



OFFICE OF THE PUBLIC DEFENDER

ANNUAL REPORT

2021

INTRODUCTION¹

In 2021 the Monroe County Public Defender's Office ("the Office") continued its efforts to examine and implement ways of improving the representation we provide our clients. As was done by Timothy Donaher, the prior Public Defender, the following report is divided into three parts: In Part I of this Report, the Office's achievements in efforts to improve client representation, increase contact with the community that we serve, continue our efforts to recruit highly qualified attorneys to be assistant public defenders, and increase office diversity, will be discussed. In Part II of this Report, the Office, its staffing, and caseloads are outlined. Part III will discuss plans for the Office. But before addressing these matters, a significant change must be noted.

Last year, the Monroe County Public Defender's Office Annual Report recognized the challenges of pursuing and achieving the Office's mission of providing high quality representation to its clients in the face of the COVID-19 pandemic. This year, while continuing to face and successfully overcome that challenge, we wish to acknowledge another challenge we must overcome as we begin 2022. Timothy Donaher, the Monroe County Public Defender, announced his departure from the Office effective December 31, 2021.

THE ACHIEVEMENTS OF MR. DONAHER

This report would be incomplete without a recognition of the remarkable

¹ The following report was prepared by acting Public Defender Jill Paperno, who has incorporated Public Defender Timothy Donaher's sections reflecting history, structure of the office and other matters when noted within the report.

work Mr. Donaher did as Public Defender. Mr. Donaher's extensive achievements cannot be adequately summarized in this annual report, but a few that reflect his commitment to the improvement of legal services to the Office's clients and indigent and Family Court clients across the state include the following:

- His ongoing efforts to expand the Office's representation of Family Court clients, culminating in the recent award of a grant enabling the Family Court Bureau of the Office to provide new and innovative services to clients;
- Obtaining accreditation for the Office to become a provider of continuing legal education for attorneys;
- Planning, developing and implementing the expansion of the Monroe County Public Defender's Office in compliance with and assistance from the New York State Office of Indigent Legal Services (ILS);
- Leading and encouraging office staff to teach hundreds of continuing legal education programs to thousands of attorneys over the years to enhance the practice by office staff and other attorneys throughout the community and across the state;
- Training attorneys across the state in new legislation, such as the laws relating to bail and discovery reform;
- Development of a contract attorney program to reduce the delay in perfecting appeals;
- Creation of an organization of directors and leaders of criminal defense and Family Court institutional providers across the state, the Chief Defenders Association of New York, which enhanced and continues to enhance the practice of providers, and advocates for policies that advanced clients' rights.

With creativity and innovation, Mr. Donaher pursued excellence in service to the clients of the Office. As a highly respected leader in the field of indigent defense and Family Court practice, he contributed to organizations and policy development across the state. He will be missed by staff and those with whom he worked in the many organizations he helped. We wish him the best as he moves on to the next stage of his career.

PART I: OFFICE ACHIEVEMENTS

A. Introduction

The strength of this Office is rooted 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 2021.

B. Innovation in representation – new approaches

1. Holistic Representation

Although 2021 saw periods in which courts were shut down, and representation at times occurred through online court sessions, the Office continued to look to the future. Through the *Hurrell-Harring*² funding by the NYS Office of Indigent Legal Services combined with the Monroe County budget, the Monroe County Public Defender's Office has taken significant steps towards the implementation of holistic representation. Holistic defense³ is a method of

² In 2019 Monroe County received a \$38,233,512 five-year grant to improve indigent defense. This funding was provided pursuant to New York State legislation passed in 2017 requiring the Office of Indigent Legal Services to assess each county's indigent, criminal legal services needs in three areas: (1) caseload reduction to comply with new caseloads caps; (2) providing counsel at first appearance; and (3) improving the quality of indigent defense. This legislation was the result of a class action settlement colloquially known as "*Hurrell-Harring*". Statewide it is anticipated that the cost of these improvements will be approximately \$250 million by 2023. Each year since the 2018-2019 NYS fiscal year, it is anticipated that the New York State Legislature will appropriate increasing funds to reimburse the counties for these expenses. \$50 million was appropriated in FY 2018-2019, \$100 million was appropriated in NYS FY 2019-2020; and \$150 million was appropriated in NYS FY 2020-2021. It is anticipated that \$200 million will be appropriated in NYS FY 2021-2022, and \$250 million in NYS FY 2022-2023. Over the five year period, it is anticipated that Monroe County will receive \$2,548,900 in FY 2018-2019; \$5,097,801 in FY 2019-2020; \$7,646,702 in FY 2020-2021; \$10,195,603 in FY 2021-2022; and \$12,744,504 in FY 2022-2023. This funding will be allocated to the Public Defender's Office, the Mon. Co. Conflict Defender's Office, and the Monroe County Assigned Counsel Plan to improve indigent criminal defense. The Legislature accepted this grant on August 13, 2019.

³ Holistic defense is further described in the Harvard Law Review article linked here: <https://harvardlawreview.org/2019/01/the-effects-of-holistic-defense-on-criminal-justice-outcomes/>

representing clients which seeks to provide assistance to clients based on their individual needs, in an effort to prevent or reduce incarceration and ensure linkage to resources, providing a greater likelihood of future success. Less incarceration means less disruption for families, and greater continuity in employment and education for those facing charges. Of course, from a financial perspective, reduction in jail days results in cost savings to the County.

According to a Harvard Law Review article⁴ analyzing holistic defense, holistic defense dramatically decreased the likelihood of a custodial sentence and sentence length, without increasing the likelihood of future criminal justice system contacts. The goal of holistic defense is to reduce mass incarceration and addresses the myriad issues that indigent clients encounter. The model of holistic defense followed by many offices seeking to employ this multidisciplinary approach to representation can be found on the Bronx Defenders website, here:

<https://www.bronxdefenders.org/holistic-defense/>

2. Monroe County Model Parental Representation Bureau Grant

In keeping with the model of holistic and innovative representation, in July, 2021 the Office was awarded a three (3) year grant from the Office of Indigent Legal Services (ILS) for \$2,610,417 to create the Family Defense Bureau to represent parents in child welfare proceedings using a client-centered and interdisciplinary representation model. This competitive grant, titled the “Monroe County Model Representation Bureau” grant, was approved by the Monroe County Legislature

⁴ <https://harvardlawreview.org/2019/01/the-effects-of-holistic-defense-on-criminal-justice-outcomes/>

through Resolution 512 of 2021 on December 14, 2021. As only the second such program outside New York City, this grant will enable the Office to engage in innovative, preventative and impactful services to clients that will promote family preservation and reduce racial disproportionality in the child welfare system.

