



OFFICE OF THE PUBLIC DEFENDER

ANNUAL REPORT

2024

INTRODUCTION

This report serves as an overview of the work done by the Monroe County Public Defender's Office ("the Office") office during 2024. The report is divided into five sections:

1. Recruitment, retention, and diversification of staff.
2. Continued improvement of the quality of the legal representation provided to our clients.
3. Staff training and continuing legal education.
4. Staffing and caseloads.
5. Plans for the future.

Creation of Office and its Jurisdiction

As described in the 2020 Annual Report authored by former Public Defender Timothy Donaher, the following is a brief history of the history and structure of the Office of the Monroe County Public Defender:

"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 treatment and diversion courts)
- C. County Court (including treatment and diversion courts)
- D. Supreme Court
- E. Family Court
- F. Appellate Division, Fourth Department
- G. Court of Appeals
- H. United States Supreme Court (when required)
- I. Parole matters
- J. Post-Conviction matters

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 as well as sentencing. Our family court clients are provided representation pre-petition, as well as in cases of alleged abuse or neglect.

Our goal is to provide to the indigent who are accused of a crime, entitled to an appeal,

or who are entitled to representation in family court, an exceptional level of 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 Local Court, Superior Court, Family Court, or the Appeals Sections and each takes great pride in the quality of the work they provide to our clients. Their dedication and talent ensures that the rights of our clients are protected, and their dignity respected, in a way that promotes true justice in our community.

PART 1: DIVERSIFICATION, RECRUITMENT, AND RETENTION OF STAFF

The Office continues to value a diverse, equitable, and inclusive work environment. We believe that diversity of all varieties: racial, gender, ability, sexual orientation, age, etc. improves staff experiences and that a staff that feels comfortable and valued is more likely to contribute to positive case outcomes for our clients. We therefore strive to maintain an engaged and dedicated staff by continuing to develop an office culture that is ever mindful of the challenges presented by our work, and seeks to provide deliberate, thoughtful and intentional support to all who serve our common cause.

The Monroe County Public Defender's Office (MCPDO) is fortunate to have a full time Diversity Coordinator. This position, fairly new, continues to carve out a unique role not only in the office, but also in the Monroe County community as a whole. The essential and impactful work continues, such as maintaining an ongoing assessment of our DEI "temperature," conducting thorough reviews of policies and procedures to ensure they align with our commitment to cultural awareness and equity, and embedding these values into our recruitment

and interview processes to foster meaningful change.

What is unique is the role that our DEI coordinator plays in creating relationships with the public, particularly, although by no means limited to, local high schools across the county. These outreach efforts serve the purpose of educating people about the criminal justice and family court systems, the role a public defender plays in those systems, and creating interest in a career in public service in Monroe County. These efforts reflect a commitment to diversity, equity and inclusion as we seek to create, locate and mentor those potential leaders of tomorrow.

In addition, the DEI Coordinator implemented a BIPOC Employee Resource Group (ERG), a newly formed initiative designed to support and empower our BIPOC employees. This group is part of our ongoing commitment to foster an inclusive, equitable workplace where all voices can thrive. The BIPOC ERG is the first of several Employee Resource Groups to be launched, each dedicated to fostering community and professional growth for different groups within our office.

DIVERSIFICATION

The Office currently benefits from the skill and guidance of diverse colleagues, including the supervisors of the Investigators, Mitigation, and Trial Assistant Bureaus. More work needs to be done to attract and retain diverse attorney staff. We approach this goal by focusing on hiring outreach programs and by creating relationships in the community that puts us in contact with attorneys and attorneys to be.

RECRUITMENT

We recognize the value of recruiting and retaining staff, especially staff that increase the diversity of the office. To these ends, we have more aggressively and proactively pursued

candidates for staff positions than in prior years.

Hiring committee

Our hiring committee continues to attract incredible talent in a difficult hiring environment, particularly when this office doesn't pay as much as other Public Defender Offices in the general area. The committee's results are due to the hard work and diligence put in by the committee members. Of course, having a regionally and, to a growing extent, nationally recognized office has significantly helped our recruitment efforts. Due to this reputation, only one of the eight law school graduates hired into our August 2024 class is from Western New York. Our group of ten confirmed attorneys starting in August of 2025 are also from many different law schools and regions of the United States.

Our office has continued to seek a diverse group of attorneys and our 2025 August class of ten law school graduates has four members that will add diversity to our office. Additionally, we have been targeting Historically Black College and University Law Schools with attorney position announcements that have been specifically tailored to attract diverse law school graduates. Two members of our office attended the Northeast Black Law Students Association Job Fair in New York City in August. At that job fair we spoke with dozens of members of Black Law Students Associations from various law schools in the Northeastern portion of the Country. We were one of a small number of Public Defender offices attending, and we were seated next to the Los Angeles County PD's Office and the Bronx Defenders. Our office held our own with the attention we received from the students, with many of them already familiar with our Initial Attorney Training Program.

In addition to the NEBSA Job Fair, the committee attended (virtually) the Equal Justice Works Career fair where we spoke with approximately 40 law school students. We continued our work with the Cornell University's Office of Academic Diversity Initiatives where we presented to undergraduate and law students issues arising in accusatory instruments, bail reform, and discovery issues.

