# ASSIGNED COUNSEL PROGRAM ERIE COUNTY BAR ASSOCIATION AID TO INDIGENT PRISONERS SOCIETY, INC.

ROBERT D. LONSKI ADMINISTRATOR

CLAUDIA S. SCHULTZ DEPUTY ADMINISTRATOR THE CROSBY BUILDING 170 FRANKLIN STREET, SUITE 400 BUFFALO, NY 14202-2412 (716) 856-8804 FAX (716) 856-0424

July 19, 2012

Robert M. Graber Clerk of the Erie County Legislature 92 Franklin Street, 4<sup>th</sup> Floor Buffalo, NY 14202

Re: Resolution 233 of May 6, 1975

Dear Mr. Graber:

Pursuant to the above-referenced Resolution, I am enclosing a financial report for the period 7/1/11 - 12/31/11, along with a list of attorneys who are currently on our panel. I am also enclosing copies of the minutes of each meeting of our Board of Directors that has been held within that six month period.

Thank you.

Sincerely,

Robert D. Lonski Administrator

RDL:rl encs.

### ECBA AIP Assigned Counsel Program

#### Report to the Clerk of Erie County Legislature

Period 1/01/12 - 6/30/12

#### Source of Funds:

County of Erie:	\$3,879,724
NYS:	110,500
ILS	30,194
Interest:	6
Donation - Training Restricted	5,765

Total: \$4,026,189

#### Program Expenditures:

Attorney Fees	3,042,210
Transcripts	30,504
Experts	17,137
Investigators	16,705

Total: \$3,106,556

#### Administration:

Personnel (Wages, Hosp, FICA, Unemp	456,756
Util/Telephone	5,926
Space Rental	23,350
Office Supplies	6,365
Postage	12,777
Travel	2,499
Insurance	0
Legal/accounting (Accountant)	0
Dues & Assoc. Membership Fees	260
Office Printing/copying (Reproduction)	4,741
Training	7,233
Equipment Purchase	1,089
Computer Maintenance	0
Legal Publications	1,645
Courier Service	2,430
Temp & Law Student	3,172
Payroll Service	935
Misc (Misc & Misc Volunteer Support)	317

Total: \$529,495

Grand Total: \$3,636,051

JEFFREY	ABATE	WILLIAM	CLARK
ANTHONY	ABBARNO	ANTOINETTE	
DAVID	ABBATOY	PAUL	CLEARY
EUGENE	ADAMS	EMILIO	COLAIACOVO
GEORGE	ADAMSON	MICHAEL	COLE
DAVID R	ADDELMAN	RICHARD	COLE
FERN	ADELSTEIN	CORNELIUS	COLLINS
JERRY M	ADER	KEVIN	CONDON
MARK	ADRIAN	ROBERT	CONVISSAR
JOSEPH	AGRO	LINDSAY	COPELAND
FRANCIS	AMENDOLA	WILLIAM	CURTIN
ELENA	ANCONA	ROBERT	CUTTING
<b>THOMAS</b>	ANDRUSCHAT	CRAIG	CWICK
JOHN	ANGE	PHILLIP	DABNEY, JR.
SARA	ANTHIS	DON	DALLY
ANN	ARNOLD	DANA	DANTONIO
<b>JAMES</b>	AURICCHIO	SAMUEL	DAVIS
MICHAEL	BARONE	BRIAN	DEGNAN
PAUL	BARR	PAUL G.	DELL
KEVIN	BAUER	REGINA	DELVECCHIO
RUTH	BAUM	JAMES	DEMARCO III
JOHN	BEDASKA	JAMES	DEMATTEO
DEBRA	BENDER	CATHERINE	DEMPSEY
CATHERINE	BERCHOU	GINA	DEPRIMA
PETER	BERGENSTOCK	LAWRENCE	DESIDERIO
ALAN	BIRNHOLZ	KATHLEEN	DEVEREAUX
JENNIFER	BLACKHALL	EDWARD	DINKI
DAVID	BLACKLEY	JASON	DIPASQUALE
DANIEL	BOECK	MARK	DOANE
FRANK	BOGULSKI	BARRY	DOLGOFF
GAIL	BREEN	ALAN	DONATELLI
TIMOTHY	BRIDGE	CECILE	DORLIAE
WILLIAM	BRODERICK JR	JOHN	DORN
MATTHEW	BROOKS	JAMES	DOWSEY
WESLEY	BROWN	DANIEL	DUBOIS
	BUFFOMANTE		
ANGELO		JOSHUA	DUBS
FRANK	BUFFOMANTE	JOHN	DUDZIAK DUNN
KARA FRANK	BUSCAGLIA	KELLY	
	BYBEL	KATHRYN	EASTMAN
DELIA	CADLE	LAURA	EL-BAHTITY
DOMINIC	CANDINO	KELIANN	ELNISKI
E. CAREY	CANTWELL	ANTHONY	EMMI
ANTONIO	CARDARELLI	HOLLY	ERICK
CATHERINE	CAREY	TARA	EVANS
LOUISE E.	CAREY	TERRANCE	FALK
BENJAMIN	CARLISLE	ANDREW	FANIZZI
A. JOSEPH	CATALANO	THOMAS C	FARLEY
ANTHONY	CERVI	JENNIFER	FARRELL
MARY	CHAN	KENNETH	FARRELL
ELIZABETH	CIAMBRONE	KAREN	FEGER
DANIEL	CIMINELLI	WAYNE	FELLE
JAMES	CIMINELLI	NOEMI	FERNANDEZ
DIANE	CIURCZAK	M. KREAG	FERULLO