As the grant notes, “Using a holistic approach, Bureau staff (four attorneys, one senior social worker, three social workers, one parent advocate, and one paralegal) will assess the legal, financial, and social determinants of health needs of each client and their family members, including the needs of the subject children, to develop a strategy that will maximize the likelihood the client’s children are not removed, or if removal cannot be avoided, that the children are reunified with the parent at the earliest possible time. Following the Cornerstone Advocacy model of the Center for Family Representation (CFR), each client will be assisted by a staff attorney, social worker and as needed, a parent advocate who will work together to assess the client's needs and develop a plan to achieve the client’s goal to maintain the integrity of his or her family, and to ensure safety and stability for the children for the long term. The attorneys, social workers, and parent advocate will be part of a collaborative team representing each client.”

The new supervising attorney in charge of the unit will be Special Assistant Public Defender Robert Turner. The Office wishes to take this opportunity to express appreciation to each organization and individual that supported the grant application.

3. Social Workers for Criminal Cases

Again, in keeping with the effort to adopt a more holistic defense model, this year, the Office, under the leadership of Special Assistant Public Defender Elizabeth Riley and Project Manager Michael Molinari, began to hire staff to fill the Office's first ever social work positions. In 2021 the funding permitted the hiring of three social workers to assist attorneys handling criminal cases. This number will expand to four in 2022. These social workers will be partnered with staff attorneys to assess clients' needs and link clients to services, ultimately reducing the problems and obstacles faced by clients, both to attain better results and to improve the likelihood of success during and after the resolution of cases. The Model Parental Representation Bureau grant also provides for caseworkers as well as a parent advocate, an individual who has experienced the Family Court system as a party within the system, who can understand, empathize, and guide clients through the system.

4. Sentencing Advocates for Criminal Cases

In addition to the first social work staff, 2021 also saw the hiring of the Office's first sentencing advocates and trial advocates, with a continuation of hiring into 2022. Elizabeth Riley and Michael Molinari are leading the development of this program as well.

The work of sentencing advocates is described on the website of the National Alliance of Sentencing Advocates and Mitigation Specialists as follows:

Sentencing advocates explore the histories of criminal defendants to create individualized sentencing plans. Their proposals often focus on substance abuse and mental health treatment, victim restitution, community supervision, avoidance of future misconduct, and appropriate and constructive

consequences. This approach allows courts to sentence people to community-based programs that address their needs, while reserving expensive prison and jail space only for those who threaten the safety of the community.

<https://www.nlada.org/NASAMS>

The sentencing advocacy work is in its beginning stages in the Office. We look forward to exploring this new opportunity in criminal defense in the coming year.

5. Trial Assistants

While sentencing advocates focus on the result of a plea or trial, trial assistants assist in the preparation of a case for hearings and trials. In 2020, the Office hired two trial assistants. Although there were fewer trials due to COVID, trial assistants worked with attorneys in gathering information to assist in plea negotiations, hearings and trials. They assisted in FOIL requests, preparation of subpoenas, and review of documents. They helped to transcribe communication obtained on body-worn camera and interrogation videos. Their work freed up attorney time that had previously been spent on these tasks, so that attorneys could spend more time on attorney/client communications, negotiations, research, writing and hearing and trial preparation.

6. A Focus on Re-Entry

Two staff attorneys, Jason Hoge and Jacquelyn Grippe, partnered with the Judicial Process Commission, a local community organization, on assisting current and past clients and community members in their efforts to seal old cases eligible for sealing under Criminal Procedure Law 160.59. Ms. Grippe and Mr. Hoge also taught two programs, one for attorneys and one for community members, on re-entry issues, educating community members about, among other things, applying for jobs with

criminal records, and opportunities to have prior eligible offenses removed from their criminal records, enabling more people to seek employment and opportunities without being hampered by such convictions. The Monroe County Public Defender's Office is also continuing and formalizing its partnership with the Judicial Process Commission to assist in sealing records of community members in the coming year.

C. Continuation of Initiatives from 2020

1. Educating the Legal and Monroe County Communities on New Legislation

As noted last year, during 2020 the Office developed methods for educating attorneys and community members on the criminal justice reforms passed in January of that year. 2021 saw the passage of the Driver's License Suspension and Reform Act. This change in the law has had, and will have, a tremendous impact on many in our community. Staff, led by Assistant Public Defender Faiza Chappell and Special Assistant Public Defender Danielle Ponder, once again developed training both for attorneys throughout the state and for community members in Monroe County.

The "Less is More" parole reform package also passed this year. Among other effects, this package limited consequences for parolees who are accused of technical violations⁵. With the passage of "Less is More," the staff created additional programming to educate the community on changes in parole procedures and sentencing. Special Assistant Public Defender Jon Griffin led community

⁵ The prior parole regulations had a disparate impact on Black and Brown people. In urging legislative change, the Less Is More advocacy organization noted that "Black and Latinx people are incarcerated for technical violations of parole at higher rates than white people. For instance, at Rikers, Black people are incarcerated for technical violations of parole at 12 times the rate of whites. In State prisons, Black people are incarcerated for technical violations at 5 times the rates of whites." https://www.lessismoreny.org/limny_covid19

conversations and Continuing Legal Education on this topic.

Perhaps the biggest change in the law in the past year was the Marijuana Regulation and Taxation Act. This law legalized possession of smaller amounts of marijuana, permitted sealing of certain prior convictions and reductions of others, eliminated the right of law enforcement to stop individuals and search them based solely on the odor of marijuana (with certain exceptions), and provided other relief for those facing punitive consequences based on possession or use of marijuana. Special Assistant Public Defenders Michael Doran and Jon Griffin and Assistant Public Defender Andrew Spong taught attorneys within the community and community members about how the law could benefit them. The Office successfully filed several motions under the new statute to remove or reduce criminal convictions that were not subject to automatic sealing under the statute.

2. Diversity, Equity and Inclusion

Special Assistant Public Defender Danielle Ponder, the Diversity, Equity and Inclusion Officer for the Monroe County Public Defender's Office, continued to focus on diversity in hiring, training of staff, and bringing greater awareness of the issues that we must address if we truly seek to become an antiracist organization.

The Office, under Ms. Ponder's guidance, continued to engage in recruitment of diverse candidates. Ms. Ponder continued to chair the Hiring Committee. The Committee consisted of the following members in 2021: Special Assistant Public Defender Drew DuBrin, Special Assistant Public Defender Josh Stubbe, then-First Assistant Public Defender Jill Paperno, Assistant Public Defender Katherine

Higgins, Assistant Public Defender Natalie-Ann Knott, and Assistant Public Defender David Park. The Committee screens all applicants for open attorney positions, conducts all initial interviews with prospective applicants, and recommends to the Public Defender the top three applicants for each open position in the criminal court bureaus. As noted above, their efforts assisted in diversifying the Office staff. Despite the pandemic, and through the use of remote technology for interviews, the hiring committee continued its work in 2021. The ubiquitous use of remote technology enabled the Committee to interview candidates from both across the region and across the country. An additional eleven diverse staff members were hired in 2021, including six attorneys and one law graduate.