The hiring committee is guided by Second Assistant Public Defender Joshua Stubbe, and includes Diversity Coordinator Vincent French, Senior Assistant Public Defender Jane Yoon (appeals), Assistant Public Defender Erin Barry (Family Court), Assistant Public Defender Rachel Wade (non-violent felony section), and Connor Judd (local court section). The committee was reconfigured in 2024 to have a member of each bureau and has improved the selection process by having a wider range of experience present during the interviews. Because the committee uses a standardized rubric for scoring of applicants, along with standardized questions, biases are minimized and the more diverse committee is able to analyze the applicants from many more angles than it was able to do so traditionally when filled with only experienced attorneys from the criminal trials section.

Internship program

The Internship program, led by Vincent French and Assistant Public Defender William Weir, continues to be a success. The proactive outreach results in an eclectic blend of high school, college and law school students who are given the opportunity to contribute first hand to the representation of a client. Given their background and experience, an intern can expect to be involved in meetings with consenting clients both incarcerated and out of custody, legal research

training and projects, issue spotting exercises, investigations and review of discovery, jury selection decisions and assistance during trial. In this way, we expose students to the practice of criminal defense, and help familiarize them with the criminal justice system and an understanding and appreciation of the important roles played by all participants.

The Internship program is intended to give students not only a glimpse into what it means to be a Public Defender, but also to instill in them a respect and desire to do this work. In that regard, we continue to see the fruits of the program in that 3 out of our 7 rising 3L interns from Summer 2024 resulted in full time hires and 4 other interns will be returning for a second internship as part of our Spring 2025 cohort.

Our internship program statistics for 2024 are as follows:

Spring 2024:

- 10 Interns
 - 4 Undergrads, 1 High school, and 5 Law Students
 - 2 law students on internship placements
 - 3 pro bono scholar placements
 - 1 Black/African American, 1 other, 8 White
 - Other diversity includes 2 students identifying as LGBTQIA

Summer 2024:

- 23 Interns Total
 - 16 Undergrads, 7 Law students
- Ethnic Diversity
 - 5 Black/African American, 14 white
 - 3 Asian students
 - 1 Middle Eastern student
- Other Diversity
 - 3 students identifying as LGBTQIA
 - 1 student required ASL services

- Gender Breakdown
 - 12 women, 11 men
- MCPDO Diversity Clerkship
 - MCPDO Diversity Clerkship position was awarded to Eliana Durham from Syracuse Law School

Fall 2024:

- 12 Interns Total
 - 12 Undergrads, 0 Law students
- Gender Breakdown
 - 7 women, 5 men
- Ethnic Diversity
 - 0 Black/African American,
 - 7 White students
 - 3 Hispanic students
 - 2 Asian Students (1 East Asian, 1 South Asian)
- Other Diversity
 - 2 student self-identified as LGBTQIA

Other Notables:

- In 2024, 2 interns returned from a previous year for a second internship
- In 2024, MCPDO hired 3 law student interns to begin in August 2025

The intern experiences the Office now offers have prompted the following testimonials from participants:

- **Comprehensive Learning Experience** "The Monroe County Public Defender's Office internship offered a well-rounded learning experience. I had the opportunity to engage in diverse assignments, shadow attorneys in court, and meet clients, which gave me real-life knowledge of the legal process. The collaborative and welcoming environment made me feel supported, and every task contributed to my growth as a future attorney."

- **Outstanding Mentorship and Support** "My mentor went above and beyond to guide me throughout the internship. They provided detailed feedback on my assignments, explained complex legal concepts, and included me in their routine meetings. The support I received from my mentor and other attorneys was invaluable, and I gained skills in client interaction, trial preparation, and legal research that will shape my future practice."
- **Flexible and Goal-Oriented Environment** "I appreciated the freedom to take on as much as I wanted during the internship. The attorneys encouraged me to set personal goals, and their flexibility allowed me to achieve them. Whether it was writing memos, conducting legal research, or attending court, every experience was tailored to help me grow professionally. I'm grateful for the opportunity to learn from such a supportive and skilled team."
- **Real-World Application and Skill Development** "This internship truly prepared me for a career in public defense. The hands-on experience of attending court hearings, reviewing discovery, and working directly with attorneys provided a practical understanding of the legal process. Seeing my work reflected in the courtroom was incredibly rewarding, and the tangible results of my efforts reinforced my passion for this field."
- **Supportive and Collaborative Work Environment** "The camaraderie and teamwork at the Public Defender's Office stood out the most. From my first day, everyone was approachable, friendly, and eager to help. Shadowing attorneys in court and engaging in meaningful conversations about cases gave me a deeper appreciation for the collaborative nature of this work. The welcoming atmosphere made the internship both enjoyable and enriching."
- **A Foundation for Future Success** "I can't thank the Public Defender's Office enough for this incredible experience. I learned how to communicate effectively, approach cases thoroughly, and see clients as

individuals deserving of compassion and justice. This internship not only gave me the skills to succeed in law but also inspired me to pursue a career in public defense. It was truly a privilege to be part of this program."

Defenders of Tomorrow Program

In 2024, we proudly launched the Defenders of Tomorrow Program in collaboration with Odyssey Academy in the Greece Central School District. This initiative aims to inspire and educate high school students about the criminal justice and family court systems, the critical role of public defenders, and the opportunities available in public service. The program is an extension of our commitment to fostering interest in legal careers among underrepresented populations while promoting a deeper understanding of the justice system.