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SHANNON	FILBERT	DAIRE BRIAN	IDW/IN
SARAH	FILOCAMO	HOPE	JAY
	FINA		
GREGORY ROBERT	FLYNN	JOHN CLARENCE	JENNY JOHNSON
	• — • • • • • • • • • • • • • • • • • •		
ROMAN	FONTANA	ROBERT	JOHNSON
TAMARA	FOWLSTON	ROCHELLE	JONES
GARY	FREEDMAN	MICHAEL	JONES
KATHRYN	FRIEDMAN	JOHN K	JORDAN
TIMOTHY	GALLAGHER	SUSAN	KARALUS
JOHN	GARRITY	RANDALL	KAY
PATRICK	GARRITY	THOMAS	KEANE
SUZANNE	GARVEY	JOHN M	KEAVEY
GIOVANNI	GENOVESE	THOMAS	KEEFE
MATTHEW	GIANNETTI	DAVID	KELLY
LESLIE JEAN	GIBBIN	MICHAEL	KELLY
KENNETH	GIBBONS	SEAN	KELLY
KEVIN	GIBBONS	JAMES	KENNEDY
<b>BRENDAN</b>	GILBERT	STEPHEN	KENNEDY
JOHN	GILMOUR	<b>EDWARD</b>	KEY
RODNEY	GIOVE	DENIS	KITCHEN
ROBERT	GOLDSTEIN	HOWARD	KLEIMAN
ALBERT	GRANDE	MICHAEL	KOBIOLKA
TERRY	GRANGER	ADAM	KOCH
DANIEL	GRASSO	JOSHUA	KORMAN
CHARLES	GREENBERG	ANTHONY	KOWALSKI
ALVIN	GREENE	KRISTIN	KOZLOWSKI
JOHN	GRENNELL	JEFFREY	KRAJEWSKI
DANIEL	GRIEBEL	RACHEL	KRANITZ
DAVID	GUTOWSKI	PATRICK	KREY
DANIEL	GVERTZ	KATHLEEN	KUGLER
MARCY	HAGEN	PAUL	KULLMAN
LYLE	HAJDU	JEFFREY	LACEY
IAN	HARRINGTON	LEE CHARLES	
JEFFREY	HARRINGTON	ANTHONY	LANA
KEVIN	HARRIS	CHRISTINA	LANA SHINE
GEORGETTE	HASIOTIS	ELIZABETH	LANDWEHR
TINA	HAWTHORNE	FREDERICK	LANG
TIMOTHY	HENNESSY	JAMES	
			LAZARUS LEFF
DANIEL	HENRY JR	RICHARD	
KAREN	HENSLEY	CLAYTON	LENHART
MICHAEL	HERON	DEAN	LILAC JR
NICHOLAS	HICKS	MICHAEL	LOCICERO
JOSEPH	HODAN	THOMAS	LOKKEN
ALAN	HOFFMAN	FRANK	LONGO
LORI	HOFFMAN	JENNIFER	LORENZ
BERNADETTE		ANDREW C	LOTEMPIO
JANE	HUGHES	TIMOTHY R	LOVALLO
STEPHEN	HUGHES		LUHR
TRISTAN	HUJER		LUKASIK
THOMAS	HURLEY		LUMLEY
FRANK	IERACI	TEHSHENG	MA
MICHAEL	INGHAM	MICHELLE	MACCAGNANO
RAMON	IRIZARRY	LOUIS	MAINO