Ms. Ponder also began developing and training staff on a Diversity Action Plan. As the County has begun to pursue Diversity Action planning, Ms. Ponder's work with the Office has given us a head start. We intend to continue the work she began. Ms. Ponder's numerous recommendations included in her Diversity Action Plan include:

- Providing training to all hiring committee members on debiasing the hiring process. All new hires should go through a hiring process with two or more staff members.
- Public Defender creating standing meeting with each department and implementing annual full staff meetings.
- Each Bureau supervisor meeting with staff and assigned support staff every other month.
- Creating a Budget Committee that would include the First and Second Assistant which would review the budget and set budgetary priority utilizing a racial justice lens.
- Internal announcements for all open or newly created positions
- Implementing an annual staff survey which includes a separate survey specifically for support staff.
- Hiring a full time training director, to provide training and support to

- attorney and legal assistant position.
- Providing training for leadership team on gender dynamics within the work place.
- Providing bi-annual mandatory training for all staff on DEI.
- Seeking opportunities and securing a budget for outside training and professional development.
- Creating explicit policies prohibiting discrimination, microaggressions, and harassment of People of Color as well as a grievance process to address issues raised regarding racial or other equity-related barriers for opportunity occurring in the workplace.
- Instituting complete quarterly pulse surveys.

Each year, the Office has had summer interns from local high schools, colleges and/or law schools. Frequently, law school interns develop an interest in joining the Office once they graduate. Thus, increasing diversity of the summer interns increases the likelihood of greater diversity in future staffing. Additionally, those who have worked here as interns are also more familiar with the position and region, making it more likely that they will remain.

This past year, Ms. Ponder sought to enhance the diversity of our internship program and formalize its structure. As a result, in 2021 the Office had a diverse intern group with 50% of our interns being students of color. Students practiced in court under a practice order, attended weekly lectures on legal topics, and attended community events where they provided “Know Your Rights” cards to the community.

Unfortunately for the Monroe County Public Defender’s Office, but fortunately for Ms. Ponder and music lovers around the world, Ms. Ponder left the Office at the end of December 2021 to pursue new and promising opportunities. The Office is now in the process of interviewing applicants for the Diversity, Equity and Inclusion Officer.

As Mr. Donaher expressed last year, the Public Defender's Office greatly appreciates both the Administration and the Monroe County Legislature for its support in our efforts to enhance office diversity. He stated then, and it bears repeating, "The creation of the Office's Special Assistant Public Defender- Diversity, Equity and Inclusion Officer by the Administration and its approval by the Legislature was vital to the initiatives we implemented this year. Furthermore, the Administration's assistance in creating the assistant public defender, grade III position was also an important part of our efforts. I am regularly asked by members of the County Legislature, as well as staff of the Administration, how they can assist in our efforts to enhance diversity. The commitment of the Administration and County Legislature to assisting our Office in these efforts is very much appreciated."

3. Community Engagement

In 2021, the Office continued its efforts to engage with and educate the community. This occurred through presence at community events such as Juneteenth, when interns passed out "Know Your Rights" cards at a Martin Luther King Commission's event, presentations and updates on Facebook, and workshops and presentations on such matters as sealing prior convictions.

The presentations offered by the Office via its Facebook page in 2021 were the following:

- January 28, 2021 – Know Your Rights When Stopped by the Police
- February 18, 2021 – Black Lawyers Matter (A program for Black students or others considering entering the legal field)
- March 31, 2021 – Know Your Rights – Applying for Work with a Criminal Record
- July 14, 2021 – What You Need to Know About the Driver's License

Suspension Reform Act

On February 17, 2021 the Office engaged in a virtual lobbying day, providing information and links to community members in support of the “Less is More” legislation. On March 1 the Office sought support for a bill that would bar pepper spraying of children by law enforcement.

4. Continuing Legal Education (CLE) and 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.

The Monroe County Public Defender's Office is an accredited CLE provider. In 2021, the Office expanded its accreditation to include virtual webconference programming. The Office strives to provide staff attorneys and attorneys in the legal community high-quality CLE programs at no cost. In 2021, as discussed below, the Office provided 39 Continuing Legal Education programs for staff attorneys and attorneys in the legal community.

Basic Litigation Skills Training

This year, in accordance with one of Ms. Ponder’s recommendations, then First Assistant (now Acting Public Defender and the author of this report) Jill Paperno was appointed Training Director. Because COVID has limited the numbers of trials and hearings conducted by staff attorneys, and to enhance staff skills, the first goal was to develop a courtroom and trial skills program for local court staff – attorneys

practicing in Rochester City Court and the town and village courts throughout Monroe County. Ms. Paperno, in partnership with Second Assistant Public Defender Erik Teifke, developed the “Basic Litigation Skills” program. The sixteen-week program used a case designed by Ms. Paperno and Mr. Teifke. Each module was two weeks. Participants attended a two hour lecture covering one or more topics, and then participated in small break-out groups engaging in exercises which simulated such experiences as arraignment, argument of motions, jury selection, direct examination, cross-examination, opening statements and closing arguments. Lectures were recorded so that if a participant had court obligations, they could review the recording at another time. Coaching staff, made up of senior, experienced staff, ran four skills sessions each module, sometimes acting as judges or prosecutors during the exercises, providing feedback to each participant after each exercise.

Coaches for this program were First Assistant Public Defender Jill Paperno, Second Assistant Public Defender Erik Teifke, Senior Assistant Public Defender Robert Bahr, Special Assistant Public Defender John Bradley, Senior Assistant Public Defender Jean Caputo, Special Assistant Public Defender Julie Cianca, Senior Assistant Public Defender Matthew Clark, Special Assistant Public Defender Michael Doran, Special Assistant Public Defender Karine Haselbauer, Special Assistant Public Defender Elizabeth Riley, Senior Assistant Public Defender Dianne Russell and Special Assistant Public Defender Joshua Stubbe. Their participation was greatly appreciated. The program also would not have been successful without their thoughtful and extensive participation. The program also could not have

occurred without the planning, coordination and troubleshooting of Jamie Anthony, Executive Secretary to the Public Defender. The program is scheduled to begin again in March of 2022. Members of the Conflict Defender's Office have been invited to participate.

Non-Violent Felony Training Series

During the time that attorneys were working from home, Second Assistant Public Defender Erik Teifke developed and ran a program for attorneys in the Non-Violent felony bureau. This program included advanced training on trial skills and substantive topics. Attorneys received 17 hours of training.