Participants in the Defenders of Tomorrow Program are given hands-on learning opportunities, including visits to the Monroe County Legislature, the Monroe County Law Library, and City Court. Through engaging activities and interactions with our attorneys, students gain valuable insights into the inner workings of public defense, sparking interest in becoming the next generation of advocates for justice.

The expectation is that this program and the investment we make in our student-interns will serve as a pipeline for staff recruitment going forward and serve as a vital supplement to our other recruitment efforts.

Unadmitted attorney positions

Starting in 2022, the Office began hiring law school graduates who had taken the bar examination, but not received results or been admitted. In September 2024, we hired 8 recent graduates and placed them into a training program spanning over three months. This program is

described in detail elsewhere in this report. This is a marked improvement to the old way of learning which required attorneys to take an immediate, and often extremely heavy, caseload, and learn on the job. The ability to intensively train new attorneys before they are given their own caseloads has profound benefits not only to the client, who will work with a well-trained attorney, but also to the attorneys, as the training program allows them to gain skills, confidence and trust in themselves, in their colleagues and in the support the Office provides.

We will continue to offer this program to incoming September classes as numbers merit, in addition to providing a slightly more streamlined training program to those who join us in the spring, with an emphasis on representation from initial interview through motion practice and picking up trial practice along with the September class.

Early hiring gives us a competitive advantage over employers that will not hire until bar admission, as well as giving lead time to provide end to end training to attorneys before they are ever asked to represent a client.

RETENTION

As times change and understanding evolves, the Office does as well. Because we have enjoyed significant success attracting high quality staff, we place a great deal of thought and effort into how we can retain our staff so our initial investment is not wasted. Society as a whole, perhaps recovering from the nearly existential challenges of 2020 and the Covid crisis, has recognized the need for a work life balance, for mental health support, and for sensitivity to the needs of each unique individual as they make their place in the office. In brief, office morale is of great concern not only because each individual who works here deserves to be seen and treated as an individual, but also because we recognize that morale is critical to retention.

Among the measures undertaken in 2024 to address retention are the following:

- **A supervisory restructure of Practice Groups.** In 2024, the Office continued to evaluate and organize the Practice Groups to ensure that the members of each group are receiving maximum benefit. This resulted this year in calibrating each group so each group supervisor has a senior violent felony attorney to provide back-up supervision as needed to the group. In addition, each group now has representatives from each strata of practice, from local courts to violent felony attorneys. This increases the flexibility and areas of expertise of each group and allows each member of each group a wider range of perspective, experience and knowledge.
- **Hybrid caseloads.** To keep attorneys engaged, accelerate their development, and keep them from becoming overwhelmed, continue to offer caseloads with a mix of different level offenses. These “Hybrid” positions not only offer Superior Court attorneys a more gradual transition from NVFO to VFO cases but also allow them to handle VFO cases earlier in their careers. Likewise, our Local Court attorneys are offered the opportunity to handle felony cases earlier in their careers than in the past. These attorneys are provided with significant oversight of their supervisors on their felony cases. This potential for early exposure to felony cases has been an asset to the both our recruitment and retention efforts.
- **Career start in Rochester City Court.** Attorneys new to the office now begin their careers whenever possible, representing clients in Rochester City Court [RCC] instead of the town courts. This shift offers several advantages: early exposure to a more diverse client population, earlier familiarity with a wider range of offenses, increased opportunities to litigate search and seizure issues, exposure to more experienced prosecutors and

judges that are all attorneys, etc. Another advantage to this arrangement is the proximity of the office to Rochester City Court in that the supervisor of our RCC attorneys is a mere block away and can far more easily observe, supervise, and respond to any urgent matters.

- **Enhanced supervision and support.** The supervisor to supervisee ratio has been increased, providing attorneys with more support and oversight. The Groups meet regularly and discuss cases, legal issues, and other developments. Supervisors are expected to review attorney written work product and observe them in court. Supervisors are evaluated on how well they supervise their Groups.
- **Work From Home [WFH] policy.** The policy allows for each employee, attorney and support staff, to work from home for 16 hours per pay period. This policy has ameliorated the stress of staff with various conflicting responsibilities including child care and has noticeably enhanced morale.
- **Second Chair program.** Attorneys who work in criminal defense often do so because they enjoy trial practice, but it is never the attorney's decision whether to proceed to a trial or not. The decision to proceed to trial is entirely vested in our clients, so depending on many factors including whether the case is even strong enough to proceed to trial and isn't subject to dismissal on other grounds, the evidence, the offer, the Judge, the risk of trial, the benefits of accepting an offer, a client may not wind up electing to assert their right to a trial. In order to ensure that attorneys are able to participate in trial work as often as possible, the Office implemented a Second Chair program, whereby most if not all trials are conducted by one senior attorney accompanied by one with less experience. This gets our newer attorneys the courtroom experience they crave, which increases their job

satisfaction and retention, and also creates more experienced trial attorneys. The more seasoned attorney is able to pass on their knowledge and also learn from the newer attorney who often brings a fresh perspective to a case. The clients ultimately benefit from this team approach, which includes support staff as well. Courts can be assured that cases will run smoothly under the attention of not one but two attorney's attendant on the arduous demands of a jury trial.