JAMES	MALONEY	JOSHUA	RAMOS
JOAN	MALONEY	KEVIN	REEDY
J. MICHAEL	MARION	MELISSA	REESE
MINDY	MARRANCA	SUSAN	REINECKE
SHAWN	MARTIN	SCOTT	RIORDAN
EDWARD J	MARTNSHIN	NORA	ROBSHAW
KATHLEEN	MCDONALD	JULIE	ROGERS
DENNIS	MCGRATH	DAVID	ROGGENBAUM
MICHAEL	MCKEATING	WALTER	ROOTH III
PATRICK	MCLAUGHLIN	MARIA	ROSCIGLIONE
RALPH	MEGNA	CAROL	ROSENTHAL
	MESSINA	DEBRA	ROUGEUX
CHARLES			
JENNIFER	METZGER	BRIAN	RUFFINO
PAUL	MICHALEK JR	SEAN	RYAN
TARA	MIDLIK	MARK	SACHA
RAYMOND	MILES III	JOHN	SANCHEZ
JOHN	MOLLOY	SALVATORE	SANFILIPPO
MARK	MONTOUR	SABBY	SANTARPIA
ROSEANNE	MORAN	JEFFREY	SANTORO
CHRISTOPHER		DOMINIC	SARACENO
MARK	MULTERER	DAVID	SARKOVICS
MOLLY JO	MUSARRA	ANTONIO	SAVAGLIO
JOSEPH	MUSCATO	RACHAEL	SAVANYU
CATHERINE	NAGEL	JEREMY	SCHWARTZ
TERRENCE	NAPLES	LAWRENCE	<b>SCHWEGLER</b>
TERENCE	NEWCOMB	DEBORAH	SCINTA
ANN	NICHOLS	JOSEPH	SCINTA
JON ALLON	NICHOLS	SETH	SEEGERT
LEAH	NOWOTARSKI	MARC	SHATKIN
JOHN	NUCHERENO	RICHARD	SHAW II
MICHAEL G	O'ROURKE	ROBERT	SHEPHERD
MICKEY	OSTERREICHER	DANIEL	SHINER
EVELYNE	O'SULLIVAN	DAVID	SILVERBERG
RADHIKA	PADMANABHAN	NADEEN	SINGH
DAVID	PAJAK	JOSEPH	SINKEWICZ JR
BRIAN	PARKER	JENNIFER	SMITH
LUCIAN	PARLATO	VICTORIA	SMITH
FRANK	PASSAFIUME	OSCAR	SMUKLER
KIM	PAUL	KEVIN	SPITLER
TIMOTHY	PAWARSKI	MICHAEL	STACHOWSKI
DOROTHY	PEARMAN	KEVIN	STADELMAIER
BRITTANY	PENBERTHY	JOSEPH	STADLER
	PESZKO	PATRICK	STAFFORD
			STAFFORD
	PIOTROWSKI	RICHARD	= = = = = = = = = = = = = = = = = = = =
	PLATZER	R. HUGH	STEPHENS
	POCH	R. WILLIAMS	STEPHENS
	PORETTA	SCOTT	STEPIEN
	POTZLER	JENNIFER	STERGION
	POWELL	D. DANIEL	STEVANOVIC
	PRESSMAN	DOUGLAS	STILLER
	PULEO	NICOLE	TALEV
	QUINLIVAN	JOSEPH	TERRANOVA
ANDREW	RADACK	FRANCIS	TESSEYMAN JR

**THOMAS THEOPHILOS JORDAN THOMAS DAVID TODARO NELSON S TORRE DELREASE TOTA-NEAL RONALD TRABUCCO JAMES D TRESMOND EMILY TROTT AYOKA TUCKER** LANA **TUPCHIK DENIS UMINSKI STEPHEN UNDERWOOD** LISA **VALVO JAMES VANDETTE PETER VASILION CATHARINE VENZON YVONNE VERTLIEB JESSICA VESPER** LOUIS **VIOLANTI** SURINDER VIRK **JEFFREY VOELKL** DANIEL WARD **WEBB THOMAS DOUGLAS** WEINERT PIETER **WEINRIEB DAVID WIDENOR WALLACE WIENS** MARK WILLIAMS JR **DAVID** WILSON **THOMAS WOJTAN** KEVIN WOLF **PAUL** WOLF MARK WORRELL LISA **YAEGER GRANT ZAJAS** DAVID ZEIGLER JOHN **ZIMBERLIN MICHAEL ZOSH** 