CLE Programming

In addition to the staff training programs described above, the Office continued its development and presentation of CLE programs to attorneys in the Office, the community, and across the state. In 2021, the Office sponsored 39 programs for the attorneys in the Office, and the private defense bar. Hundreds of attorneys from upstate New York attended the Office's CLE programs. All of the programs were **provided at no cost to the attendees.**

The programs offered in 2021 were:

Huntley Hearings in the Digital Age
Getting the Max Value Out of the Initial Client Interview
Safe Zone Training
Reducing One Aspect of the Pernicious Impact of Recordings of Interrogations: Police Statements of Opinions and Lies
Reentry for Public Defenders – A Holistic Style of Representation
Digital Evidence File Types in Criminal Cases
Cross-Examination with Prior Inconsistent Statements
Something Old, Something New – Admitting and Objecting to Social Media Evidence (March and April)
What Defenders Need to Know About their Clients in Prison

New York's Marihuana Regulation and Taxation Act 3.0
Whose Witness Is It Anyway?
Hemphill 2
Nuts and Bolts of Mitigation Investigation
The Mystery of Family Court (June and October)
Title IV-E
Bail Update (September and October)
CPL 30.30 Basics
Discovery 2021
Ins and Outs of Rochester Human Trafficking Intervention Court
Trying a Firearms Case
Immigration Issues in Criminal Proceedings
Police Street Encounters – The Basics
Litigating Suppression*
Evidentiary Issues in Hearings and Trials*
Youth Part for Dummies
Who's the Boss? (February, April, June, October)

**These CLE's were each a full day CLE offered to staff and presented by Annie Costanzo and Tom Klein, Bureau Chiefs of the Homicide Practice Group of the Bronx Defenders.*

Attorneys in the Office are often asked to present at various CLE programs throughout New York State. In 2021, Office attorneys presented at CLEs sponsored by the Chief Defenders Association of New York, the Greater Rochester Association for Women Attorneys, the New York State Defenders Association, the Monroe County Bar Association, and the New York State Association of Criminal Defense Lawyers. It is a tribute to the knowledge and skills of staff that they are so highly sought after as speakers.

Because of the work of 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.⁶

⁶ As a result of the numerous high-quality CLE programs presented by the Office over the last several years, the Office was awarded the Monroe County Bar Association's Raymond J. Pauley Award in 2016. The Pauley Award recognizes an attorney or organization that has made "exceptional contributions to the furtherance of legal education."

Recorded Training Programs

As noted last year, as a result of the increased State funding to public defender offices statewide, offices throughout New York State are adding new assistant public defenders. Recognizing that the Office has some of the most experienced public defenders in New York, the Office developed a series of recorded training programs to educate new attorneys on the basics of representing clients accused of various misdemeanor offenses in local courts. These programs were designed to educate new attorneys on the elements of the offense, common defects in accusatory instruments, and strategies in handling the particular type of case. The video programs are between 45 minutes and 90 minutes, and each program includes the video presentation, PowerPoint, and additional handouts. The Office has continued to make these recordings available to other offices and other programs. In 2021 the Office continued to record and share presentations with offices around the state.

6. Next Court Date Reminder Program

In order to assist clients in their obligation to attend court proceedings, the Public Defender's Office implemented a "Next Court Date Reminder Program" in late 2019. The Office has continued to issue next court date texts, providing clients a timely reminder for their court appearances.

7. Failure to Appear Program

Unfortunately, clients do not always make their court appearances. Despite a common belief that this occurs intentionally as the result of a desire to avoid prosecution, the reality is that clients miss court for a variety of reasons unrelated to

an intent to avoid prosecution. For instance, clients often have transportation issues (there are courts in Monroe County that are not on a bus line) or childcare issues that prevent them from making a scheduled court appearance. During the pandemic, there were times court appearances were adjourned and rescheduled without the clients' awareness.

Recognizing the reality that people do, at times, struggle to get to court, and miss court for reasons other than intentional disregard for courts' schedules, the New York State Legislature passed legislation (effective January 1, 2020) that required courts to wait 48 hours before issuing a "bench warrant" to allow the defendant time to appear. This year, for the second year, the Office issued text notices and letters to clients who failed to appear for court in an effort to have them added back onto the dockets, reduce incarceration on bench warrants, and ensure clients' lives were not disrupted with warrants, at times for appearances of which they were not aware.

8. Office Innovation and COVID

Despite the COVID pandemic and the challenges it brought, our staff continued to work very hard in representing their clients and providing excellent representation. At times representation was entirely remote. But once we returned to the Office in March of 2021, the precautions taken by staff within the Office ensured that we could make court appearances in those courts meeting in person, see clients, and resume greater in-person representation. Again, the staff of the Monroe County Public Defender's Office must be commended for its willingness to adjust to the changes in protocols that came, sometimes weekly, their flexibility in adjusting

to new systems, and their deep commitment to the welfare of our clients. The cooperation of staff, and coverage and support they provided to each other during this difficult time, as well as the creative methods by which office staff, court personnel, judges, and the Monroe County District Attorney's Office collaborated, enabled the Office to continue providing high quality representation throughout year two of the pandemic. All of our partners in the court system collaborated to ensure that the local justice system maintained effective operations.⁷ Mr. Donaher noted last year, and it bears repeating, that once again, the staff of the Monroe County Public Defender's Office placed service to their clients above other concerns. Their actions these past two years truly exemplified 'public service.'

Once again, in 2021 COVID impacted the number of cases assigned to the Public Defender's Office. As the courts were periodically closed, cases that resulted in an appearance ticket (in-lieu of an immediate arraignment) were not arraigned and assigned to the Public Defender's Office until later in the year. As a result, although case assignments were down in 2021 compared to 2019 pre-COVID, we anticipate that case assignment numbers will increase significantly in some bureaus in 2022 (and likely surpass case assignment numbers in 2020 and 2021).

Due to expanding job opportunities locally and what has been termed "the Great Resignation,"⁸ the hiring of staff for vacancies in both attorney and support

⁷ As we did last year, we would like to extend our thanks to the Monroe County Sheriff, Todd Baxter, his Monroe County Jail command staff, and all of his deputies who work in the Jail. Their efforts to provide us access to our clients during the pandemic, and to protect inmates from COVID, were exemplary and were an example of the professionalism of the Sheriff's Office.

⁸ <https://www.theatlantic.com/ideas/archive/2021/10/great-resignation-accelerating/620382/>

staff positions has been more difficult. Across the country and locally offices are having difficulty both hiring and retaining staff. As we enter 2022, the Office will develop methods of communicating with staff to assess what additional steps can be taken to recruit and retain attorneys, and will continue to seek new ways of recruiting staff.

9. Transfer of City Court cases

The Monroe County Public Defender's Office was created in 1968 in response to a 1963 landmark case, *Gideon v. Wainwright*, 372 U.S. 335 (1963) which sought to ensure that those unable to afford counsel would not be forced to defend themselves against criminal charges without an attorney. Despite the mandate from the United States Supreme Court that counsel be provided, across the country and across New York representation of indigent defendants, often the most vulnerable members of our community, has been uneven and inadequate.