- **Continuing Legal Education.** No-cost CLE opportunities are provided by the Office to our staff regularly. We not only create and deliver these programs but we also generate the certificates of completion for those that attend. This makes our office more attractive to both prospective and current staff and contributes to our retention efforts. Office training and CLE efforts will be discussed more fully below.
- **Office Committees.** As the Office continues to grow, opportunities to gather various staff together along lines of their interests, rather than their roles, become more important to increase camaraderie, understanding and morale.

PART 2: CONTINUED IMPROVEMENT OF CLIENT SERVICES

HOLISTIC REPRESENTATION

With gratitude we recognize the additional resources and support from New York State through the office of Indigent Legal Services that allow us to provide meaningful services and assistance to our clients outside the realm of defense. Recognizing that our representation in a courtroom only goes so far to remedy the experiences that may have affected our clients, access to in house services gives our clients additional tools to help them succeed and remain arrest

free.

Monroe County Model Parental Representation Bureau Grant

This newly formed Bureau – only the second of its kind outside of New York City – has enabled the Office to provide meaningful assistance to parents and providers when faced with a CPS investigation. In the past, a parent may suffer the removal of a child without ever knowing that they had the right to the advice and intervention of an attorney. With this program, a member of the Bureau will be able to intervene early and assess the needs of the client and their family members, and work with CPS, when possible, to form solutions to the problem at hand. The objective is to keep families together and reducing the stress and trauma of removal. When removal cannot be avoided, resources are still brought to bear that will reunify the family as soon as possible. Each client avails themselves of the services of a staff attorney, a social worker and a parent advocate who work together with the client to assess their needs and achieve their goal of a healthy, safe and stable family environment for their child. In 2024, the Family Defense unit team had 181 cases, 41 of which were pre-petition investigation cases.

As the grant notes, “Using a holistic approach, Bureau staff (four attorneys, four 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 that 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 supervising attorney in charge of the unit is Special Assistant Public Defender Robert Turner.

Social Work Bureau

Supervised by Andre Fontenette and Kayla McCrickard, and comprised of Case Managers [Social Workers] and Sentencing Advocates [Mitigation Specialists], this bureau allows the Office to offer more comprehensive support both during and occasionally after the conclusion of their cases.

Case Managers

On select cases, an attorney can now initiate a referral for the assistance of a social worker resulting in a partnership designed to reduce 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 case management arm of the Social Work Bureau provides a myriad of services to clients and their families to assist with needs to promote positive resolutions in cases, and also to support healthy living and life management services to prevent recidivism and lift current and former clients out of unfortunate circumstances in any way possible.

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. Every in-court article 10 client is assigned a social worker.

This bureau provides services including but not limited to: providing resources and referrals (housing, food, clothing, community care management, bus passes, cell phone applications, government benefit application help), linking clients to services (mental health/Substance abuse evaluations, community service resources, medical services, animal welfare services), offering supportive services (accompaniment to court/appointments, reminder calls, obtain treatment updates to provide to court), record collection/gathering letters of support, etc.

In 2024, staff made 511 casework referrals on behalf of criminal court clients.

Sentencing Advocates

The Mitigation and Sentencing Advocacy Bureau at the Monroe County Public Defender's Office is dedicated to improving outcomes for indigent individuals in criminal court proceedings. The staff of this bureau collaborates with attorneys, court involved teens and adults, their families, and various treatment and community providers, to develop holistic and humanizing narratives in hopes of improving long-term outcomes for our clients.

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>

This bureau provides services for homicide cases; VFO gun cases; VFO cases to include clients facing mandatory persistent sentencing; Felony cases after trial where sentencing is up to

the court; Parole and felony probation violation cases; Misdemeanor cases with compelling circumstances. These services include: Record collection and discovery review, comprehensive psychosocial history collection completed via 1:1 interview(s), completion of either comprehensive or abridged mitigation reports, support during litigation, and the referral to the case management program if client is in need of identified services.

In 2024, staff made 108 referrals to the Sentencing Advocacy unit.

Trial Assistants

While sentencing advocates focus on the result of a plea or trial, trial assistants help in the preparation of a case for hearings and trials. Trial assistants work with attorneys in gathering information to assist in plea negotiations, hearings, and trials. They assist with FOIL requests, subpoena preparation, and document review. They 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. The office currently employs two trial assistants.

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. Clients are typically issued reminders 7 days, 3 days, and 1 day prior to court appearances and also upon attorney request. In 2024, as a result of this program, a total of 14,461 court date reminders were sent to our 4,475 Rochester City Court and 7,927 Town and Village Court clients.

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 including: lack of transportation (there are courts in Monroe County that are not on a bus line), conflicting work, school, and child care obligations.

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. In 2024, for the fifth 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, prevent disruption to the client and facilitate the orderly resolution of cases.

Counsel at First Appearance [CAFA] program

The arraignment is the first court appearance in a criminal case and one where impactful decision are made including the custody status of the accused. In 2024, the Office continued to provide 24/7 representation at arraignment in all courts in Monroe County appearing at the arraignments of 4,827 clients. Regardless of the charge, the court, or time of day or night, a Monroe County Public Defender will be present to represent the accused. The involvement of our attorneys at arraignment often results in the dismissal of charges and the release of our clients.