### Meeting of the Board of Directors Erie County Bar Association Aid to Indigent Prisoners, Inc. June 6, 2012

Present: John Aman, Robert Convissar, Julie Dee, James DeMarco III, Brenda Freedman, Robert Goldstein, Daniel Henry, Catherine Nagel, Robert Lonski, Rodney Personius, Ayoka Tucker, and JoAnn Wahl

Mr. Convissar convened the meeting at approximately 12:20 p.m.

The minutes of the regular and annual meetings of April 4, 2012 were reviewed and approved.

Mr. Lonski presented the financial report of the organization through the end of April, 2012. He reported that, in addition to the revenue shown on the April 30<sup>th</sup> report, the program received in May its second payment from the county, and that cash flow remains good. He also pointed out that program expenses are significantly more manageable than they were at this time last year. Some possible reasons for this were discussed, including a greater general sensitivity on the part of panel attorneys to budgetary concerns.

Mr. Lonski reported that a request for an extension of the 2011-2012 ILS contract has been made, and that it is expected to be approved.

The Board received, reviewed and discussed the preliminary report of the independent auditor. Mr. Lonski pointed out that no exceptions were noted in the audit, it being "clean", and that there was no need for a management letter. The Board also reviewed the preliminary report on applying agreed-upon procedures, which was also without exception. Upon motion and second, Mr. Lonski was authorized to release the reports to county officials provided that the final audit report does not differ materially from the preliminary reports that were before the Board.

Recommendations of the Professional Standards Committee regarding the following attorneys applying for participation in the program were discussed and unanimously approved: Laurie Baker, Michaelangelo Cieri, Douglas Curella, Frank Falzone, Charles Messina, William Casey, Andrew Fiske, Jeffrey Gravelle, Daniel Hebert, Audrey Herman, Matthew Laufer, Shawn Martin, Richard Morrisroe, Louis Mussari, Denis Scinta, Jason Urbaniak, and Ileah Welch. Similarly, recommendations of the Committee regarding panel upgrade or change applications of attorneys currently participating with the program were discussed and approved unanimously: James Auricchio, Richard Cole, Walter Rooth III, and Jack Sanchez.

The Board then discussed in detail the recommendations of the Professional Standards Committee to modify a number of existing Board policies or procedures, including the following:

- 1. Criteria for Participation on Criminal and Appellate Panels and Subpanels
- 2. Criteria for Participation on Family Court Attorney Panels
- 3. Criteria for Participation on Family Court Article 10 Panel
- 4. Procedure for Determination of the Composition of the Criminal and Family Court Panels of the Erie County Assigned Counsel Program
- 5. Felony, Misdemeanor and Family Court Panel Review Policy and Procedure
- 6. Minimum Qualifications Erie County Bar Association Assigned Counsel Program
- 7. Standards of Professional Conduct

In the course of and discussion, a number of corrections and changes where suggested, which were accepted by consensus. As so modified, each of the modified policies and procedures was approved unanimously.

The question as to whether the Board should continue to require membership in the New York State Defenders Association as a condition of participation on criminal panels was raised and tabled to the next meeting.

There being no further business, the meeting was adjourned at 1:40 p.m.

Respectfully submitted,

Julie A. Dee Secretary

RDL:rl

Annual Meeting
of the
Board of Directors
of the
Assigned Counsel Program
April 4, 2012

Present: John Aman, Richard Barnes, Robert Convissar, James DeMarco III, Kenneth Gibbons, Robert Goldstein, Nicholas Hicks, Robert Lonski, Rodney Personius, Joseph Terranova, JoAnn Wahl, and Claudia Schultz

Mr. Hicks convened the meeting at approximately 12:17 p.m.

He reminded the Board that directors elected through this process are presented to the Board of Directors of the Bar Association of Erie County, which then acts on those individuals through its own election process. Typically the action of the Board of the Bar Association is to confirm the names submitted through this Board's elections process.