In 2010 the Office of Indigent Legal Services (ILS) was created at least partly in response to the uneven and often inadequate representation provided to indigent defendants as documented in a report commissioned by the late Chief Judge of the Court of Appeals, the Hon. Judith Kaye.⁹ The settlement of a lawsuit, *Hurrell-Harring et. al. v. State of New York*, 15 NY3d (2015)¹⁰, a lawsuit filed to improve the quality of representation of indigent defendants, led to an agreement that New York State would provide funding to improve indigent defense services. This money is disbursed by ILS.

⁹ <https://www.ils.ny.gov/files/Kaye%20Commission%20Report%202006.pdf>

¹⁰ <https://www.ils.ny.gov/node/51/mission>

The Office of Indigent Legal Services, funded by the New York State Legislature, distributes grants and funding to offices serving indigent defendants and Family Court litigants, and engages in oversight of the quality of representation. “The purpose of the Office of Indigent Legal Services ("Office") is ‘to monitor, study and make efforts to improve the quality of services provided pursuant to article eighteen-B of the county law.’”¹¹

As part of its mission, ILS has provided extensive funding to the Monroe County Public Defender’s Office, enabling the Office to increase its staff and obtain services previously unavailable, such as Trial Assistants, Sentencing Advocates and Social Workers. A requirement imposed by ILS is that mandatory caseload caps¹² be implemented by 2023.

The largest number of cases handled by the Monroe County Public Defender’s Office are in Rochester City Court. As the Office has grown over the years, the staffing of our local court bureaus, the Town Court Bureau and the City Court Bureau have greatly expanded. An increase in felony staff enabled the Office to engage in vertical representation in all cases.¹³ Younger attorneys committed to becoming public defenders have found that, rather than advancing through the Office once their experience warrants greater responsibility and greater complexity of cases, they

¹¹ <https://www.ils.ny.gov/node/51/mission>

¹² Caseload caps are numerical restrictions on how many cases an attorney may handle in a year. They ensure that attorneys are not handling more cases than can be handled competently.

¹³ Vertical representation is a policy in which the attorney handling the case is assigned at the outset, enabling the client to have one attorney assigned throughout the case, and for felony clients, ensuring a more experienced attorney is representing the client from the outset. When caseloads were higher and there were fewer staff, the Office could not engage in vertical representation.

remain in Town and City Courts, committed to the Office mission, but often frustrated in their desire to expand their knowledge and skills. Prior to the implementation of structural changes this past year, it often took four or more years for an attorney to advance from Town Courts to handling non-violent felonies. Attorneys' caseloads were high as caseload caps had not yet been implemented.

Between 2018 and the present approximately 47 attorneys were hired into the Town Court Bureau, the usual starting position in the Office. (A few lateral hires did occur over the years but they are rare.) In that same period, approximately 25 attorney left the Office from the Town and City Court bureaus. The numerous departures, in addition to promotions when attorneys in the felony bureaus leave, resulted in clients experiencing too-frequent changes in attorneys as cases were transferred from departing attorneys to newer attorneys taking over the files. Clients have expressed frustration as they have had more than one change of counsel.

In order to meet caseload caps, the Office would have had to hire approximately 20 more attorneys to staff City Court. This presented numerous problems as described below:

A. Delays in Advancement Leading to Departure of Attorneys and Interruption of Representation: 20 more attorneys in local courts would result in a requirement that the local court staff have to wait for an additional 20 people to leave before they advanced. This would very likely further increase the number of attorneys departing from local courts, and thus the number of transfers of clients' cases from one attorney to another. It would also lead to fewer attorneys gaining the experience necessary to

handle felony cases.

B. Training: The training conducted by the Office involves a supervising attorney spending three weeks in court with a new attorney – week one in which the new attorney observes the supervisor handling cases, week two in which the new attorney handles some, but not all, of the docket, and week three, in which the supervisor observes the new attorney handling cases. The Office also provides one-on-one training by supervisors and other senior staff on approximately fifteen substantive topics to new attorneys. And last year the Office created a sixteen week program to teach trial and courtroom skills. Additionally, throughout the year, the Office presents continuing legal education programs to staff. Training of an additional twenty attorneys to meet caseload caps, plus the training resulting from additional departures, could impede both the handling of supervisors' ability to handle their own cases and, given the logistics required to engage in training, the Office's ability to ensure that all new staff are adequately trained in a timely manner.

C. Conflicts and their impact on felony cases: The volume of cases handled by the Public Defender's Office, delay in receiving discovery that has been subject to a Protective Order and other factors sometimes leads to a discovery that there is a conflict of interest in a current felony with another current office client. Proportionally, because City Court has the largest volume of cases, most of those contacts arise from City Court cases. When that happens, despite the length of time an attorney has represented a client, their familiarity with the case, their relationship with the client, and their hearing or trial preparation, the Office must

conflict off the current felony case. Reduction of the number of City Court cases would reduce the number of felonies, including homicides, office staff have to conflict out of.

D. Office space: The Office had signed a lease and relied on the plan transferring cases. The building's owners have previously indicated there is no further room to expand the Office's space.

After extensive review of alternatives, and recognizing this was a difficult decision, Mr. Donaher and Mark Funk, the Conflict Defender, reached a plan that would resolve the problems.

The Conflict Defender's Office (CDO) has been in existence for approximately twenty years. Attorneys in that office are limited by the Monroe County Bar Association Sponsored Plan for Conflict Assignments to handling City Court violations and misdemeanors, Appeals, and Family Court matters. Attorneys in that office have handled City Court violations and misdemeanors (in addition to Family Court and appeals cases) for nearly two decades. City Court attorneys in the CDO are assigned the cases that the Monroe County Public Defender cannot handle due to ethical conflicts of interest. Though the attorneys in that office had caseloads involving numerous cases, they were not beyond the caseload caps as were the attorneys from the Public Defender's Office.

The plan developed, and approved by the Office of Indigent Legal Services, the Office charged with monitoring and providing oversight to ensure that indigent defense providers are providing quality representation, involved the transfer of primary responsibility for City Court cases from the Public Defender's Office to the

Conflict Defender's Office. In reliance on that, leases were signed, staff has been shifted, and hiring done in accordance with the plan.

PART II: OFFICE ORGANIZATION, STAFFING AND CASELOADS

A. Creation of Office and its Jurisdiction

The following history and structure of the Monroe County Public Defender's Office was contained in the 2020 Annual Report submitted by Mr. Donaher:

"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 760,000 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 indigent 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.

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

B. City Court Bureau

As Mr. Donaher has noted in the past, 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 City Court Bureau is supervised by Special Assistant Public Defender John Bradley.