Domestic Violence Survivors Justice Act [DVSJA]

Enacted in 2019, the Domestic Violence Survivors Justice Act [DVSJA] empowers sentencing courts to resentence domestic violence survivors who suffered sexual, psychological or physical abuse that contributed to their conviction if certain specific criteria are met. In addition, courts are required to hold hearings under certain circumstances to determine whether a domestic violence survivors' history of abuse should be a factor in deciding their sentence. In 2022 the Office created a unit to enable us to provide excellent representation on these cases.

In 2024, the DVSJA unit represented 9 clients on DVSJA applications.

Public Education

The Office recognizes the relationship between a well-informed community and the fate of those ensnared in the criminal justice system. We as well as anyone understand the critical importance of the recent and long overdue improvements to the bail, discovery, parole, marijuana, and driver's license suspension laws. We see the day-to-day positive impact that these reforms have had on the lives of countless clients and their families, many of whom are indigent persons of color.

Change brings conversation, and conversation may become dissent, and dissent may result in confusion or disinformation. Our response has been several-fold. We have spent tremendous time and effort educating and training attorneys in our office, our community, and around the state about the changes in these laws to ensure that their clients receive the intended protections offered by these reforms. We dispatch staff to community events, frequently at the invitation of a legislator, community member, or pastor to offer support for these reforms and to

counter misinformation designed to shake public support for them. Our evidence-based presentations regularly win converts and also buttress the efforts of those fighting to maintain the progress that has been achieved.

PART 3 TRAINING AND CONTINUING LEGAL EDUCATION

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 legal skills. To accomplish the necessary training for staff, the Office creates and delivers both training and CLE programs. Concerned not merely with the quality of work done by our staff, the Office regularly opens no-cost training and CLE programs to the staff of the Conflict Defender and the Assigned Counsel Program. In 2023 alone, as detailed below, the Office provided 49 Continuing Legal Education programs for staff attorneys and attorneys in the legal community.

Overseeing the creation and presentation of the Office's training and CLE efforts is First Assistant Public Defender Erik Teifke. Invaluable support for training and CLE programs is provided by Executive Secretary Kennedy Flanagan with contributions from other support and attorney staff.

The Initial Attorney Training Program [IATP]

The Initial Attorney Training Program [IATP] is the core training program that criminal trial attorneys complete early in their tenure at the office.

The ITAP is offered from August through December and spans 23 modules. More than merely a trial skills program, the IATP serves to not only educate and train but to enlighten and inspire. The IATP features an effective combination of lectures, modeling, demonstrations, and

simulations designed to instill participants with the passion, knowledge and skills necessary to for the work ahead. Participants are introduced to and trained on subjects and skills including: the importance of our client-centered philosophy, client interviewing and relationship building, case investigation, negotiation, motion practice, and trial skills.

This program is designed to serve as an introduction to many of the core skills our attorneys will use in service of their clients and provides the foundation for subsequent training and education.

In 2024, 7 participated in and graduated from this program.

Introduction to Felony Practice

The Introduction to Felony Practice program [IFP] is designed for attorneys being introduced to felony cases and is intended to make sure they enter felony case practice with the foundation skills necessary to offer quality representation on these more serious cases. During this approximately 15-hour program covering 7 subjects, participants are trained on subjects including: felony preliminary hearings, grand jury practice, felony sentencing, the use of expert witnesses, superior court accusatory instruments, and more.

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 2024, the Office sponsored 18 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 2024 were:

1. Local History- January 12, 2024
2. Exploiting BWC Evidence- January 22, 2024
3. SFST, BTO, & Other Acronym Cross Examination DAY 1- January 25, 2024
4. SFST, BTO, & Other Acronym Cross Examination DAY 2- January 26, 2024
5. Common Public Defender Ethical Issues- February 23, 2024
6. Working with Individuals with Diminished Capacity in the Legal Setting- March 1, 2024
7. The Nuts and Bolts of DWI- March 8, 2024
8. The Preliminary Hearing- March 22, 2024
9. CYBERSECURITY ETHICS: Practical applications, ethics, and other things- April 4, 2024
10. Clean Slate- Criminal Conviction Sealing- Effective 11/16/2024 & Reentry Practice Tips for Criminal Defense Practitioners- April 16, 2024
11. Immigration Issues in Criminal and Family Court Proceedings- April 26, 2024
12. Discovery Booster Shot- May 30, 2024
13. Exploiting BWC Evidence- June 7, 2024
14. Cops and Cars- July 8, 2024
15. 4th Department Criminal Law Update- September 20, 2024
16. Criminal Leave Applications to the Court of Appeals- October 10, 2024
17. Using *Erlinger v United States* to Challenge Predicate Sentencing- November 7, 2024
18. Adventures in Preservation- December 19, 2024

Attorneys in the Office are often asked to present at various CLE programs throughout New York State. In 2024, Office attorneys presented at CLEs sponsored by the New York State Defenders Association, the Monroe County Bar Association, Syracuse University College of Law, 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.

PART 4: OFFICE STAFFING AND CASELOADS

Criminal Trial Courts

The criminal trial courts consist of local courts [town courts and Rochester City Court] and Superior Courts [County or Supreme Court]. The office represents clients in all of these courts.

