been co-counsel or amicus curiae counsel in numerous other Supreme Court cases. Prof. Blume has litigated more than fifty capital cases at trial, on direct

appeal and in state and federal post-conviction proceedings

In addition to Professor Smith's keynote address, the highlight of the evening was the awarding of the 2015 Jeffrey A. Jacobs Award, the 2015 Award for Excellence in Indigent Adult Representation in Family Court, and the 2015 Service of Justice Award.

PART IV: THE FUTURE OF THE OFFICE

2016 will be a challenging year for the Office. It is anticipated that caseloads will remain at their very high levels, and that 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 2016, 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

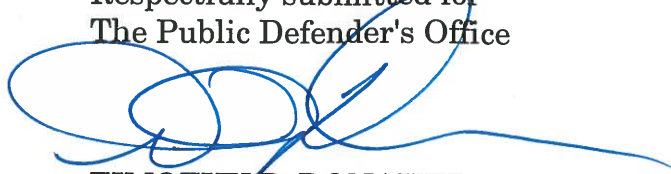
Each and every member of the Public Defender's Office is proud of the amount of work done in the past year, but each individual takes a great deal more pride in the quality of the services we provide. We continue to stress respect for the judicial process and absolute integrity in the handling of all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



TIMOTHY P. DONAHER
Monroe County Public Defender

COURT ACTIVITY SUMMARY 2015

NEW CLIENTS.....27,989

FELONY..... 2,471
 FELONY (Drug A and B).. 372
 FELONY (VFO)..... 1,146
 HOMICIDE35
 MISDEMEANOR.....11,817
 VIOLATION..... 3,567
 (City and Justice)
 PROBATION VIOLATION.... 382
 (Superior)
 PROBATION VIOLATION.... 701
 (City and Towns)
 APPEALS..... 228
 FAMILY COURT..... 6,190
 PAROLE..... 936
 FUGITIVES..... 68
 SORA..... 76

PLEAS AS CHARGED.....1,919

FELONY..... 446
 MISDEMEANOR..... 1,187
 VIOLATION..... 286

PLEAS TO LESSER

FELONIES..... 886
 To Lesser Felony..... 136
 To Misdemeanor..... 750

PLEAS TO LESSER (Con't)

MISDEMEANORS.....2,784
 To Lesser Misd..... 344
 To Violation..... 2,440

CLOSED CASES: [OTHER]:

A.C.D..... 2,812
 PRIVATE ATTY..... 967
 ASSIGNED COUNSEL..... 5,255
 W/D D.A, DIS'D ON MOTION..... 4,550

TRIALS.....124

FELONY..... 56
 MISDEMEANOR.....40
 VIOLATION..... 28

FINDING AFTER TRIAL*

GUILTY AS CHARGED
 (or to part of indict.
 when highest court)..... 29
 GUILTY TO LESSER
 (or to part of indict.
 when lesser court)..... 22
 NOT GUILTY..... 48
 TRIAL ORDER OF DISMISSAL..... 13
 MISTRIAL..... 3

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

PUBLIC DEFENDER STAFF
(as of 1/6/16)

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
Arguinzoni, A. Receptionist-Bilingual
Rivera, N. Receptionist-Bilingual

Superior Court

Appeals

Teifke, E.	2 nd Asst. Pub. Def.	DuBrin, D.	Special Assistant
Doran, M.	Special Assistant	Fish-Krasz.	Secretary
Lopez, M.	Special Assistant	DeMonte, J.C.	Secretary
Vitale, A.	Special Assistant	Duguay, K.	Asst. Pub. Def.
Cook, K.	Secretary	Eckert, J.	Sr. Asst. Pub. Def.
Bahr, R.	Asst. Pub. Def.	Hobbs, J.	Asst. Pub. Def.
Brach, K.	Asst. Pub. Def.	Juergens, D.	Asst. Pub. Def.
Caputo, J.	Asst. Pub. Def.	Somes, J.	Sr. Asst. Pub. Def.
Clark, M.	Sr. Asst. Pub. Def.	Yoon, J.	Asst. Pub. Def.
Griffin, J.	Sr. Asst. Pub. Def.		
Haselbauer, K.	Asst. Pub. Def.		
Morgan, J.	Asst. Pub. Def.		
Myers, G.	Asst. Pub. Def.		
Rosmus, E.	Asst. Pub. Def.		
Scalia, D.	Sr. Asst. Pub. Def.		
Stare, S.	Asst. Pub. Def.		
VanHooft, B.	Sr. Asst. Pub. Def.		
Winward, T.	Sr. Asst. Pub. Def.		
Zoghlin, S.	Sr. Asst. Pub. Def.		

City Court

Bradley, J. Special Assistant
Stubbe, J. Special Assistant
Morley, L. Secretary
Loughridge, P. Secretary
Graim, M. Secretary
Sands, K. Invest. Asst.
Behrndt, D. Invest. Asst.
Grippe, J. Asst. Pub. Def.
Gunther, N. Asst. Pub. Def.
Harned, L. Asst. Pub. Def.
Hiatt, T. Asst. Pub. Def.
Higgins, K. Asst. Pub. Def.
Infantino, M. Asst. Pub. Def.
Murante, A. Asst. Pub. Def.
Naclerio, J. Asst. Pub. Def.
Oplainski, K. Asst. Pub. Def.
Ponder, D. Asst. Pub. Def.
Poray, S. Asst. Pub. Def.
Roth, C. Asst. Pub. Def.
Sanger, E. Asst. Pub. Def.
Santacroce, F. Asst. Pub. Def.
Seppeler, C. Asst. Pub. Def.
Schnader, J. Asst. Pub. Def.
Syme, H. Asst. Pub. Def.

Justice Court

Cianca, J. Special Assistant
Riley, E. Special Assistant
Lamb, P. Secretary
Vargas, J. Invest. Asst.
Claiborne, K. Invest. Asst.
Bennett, J. Asst. Pub. Def.
Doran, J. Asst. Pub. Def.
Faraco, A. Asst. Pub. Def.
Harris, N. Asst. Pub. Def.
Kelly, C. Asst. Pub. Def.
Lee, L. Asst. Pub. Def.
McCarthy, M. Asst. Pub. Def.
Meabon, P. Asst. Pub. Def.
Spangler, T. Asst. Pub. Def.
Spong, A. Asst. Pub. Def.
(Vacant) Asst. Pub. Def.
(Vacant)

Family Court

Fine, A. Special Assistant
Despaw, L. Secretary
Hutton, A. Paralegal
Enright, C. Paralegal (Job
Share)
Etshman, T. Paralegal (Job
Share)
Scrivens, M. Paralegal
Altman, J. Asst. Pub. Def.
Buitrago, M. Asst. Pub. Def.
Davis, T. Asst. Pub. Def.
Lugbill, R. Asst. Pub. Def.
Belton, O. Asst. Pub. Def.
(Vacant) Asst. Pub. Def.
(Vacant) Asst. Pub. Def.
Sartori, S. Asst. Pub. Def.
Wirley, B. Asst. Pub. Def.

Investigations

DuMont T. Chief Investigator
Camacho, M. Spec. Urban Inv.
Johnson, J. Spec. Urban Inv.
Pagan, G. Spec. Urban Inv.
Morse, L. Spec. Urban Inv.