In 2021, as noted in Part I, Section C(9), the Office began implementation of a plan to shift the representation of defendants in Rochester City Court from the Office to the Conflict Defender's Office (CDO), an office that has handled violations and misdemeanors in City Court for nearly twenty years. This shift will enable the Public Defender's Office to comply with caseload requirements as mandated by the *Hurrell-Harring* lawsuit settlement. Additionally, it will enable attorneys to advance through the Office, handling felonies at an earlier stage. It is anticipated that these changes will help facilitate retention of attorneys who, at times in recent years, have been frustrated by the inability to handle more complex cases despite having worked in the Office for many years. The shift to cases is being phased in as Conflict Defender's Office attorneys are now handling increasing numbers of arraignments and assignments each month through a plan developed in collaboration between the Conflict Defender's Office and the Office.

Presently, 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. As we shift the bulk of cases to the Conflict Defender's Office, the Monroe County Public Defender's Office will assume representation for the defendants facing charges in City Court who have a conflict in representation with attorneys from the Conflict Defender's Office. For example, if two codefendants are arraigned, one will be assigned to the Conflict Defender's Office and one will be assigned to the Office.

In 2021, this Office was called upon to represent clients in approximately 3,400 cases in the City Court of Rochester.¹⁴ Although this number is significantly lower than in past years due to the reduction in cases attributed to the COVID pandemic and the process of reducing the Office's representation of clients in Rochester City Court, it is anticipated that once courts reopen there will be a significant influx of cases in Rochester City Court. The Conflict Defender's Office will soon be responsible for the majority of those cases.

The Office is assisting in providing training to the new Conflict Defender's Office attorneys assuming City Court caseloads.

C. Justice (Town and Village) Court Bureau

As noted by Mr. Donaher in the past, the Office is required to represent persons accused of crimes and violations in the various town and villages throughout the

¹⁴ Of these, a conflict of interest led, at some point in the case, to the Office's withdrawal in 654 cases. These cases were nearly all handled by the Conflict Defender's Office.

County. In 2021 the Office had 17 assistant public defenders assigned to cover the Town and Village Justice Courts within the 21 towns and villages of Monroe County.¹⁵

The Town Court Bureau is supervised by Special Assistant Public Defenders Karine Haselbauer, Elizabeth Riley and Joshua Stubbe. The newly hired Assistant Public Defenders are traditionally assigned to the Town Courts. The Town Courts have heavy caseloads, erratic court hours and varying local court procedures. The assignment of three Special Assistant Public Defenders (who also carry a violent felony caseload) to supervise the bureau 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.

The staffing of the Town Court Bureau will increase under the new structural plan. As the Office draws down staffing in City Court, an additional supervisor has been added to the Town Court bureau. More experienced attorneys in the Town Court Bureau will handle a mixed caseload of misdemeanors, violations and non-violent felonies

In 2021, the Office was called upon to represent clients on approximately 3,300 cases in Town and Village Courts. The Bureau was staffed by 17 full-time attorneys. 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 Counsel at

¹⁵ 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.

First Appearance (CAFA)¹⁶ Program. The Town Court Bureau 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.

D. Parole Representation Unit

As Mr. Donaher noted in the past, in 2019, the Office created a new Parole Representation Unit to enhance the representation we provide to clients who are charged with violating the terms of their parole. These clients often have unique challenges, such as drug addiction issues, and face the possibility of having their parole revoked and returning to prison. Due to the increase in the number of parole violations in Monroe County since 2014,¹⁷ the Office dedicated a full time attorney and a full time supervisor to this Unit. In 2020 an additional attorney was assigned to this unit. Jon Griffin is the Special Assistant Public Defender supervising this unit. The changes in parole law under the “Less is More” statute will result in new policies and procedures, and it is anticipated that Office staff will continue to assist in educating the local and legal communities.

E. Superior Court Bureau

In 2021, the Superior Court Bureau (divided into the non-violent felony bureau

¹⁶ The CAFA program ensures that defendants arraigned at any time throughout the county are represented by counsel at arraignment.

¹⁷ In 2014 the Office represented 806 persons charged with violating their parole. In 2019 that had increased to over 1,100. In 2020 the Office represented clients in 638 parole cases, and in 2021 the Office represented clients in 473 cases. It is suspected that a combination of the pandemic and the gradual implementation of “Less is More” have led to the reduced number of cases in the last two years.

and the violent felony bureau) was staffed with the full time equivalent of 37 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 criminal courts, including: Supreme Court, County Court, City Court and Town/Village 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.

In 2020 we also began providing vertical representation in all felony cases. This ensures that every person accused of committing a felony offense who is represented by this Office is provided an experienced felony attorney at the beginning of the case.

This Office remains committed to providing vertical representation in all cases since it provides the indigent accused the most effective representation possible.

In 2021, we were assigned to approximately 2,900 felony cases. Due to the increase in felony staffing accomplished as the Office restructured its City Court staffing, felony caseloads for attorneys in the Public Defender's Office approximate

the ILS caseload maximums.

The Supervisors in the Felony Court Bureau are Second Assistant Public Defender Erik Teifke and Special Assistant Public Defender Julie Cianca for Non-Violent Felony Bureau, and Special Assistant Public Defender Michael Doran for the Violent Felony Bureau.

F. Felony Caseload Reduction Initiative

Mr. Donaher has previously reported in the 2020 Annual Report:

“Under the *Hurrell-Harring* legislation reference above, the Office of Indigent Legal Services was charged with the responsibility of issuing new caseload caps that will become mandatory (if funding is provided by the State) in 2023.¹⁸

These caseload caps are:

Case Type	Maximum Annual Assignments	Minimum Average Hours
Violent Felonies ⁴⁵	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

Beginning July 1st of 2019, and continuing through the end of 2020, the Monroe County Public Defender’s Office implemented its “Felony Caseload Reduction Initiative” to begin the process of complying with these caseloads caps by 2023. Using

¹⁸ The Indigent Legal Services Office’s report may be found here:
<https://www.ils.ny.gov/files/Hurrell-Harring/Caseload%20Reduction/Caseload%20Standards%20Report%20Final%20120816.pdf>

a portion of the “*Hurrell-Harring*” grant funding available in the first two years of funding, the Public Defender’s Office sent approximately 2,200 felony cases to the Monroe County Assigned Counsel Panel for assignment to experienced program attorneys. This significantly reduced the unacceptably high caseloads in the felony bureau of the Office. Prior to this program, felony attorneys in the Office carried a caseload of approximately 200 non-violent felony cases per year or 85 violent felony cases per year. After the implementation of the program, felony caseloads were reduced significantly and are close to the recommended caseloads listed above.

This resulted in significant improvement in the quality of representation afforded clients charged with felony offenses.

With the addition of fourteen (14) felony staff positions in 2020, this program ended December 31, 2020.”¹⁹

In 2021, the Office continued to increase staffing to comply with the *Hurrell-Harring* caseload requirements. As of December, 2021 the Office has the following attorney positions, some of which are presently vacant: 20 Town Court positions, 11 City Court positions, 39 felony positions, 12 Family Court positions, 3 Parole positions; 12 Appeals Bureau positions.