Local Court Section

There are currently 57 attorneys handling cases in town and city courts. 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 First Appearance (CAFA) Program.

Superior Court Section

In 2022, the supervisory distinction between Non-Violent and Violent felony attorneys was eliminated and the two groups of courts are now considered the responsibility of our Superior Court Section.

In 2024, the Superior Court Section was staffed with the full time equivalent of 32 attorneys, including the 1st Assistant Public Defender, the 2nd Assistant Public Defender, and three Special Assistant Public Defenders. Supervising Special Assistant Public Defender have reduced caseloads due to supervisory responsibilities.

The attorneys in the Section 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 attorneys in this Section 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.

The Office provides vertical representation in nearly all felony cases with rare exceptions where a determination is made that a client in an increasingly perilous legal situation would be

better served with a more experienced attorney. The best interests of the client will always guide decision making. This Office remains committed to providing vertical representation because it provides the indigent accused the most effective representation possible.

In 2024, the Office was assigned to approximately 3,360 felony cases.

Post-Conviction Unit

Due to the large volume of cases handled by the Office, we are frequently contacted by former clients with questions about their cases after they are closed. Requests for assistance may for matters related to re-sentencing under Clean Slate legislation, marijuana reforms, or general questions regarding their sentencing, time served, jail or prison conditions, re-entry services or SORA registration or re-registration. In order to streamline responses to these requests, we will create a dedicated unit of two to three attorneys to provide answers to these questions. This unit will provide legal assistance when appropriate and refer individuals to the proper agencies when necessary.

Family Court Section

The Family Court bureau of the Public Defender's Office represents litigants-mostly adults but some teens as well-who have cases pending in Monroe County Family Court. The attorneys handle every type of family law case in which indigent litigants are statutorily entitled to assigned counsel, including custody/visitation cases, family offense cases (both petitioners and respondents), child abuse and neglect cases, termination of parental rights cases, paternity and child support willful violation cases, and other miscellaneous cases. Outside of New York City, the Family Court bureau of the Monroe County Public Defender's office has the busiest family law practice of any upstate institutional provider.

In 2024, the Office's Family Court attorneys represented approximately 3,541 individual clients and handled approximately 5,635 court cases. (Many clients have multiple cases pending in various parts of the Family Court). The number of clients is expected to rise in 2024 as the New York State Office of Court Administration has directed the Family Court judiciary by court rule to assign counsel for individuals with household incomes up to 250% of the federal poverty guidelines, an increase from the 125% guideline level that had been followed. The Public Defender's Office is working with others across the state to explain the need for state funding to support quality legal representation in Family Court.

The attorneys in the Family Defense Unit opened approximately 288 new cases in 2024 (in addition to cases carried over from 2023). The goals of the Family Defense unit are intended to benefit Monroe County families, particularly those that are most likely to have contact with the child welfare system, i.e., poor families and families of color. A key feature of the Family Defense unit is its social work program, whereby four highly experienced senior case workers work collaboratively with parents to eliminate the factors that led to CPS involvement, and to help parents realize a better, more stable life for their families going forward. The social workers in the Family Defense unit made approximately 410 community resource referrals in 2024 on behalf of clients.

In 2024, the Family Court Section and Family Defense Unit represented 5,923 cases.

Appeals Section

In 2024, the Public Defender's Office continued to contract with a number of highly experienced private appellate attorneys to handle a portion of its appellate caseload. In addition, the appeals bureau works with attorneys from large law, national law firms who handle

public defender appeals pro bono under the appeals bureau’s supervision. An increase in staffing allowed the appointment of an additional Appeals supervisor which assists the chief supervisor with ensuring the smooth operation of the Appeals bureau. The appointment of a new Chief Justice at the Court of Appeals has already resulted in an uptick in the number of cases being heard by that body, and we anticipate that the Appeals section, already busy, will soon become even more engaged.

In 2024, the appeals bureau opened 169 new cases.

Investigation Section

Supervised by Chief Investigator Latanya Morse, the Monroe County Public Defender's Office performs case investigations and other associated tasks on behalf of our clients. The Office regularly conducts our own investigations, not relying solely upon the results of the police investigations as revealed during the discovery process. It is not unusual for our investigators to locate evidence and witnesses that the police did not or could not locate. The investigation results are then provided to the attorney who uses them to the fullest advantage of each client.

During 2023, the Monroe County Public Defender's Office employed nine full-time investigators, one of whom is the Chief Investigator in charge of the bureau.

The statistics for 2024 are as follows:

INVESTIGATIVE SECTION STATISTICS 2024	CRIMINAL TRIAL SECTION	FAMILY COURT/APPEALS SECTIONS	TOTAL
INVESTIGATION/INTERVIEWS	2241	283	2524
SUBPOENAS	117	244	361
LOCATE/NOTIFY	66	15	81
MISC (Translations, photos, DMV etc.)	438	45	483

In 2024, approximately 3,449 criminal and family court investigation requests were handled by our investigative staff. Through their work, our investigative staff makes a strong and clear contribution to the Office's ability to successfully resolve cases for our clients either by disposition or trial.