During 2021, our staff included 97 attorneys, 6 Administrative positions, 11 investigators, 9 investigative assistants, 7 office clerks, 2 trial assistants, 1 digital media technician, 7 full-time secretaries, and 1 receptionist, who is bilingual. We added positions for 4 sentencing advocates and 3 caseworkers, with hiring in

¹⁹ Resolution No. 242 of 2020 adopted September 8, 2020.

progress. The attorneys are precluded from engaging in private practice.

G. Trials During COVID

While there were periods during the last two years that hearings and trials were discontinued, trials resumed in a limited capacity initially in September of 2020, and then after being discontinued, again in March 2021. Since that time, our staff has tried 55 cases (15 felony, 31 misdemeanor, 9 violation).

Of course, given courtroom restrictions and COVID protocols, the trial numbers are far below what would occur in a normal year. Staff had to respond to the courts' efforts to "catch up" on trying older cases by being ready for trial with trial cases that might be called any day during a set week on court calendars. The response of staff to this additional stress of not knowing when a trial might begin, and having to ensure witnesses and evidence were ready, was nothing short of extraordinary, and a reflection of the commitment and dedication of the staff of the Monroe County Public Defender's Office.

H. 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.²⁰ The State has also passed legislation requiring more court appearances in certain types of Family Court actions, which requires our Family Court attorneys

²⁰ 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.

to devote a significant amount of time to appearing in court.

The Family Court Bureau will be adding several positions and creating a separate unit following the award of the competitive grant establishing Monroe County Model Parental Representation Bureau, as discussed in Part I.

As we began 2021, our Family Court staff was comprised of one Special Assistant Public Defender and 11 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. With the expansion permitted by the Model Family Representation Model grant, this Bureau will grow to include a second Unit supervised by Robert Turner and staffed by 3 other attorneys.

In 2021, this office was assigned to represent approximately 2,600 new family law cases. To put this caseload into a historical perspective, in 1987, there were 5 attorneys in our Family Court bureau 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 11 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 on average over 230 cases per year.

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

The goal of our family law staff is to attempt to 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."

I. 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 him/herself with what went on in the court below and then must research the law pertaining to the issues that have been identified. 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 2021, our authorized appeal staff consisted of the Special Assistant Public Defender in-charge of the bureau and eleven 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 for trial attorneys. Bureau attorneys have also assisted trial attorneys on collateral issues that sometimes arise.

In 2021, the eleven attorneys in our Appeals Bureau closed approximately 134 cases.

J. Investigation Bureau

During 2021, the Monroe County Public Defender's Office employed eleven full-time investigators, one of whom is the Chief Investigator in charge of the bureau.

The statistics for 2021 are as follows:

INVESTIGATIVE BUREAU ANNUAL STATISTICS	CRIMINAL TRIAL PARTS	FAMILY COURT/ APPEALS	TOTAL
INVESTIGATION/ INTERVIEWS	2526	304	2830
SUBPOENAS	78	119	197
LOCATE/NOTIFY	209	22	231
MISCELLANEOUS (TRANSLATIONS, PHOTOS, MEASURE MENTS, ETC.)	283	49	332

In 2021, approximately 3590 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: THE FUTURE OF THE OFFICE

As we look ahead to 2022, the Office plans to continue its efforts to improve our representation to our clients through traditional and innovative means such as holistic representation, improve our communication and interaction with the community we serve, and enhance the diversity of our staff. The initiatives outlined above will continue, and we will continue looking at how technology may improve Office operations and efficiency.

To enhance our efforts to increase staff diversity, we must focus both on recruitment and retention. It is our hope that the new DE&I Officer will continue past efforts while also considering how to promote longevity of employment with staff of color. We will also explore how to improve our internship program to attract students of color who wish to become assistant public defenders, or work in a public defender's office. Once travel is less restricted and burdensome, we hope to engage in active recruitment at law schools throughout the country.

In order to improve client communication, the Office will explore greater enhancement of our case management system to include a client portal and the ability to apply for a public defender on-line in advance of their first court appearance. We will also explore the creation of a client services webpage to help direct clients to other

resources they may need.

With the continued support of the Office of Indigent Legal Services and the County, we intend to continue and expand training programs such as the Basic Litigation Skills program and the comprehensive training for new Non-Violent Felony Attorneys.

With the increasing importance of forensic science in criminal and Family Court cases, the Office will begin to explore ways of structuring a forensic science practice unit within the Office.

The Office will also seek to enhance its relationship with the community it serves.

PART IV: CONCLUSION

While many other law offices throughout the community continued to work from home, in whole or in part, the committed staff of the Monroe County Public Defender's Office fully returned to work in March, in order to ensure that we would be available to provide the highest quality of representation to our clients. Our staff takes to heart the well-known quote from Dr. Martin Luther King, Jr., "Injustice anywhere is a threat to justice everywhere." Each day they commit themselves to fighting for greater equity and justice for our clients.

As Mr. Donaher has noted previously, and bears repeating, it is important to recognize 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.

I echo Mr. Donaher's past statement, "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 "Jill Paperno". The signature is fluid and cursive, with the first name "Jill" and last name "Paperno" clearly distinguishable.

JILL PAPERNO
Acting Monroe County Public Defender

COURT ACTIVITY SUMMARY 2021

NEW CLIENTS.....15,448

FELONY.....1,710

FELONY (Drug A and B).....147

FELONY (VFO).....1,032

HOMICIDE41

MISDEMEANOR..... 5,508

VIOLATION.....1,229
(City and Justice)

PROBATION VIOLATION.....240
(Superior)

PROBATION VIOLATION.....336
(City and Towns)

APPEALS.....69

FAMILY COURT.....4,481

PAROLE.....473

FUGITIVES.....49

SORA.....62

PLEAS AS CHARGED.....416

FELONY.....66

MISDEMEANOR.....329

VIOLATION.....21

PLEAS TO LESSER.....1753

FELONIES.....387

To Lesser Felony.....54

To Misdemeanor.....333

PLEAS TO LESSER (Con't)

MISDEMEANORS.....1,366

To Lesser Misd.....37

To Violation.....1,329

CLOSED CASES: [OTHER]:

A.C.D.....1,638

PRIVATE ATTY.....606

ASSIGNED COUNSEL.....3,486

W/D D.A, DIS'D ON MOTION....1,372

TRIALS.....55

FELONY.....15

MISDEMEANOR.....31

VIOLATION.....9

FINDING AFTER TRIAL*

GUILTY AS CHARGED

(or to part of indict.

when highest court).....5

GUILTY TO LESSER

(or to part of indict.

when lesser court).....8

NOT GUILTY.....11

TRIAL ORDER OF DISMISSAL.....25

MISTRIAL.....1

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

PUBLIC DEFENDER STAFF (as of 12/31/21)