PART 5: THE FUTURE OF THE OFFICE

The Office continues to build upon its many strengths by investing time, attention and resources into our talented staff. Whether we are encouraging staff members to pursue training in DEI, attorneys to expand and share their legal knowledge in a CLE, or taking the time to talk over challenges presented by working in Public Defense in supportive groups or one on one engagements, the goal is always to be of service to our staff, so our staff can in turn provide exemplary service to our clients. We welcome any and all opportunities to engage with the community that we serve, answer questions about what we do and how we can serve the community, and encourage and mentor others to consider whether this type of work may be a good fit for them in the future. Our clients will experience increasing levels of trust, satisfaction and confidence in their representation that is the natural consequence of these efforts. The courts themselves will continue to receive quality attorneys into their courtrooms who will uphold the Constitution and the dignity of the system. We fully embrace our responsibility to provide stellar representation and service to all.

We will also continue to work on improving where we can be stronger. With an animated and energetic approach to recruitment, we hope to attract more diverse attorneys so as to reflect

the community. We will continue to learn, grow and adapt to both the challenges and benefits of changing technology. We will increase our efforts to interact with the community and maintain transparency in our actions.

CONCLUSION

The Office recognizes that none of the work that we do would be possible without the support of the Monroe County Legislature, the County Executive and County Administration, and the community we serve. It is our privilege to practice law and provide legal services to the underserved, and we are grateful to the all of those who make this work possible. We look forward to continuing these relationships and providing the best legal representation possible in 2025.

Respectfully submitted for The Public Defender's Office

Julie Cianca
Monroe County Public Defender

CASE INTAKE SUMMARY - 2024

NEW CLIENTS	16,370
FELONY	1,880
FELONY [DRUG]	231
FELONY [VFO]	1,214
HOMICIDE	35
MISDEMEANOR	5,122
VIOLATION [CITY AND TOWN]	831
PROBATION VIOLATION [SUPERIOR]	244
PROBATION VIOLATION [CITY AND TOWN]	176
APPEALS	169
FAMILY COURT	5,923
PAROLE	304
FUGITIVE	67
SORA	47
ADVICE	25
DVSJA	9
FAMILY APPEALS	16
PAROLE APPEALS	15
VIOLATION OF CONDITIONAL DISCHARGE	62

TRIAL COURT CASE DISPOSITIONS - 2024

TOTAL cases concluded [dismissal, negotiated settlement, + trial] by MCPD in 2024: 5,237

Cases resolved without a trial: 2,542

- ACD 1,154
- Withdrawn and dismissed 56
- Dismissed on motion 603
- Dismissal other 729

Cases where a plea was entered to the highest offense charged: 527

- Violation: 43
- Misdemeanor: 330
- Felony: 154

Cases where a plea was entered to less than the highest offense charged: 2,059

- Pleas on felony cases: 780
 - To lesser felony: 277
 - To misdemeanor: 503
- Pleas on misdemeanor cases: 1,279
 - To lesser misdemeanor: 59
 - To violation: 1,220

Cases concluded with a trial: 66

- Felony: 31
- Misdemeanor: 34
- Violation: 1

Trial result:

- Guilty as charged: 12
- Guilty of lesser offense: 8
- Not Guilty: 10
- Trial order of dismissal: 34
- Mistrial: 2

% of cases concluded with a dismissal [ACD, Withdrawn, Dismissed on motion, Dismissal other, TOD, Mistrial]	49.4
% cases with highest charge conviction [Plea to highest charge + GAC after trial]	11.1
% cases with conviction for any offense [Plea or trial conviction for any crime]	39.5

PUBLIC DEFENDER STAFF

ADMINISTRATION

Public Defender – Julie Cianca
Confidential Assistant to the Public Defender – Tracey Tronolone
Project Manager – Michael Molinari
Executive Secretary – Kennedy Flanagan
Senior Data Officer – Katheryne Cook
Confidential Secretary – Lillian Gucciardo
Secretary to Special Counsel – Jennifer Fish
Receptionist – Sandra Lopez
Receptionist—Carolina Castro

CRIMINAL COURTS

First Assistant – Erik Teifke
Second Assistant – Joshua Stubbe
Special Assistant – John Bradley
Special Assistant – Michael Doran
Special Assistant – Elizabeth Riley
Special Assistant – Karine Haselbauer
Special Assistant – Emily Rosmus
Special Assistant – Jean Caputo
Special Assistant – Robert Bahr
Special Assistant—Katherine Higgins
Special Assistant – Campbell Roth
Assistant Public Defender – Dhyana Estephan
Assistant Public Defender – Luwing Peche
Assistant Public Defender—Heather Burley
Assistant Public Defender—Nathan Czapranski
Assistant Public Defender—Kim Czapranski
Assistant Public Defender – Marybeth McCarthy
Assistant Public Defender – Kevin Brach
Assistant Public Defender – Courtney Ashraf
Assistant Public Defender – Tracy Sullivan
Assistant Public Defender – Krystian Opalinski
Assistant Public Defender – Nicholas Carey
Assistant Public Defender – Nicholas Wawrzaszek
Assistant Public Defender – Adam Zielinski
Assistant Public Defender – William Weir
Assistant Public Defender – Jeremie Mathias
Assistant Public Defender – Brittney Clark
Assistant Public Defender – Michael McNelis
Assistant Public Defender – Alex Phengsiaroun
Assistant Public Defender – Jordan Beal
Assistant Public Defender – Thomas Ambalavanar
Assistant Public Defender – Justin Reichman