Administration

Donaher, T. Public Defender
Ponder, D. Special Assistant – Diversity, Equity & Inclusion
Tronolone, T. Conf. Asst. to the Public Defender
Molinari, M. Project Manager
Anthony, J. Executive Secretary
Cook, K. Data Officer
Gucciardo, L. Confidential Secretary
Flanagan, K. Secretary to Special Counsel
Rivera, N. Receptionist – Bilingual

Superior Court

Paperno, J. 1st Asst. Pub. Def.
Teifke, E. 2nd Asst. Pub. Def.
Cianca, J. Special Assistant
Doran, M. Special Assistant
Haselbauer, K. Special Assistant
Fish, J. Legal Secretary
Scalia, D. Sr. Asst. Pub. Def.
Rosmus, E. Sr. Asst. Pub. Def.
Caputo, J. Sr. Asst. Pub. Def.
Harper, G. Sr. Asst. Pub. Def.
Bahr, R. Sr. Asst. Pub. Def.
Santacroce, F. Sr. Asst. Pub. Def.
Higgins, K. Sr. Asst. Pub. Def.
Roth, C. Sr. Asst. Pub. Def.
Grippe, J. Sr. Asst. Pub. Def.
Russell, D. Sr. Asst. Pub. Def.
Brach, K. Asst. Pub. Def.
Infantino, M. Asst. Pub. Def.
Hellwig, B. Asst. Pub. Def.
Doran, J. Asst. Pub. Def.
McCarthy, M. Asst. Pub. Def.
Spangler, T. Asst. Pub. Def.
Bahl, V. Asst. Pub. Def.
Ejimadu, C. Asst. Pub. Def.
Park, D. Asst. Pub. Def.
Mills-Lexvold, C. Asst. Pub. Def.
Phillips, M. Asst. Pub. Def.
Sullivan, T. Asst. Pub. Def.
Kuttner, J. Asst. Pub. Def.
Baker, C. Asst. Pub. Def.
Adam, J. Asst. Pub. Def.
McClary, C. Asst. Pub. Def.
Zielinski, A. Asst. Pub. Def.
Weir, W. Asst. Pub. Def.

Appeals

DuBrin, D.	Special Assistant
Somes, J.	Sr. Asst. Pub. Def.
Davis, T.	Sr. Asst. Pub. Def.
Smith, M.	Sr. Asst. Pub. Def.
Juergens, D.	Asst. Pub. Def.
Syme, H.	Asst. Pub. Def.
Gorman, S.	Asst. Pub. Def.
Garvin, J.	Asst. Pub. Def.
Wolfe, G.	Asst. Pub. Def.
Weiss, C.	Asst. Pub. Def.
Clauss, W.	Asst. Pub. Def.
Vacant	Asst. Pub Def.

Enright, C.	Urban Inv. Asst.
McKnight, S.	Legal Sec.

Social Workers

Vacant	Caseworker
Vacant	Caseworker
Vacant	Caseworker

Trial Assistants

Cooper, B.	Trial Asst.
Vacant	Trial Asst.

Office Clerks

Reed, Z.	Office Clerk
Cason, A.	Office Clerk
Abud-Sturbau, E.	Office Clerk
Vacant	Office Clerk
Vacant	Office Clerk
Vacant	Office Clerk
Vacant	Office Clerk

City Court

Bradley, J. Special Assistant
Graim, M. Legal Secretary
LaRocca, A. Legal Secretary
Sands, K. Spec. Urban Inv.
Short, E. Invest. Asst.
Vacant Invest. Asst.

Mathias, J. Asst. Pub. Def.
Martinez, J. Asst. Pub. Def.
Clark, B. Asst. Pub. Def.
Dahan, S. Asst. Pub. Def.
Hoge, J. Asst. Pub. Def.
Guzierowicz, D. Asst. Pub. Def.
Meabon, P. Asst. Pub. Def.
Phengsiaroun, A. Asst. Pub. Def.
Gokey, M. Asst. Pub. Def.
McNelis, M. Asst. Pub. Def.
Cleeton-Gandino, W. Asst. Pub. Def.

Justice Court

Stubbe, J. Special Assistant
Riley, E. Special Assistant
Loughridge, P. Legal Secretary
Vacant Legal Secretary
Vargas, J. Invest. Asst.
Hagan T. Invest. Asst.
Smith, B. Invest. Asst.
Warner, S. Invest. Asst, PT
Winward, T. Asst. Pub. Def.
Harned, L. Asst. Pub. Def.
Spong, A. Asst. Pub. Def.
Davis, R. Asst. Pub. Def.
Bechrakis, M. Asst. Pub. Def.
Bell, O. Asst. Pub. Def.
Strazzeri, F. Asst. Pub. Def.
Jones, P. Asst. Pub. Def.
Holmes, T. Asst. Pub. Def.
Marletta, T. Asst. Pub. Def.
Chappell, F. Asst. Pub. Def.
Castellanos, J. Asst. Pub. Def.
Simon, K. Asst. Pub. Def.
Randall, L. Asst. Pub. Def.
Beal, J. Asst. Pub. Def.
Reichman, J. Asst. Pub. Def.
Piron, N. Asst. Pub. Def.
Nelson, B. Asst. Pub. Def.
Vacant Asst. Pub. Def.
Vacant Asst. Pub. Def.

Family Court

Fine, A. Special Assistant
Arguinzoni, A. Legal Secretary
Hutton, A. Spec. Urban Inv.
Scrivens, M. Invest. Asst.
McKinney, N. Invest. Asst.

Wirley, B. Asst. Pub. Def.
Sartori, S. Asst. Pub. Def.
Erturk, E. Asst. Pub. Def.
Turner, R. Asst. Pub. Def.
Menard, J. Asst. Pub. Def.
Bruce, L. Asst. Pub. Def.
Wright, J. Asst. Pub. Def.
Lind, D. Asst. Pub. Def.
Redfield, C. Asst. Pub. Def.
Vacant Asst. Pub. Def.
Vacant Asst. Pub. Def.

Parole

Griffin, J. Special Assistant
Opalinski, K. Asst. Pub. Def.
Vacant Asst. Pub. Def.

Investigations

Morse, L. Chief Investigator
Pagan, G. Spec. Urban Inv. Bilingual
Camacho, M. Spec. Urban Inv.
Zimmer, L. Spec. Urban Inv.
Gordon, L. Spec. Urban Inv.
Dowda, L. Spec. Urban Inv.
Behrndt, D. Sepc. Urban Inv.
Vacant Spec. Urban Inv.
Vacant Spec. Urban Inv.

Cummings, B. Asst. Pub. Def.
Tsiamouras, C. Digital Media Tech

Sentencing Advocates

Romano, S. Sent. Advoc.
Vacant Sent. Advoc.
Vacant Sent. Advoc.
Vacant Sent. Advoc.