Assistant Public Defender – Nicholas Piron
Assistant Public Defender – Latoya Funderburk
Assistant Public Defender – Haley Werner
Assistant Public Defender – Manab Goswami
Assistant Public Defender – Andrew Kij
Assistant Public Defender – Luke Harned
Assistant Public Defender – Rachel Wade
Assistant Public Defender – Lindsay Hartley
Assistant Public Defender – Griffin Dault
Assistant Public Defender – Margaret Vassar
Assistant Public Defender – Griffin DeGaetano
Assistant Public Defender – Aaron Friedman
Assistant Public Defender – Gregory Lebens-Higgins
Assistant Public Defender – Connor Judd
Assistant Public Defender-- Tigan Woolson
Assistant Public Defender-- Sara Gaylon
Assistant Public Defender-- Hannah Davis
Assistant Public Defender-- Micah Coons
Assistant Public Defender-- Brandon Boschi
Assistant Public Defender-- Joseph Brown
Assistant Public Defender-- Errol Stennet
Assistant Public Defender-- Sarah Hoffman
Assistant Public Defender—Rachel Davis
Assistant Public Defender—Francine McAndrew
Assistant Public Defender—Iain Phillips
Administrative Assistant – Pamela Loughridge
Administrative Assistant – Meghan Robinson
Administrative Assistant-- Alexandra Valentine
Administrative Assistant – Maribel Trott

APPEALS

Special Assistant Public Defender – Drew DuBrin
Special Assistant Public Defender – David Juergens

Assistant Public Defender – Jane Yoon
Assistant Public Defender- Alexander Prieto
Assistant Public Defender – Guy Talia
Assistant Public Defender – James Hobbs
Assistant Public Defender – Sabrina Bremer
Assistant Public Defender – Jonathan Garvin
Assistant Public Defender – Tonya Plank
Assistant Public Defender – Clea Weiss
Assistant Public Defender—Rezvaneh Ganji
Special Urban Investigative Assistant – Coleen Enright
Administrative Assistant – Shamika McKnight

FAMILY COURT

Special Assistant Public Defender – Seana L. Sartori
Special Assistant Public Defender (Family Defense Unit) – Robert Turner
Assistant Public Defender – Brian J. Wirley
Assistant Public Defender – Christine F. Redfield
Assistant Public Defender – Darcie L. Bahr
Assistant Public Defender – Erin K. Barry
Assistant Public Defender – Lisa M. Bruce
Assistant Public Defender – Erin K. Erturk
Assistant Public Defender – Colton J. Kells
Assistant Public Defender – Louis E. King, Jr.
Assistant Public Defender – William H. King, Jr.
Assistant Public Defender – James Hinman
Assistant Public Defender - Kerandeep A. Mattu
Assistant Public Defender—Laina Vimahi
Assistant Public Defender—Kayla Curtin
Assistant Public Defender—Austin Mowers
Special Urban Investigative Assistant - Samantha Rodriguez
Special Urban Investigative Assistant – Lan Nguyen
Special Urban Investigative Assistant – Ariella Hutton
Investigative Assistant – Katie Haskins
Investigative Assistant – Matthew Scrivens
Parent advocate (Family Defense unit) –Sakeenah Muhammad
Senior caseworker – Toneisha Anderson
Senior caseworker – Lisa Freeman
Senior caseworker – Bernadette Piccininni
Senior caseworker – Savannah Kieper

INVESTIGATIONS

Chief Investigator	Latanya Morse
Senior Spec Urban Inv.	Maria Camacho
Spec Urban Inv. Bilingual	Greg Pagan
Spec Urban Inv.	Laurie Zimmer
Spec Urban Inv.	Alyssa Ecija
Spec Urban Inv.	Jonan Barut
Spec Urban Inv.	Thomas Kosinski
Spec Urban Inv.	Nyesha McKinney

SOCIAL WORK

Chief Mitigation Specialist –Andre Fontenette
Mitigation Specialist – Ashley Binn
Mitigation Specialist – Jennifer Mudd
Mitigation Specialist – Shunmia Waters

Senior Caseworker – Kayla McCrickard

Caseworker – Zachary Jenkins
Caseworker – Evan Altieri
Caseworker – Nadia Abdallah
Caseworker-- Shari Robertson
Caseworker-- Erin Freeman

DIGITAL MEDIA TECH

Digital Service Coordinator-- John Phommany
Digital Media Tech-- Ketsia Rodriguez
Digital Media Tech – Zaria Gibson-Stevenson

TRIAL ASSISTANTS

Trial Assistant - Pamela Flemming
Trial Assistant – Kayla Atkins

OFFICE CLERKS

Office Clerk – Zelda Reed
Office Clerk – Eduardo Abud-Sturbaum
Office Clerk – Amy Cason

PARALEGALS

Special Urban Investigator – Dan Behrndt
Investigative Assistant – Rhonda Jackson
Investigative Assistant – Tamra Hagan
Investigative Assistant – Bria Smith
Investigative Assistant – Coren McLaughlin
Investigative Assistant – Natasha Iannitti
Investigative Assistant – Sharon Warner