He then reported that two directors, Kenneth Gibbons and himself, are rotating off the Board at this time due to the operation of the by-laws. The Board joined in thanking each of them for their committed service to the program over the past several years.

On behalf of the Nominating Committee, Mr. Hicks nominated Paul Hassett and Daniel Henry Jr. for three-year terms as directors. The nominations were seconded, and there being no other nominations, both Mr. Hassett and Mr. Henry were elected unanimously.

Mr. Hicks then reported that the terms of five additional directors were expiring at this time, including those of Mr. Barnes, Ms. Tucker, Mr. DeMarco, Ms. Dee and Mr. Goldstein. On behalf of the Committee, he nominated each of them for an additional term. The nominations were seconded, and there being no other nominations, all were reelected unanimously.

Mr. Hicks reminded the Board that, following the meetings of this date, Mr. Convissar would take office as president, Catherine Nagel as vice-president, and Mr. DeMarco as treasurer, with Ms. Dee continuing as secretary.

Mr. Lonski then reported for the Nominating Committee with respect to its recommendations for officers.

Catherine Nagel was nominated as president-elect, to take office as president at this time next year, in light of the fact that Mr. Convissar will have to rotate off the Board 12 months from this time. Mr. DeMarco was nominated as vice-president-elect, to take office as vice-president at this time next year.

Julie Dee was nominated at secretary-elect, to continue as secretary at this time next year, and Robert Goldstein was nominated as treasurer-elect, to take office as treasurer at this time next year, when Mr. DeMarco moves into the position of vice-president.

Those nominations were seconded by Mr. Barnes. There were no other nominations and those nominated were elected unanimously.

There being no other business, the meeting was adjourned at approximately 12:35 p.m.

Respectfully submitted,

Robert D. Lonski Acting Secretary

RDL:rl

### Meeting of the Board of Directors Erie County Bar Association Aid to Indigent Prisoners, Inc. April 4, 2012

Present: John Aman, Richard Barnes, Robert Convissar, James DeMarco III, Kenneth Gibbons, Robert Goldstein, Nicholas Hicks, Robert Lonski, Rodney Personius, Joseph Terranova, JoAnn Wahl, and Claudia Schultz

Mr. Hicks convened the meeting at 12:18 p.m.

Following a motion and second, the minutes of the meeting of February 14, 2012 were approved by unanimous vote.

Mr. Lonski presented the financial report of the organization through the end of February, 2012. He reported that all contracts have now been signed with the county, including the primary contract for services, the Aid to Defense contract, and that for the ILS grant. While requests for payment have been made, payment has not yet been remitted, although he reports that the county has assured him that a substantial payment will be made next week.

He further reported that program expenses are running somewhat lower than at the same time last year.

He advised that the modified attorney application process discussed at the last Board meeting has begun to be implemented, and that the reviews of attorneys on the misdemeanor and Family Court panels will begin soon. He further reported that the field work for this year's independent audit will commence on April 16<sup>th</sup>.

Mr. Lonski discussed the reported interest of the Legal Aid Bureau in providing representation on additional classes of felonies which are currently handled by the Assigned Counsel Program. The Board engaged in a full discussion of this issue, and Mr. Lonski advised as to his efforts thus far to communicate with persons who may have an interest in the appropriate delivery of defense services in Erie County. As a result of these discussions, the Board authorized Mr. Lonski to explore the possibility of the Assigned Counsel Program providing representation in all felonies in Buffalo City Court, including D and E felonies in which the Legal Aid Bureau does not have a conflict of interest.

Mr. Hicks and Ms. Schultz then reported on the very successful recent Attorney Recognition Reception. Much favorable feedback has been received, and Ms. Schultz again thanked the Board for its support for the event, both financial and otherwise.

Mr. Lonski presented the recommendation of the Professional Standards Committee that Marcy Hagan be approved to receive assignments to criminal appeals. The Committee did not recommend approval to receive Family Court appeals in light of Ms. Hagan's limited Family Court experience at this time. Upon motion and second, the recommendation was approved unanimously.

There being no further business to discuss, the meeting was adjourned at approximately 1:15 p.m.

Respectfully submitted,

Robert D. Lonski Acting Secretary

RDL:rl

## Meeting of the Board of Directors Erie County Bar Association Aid to Indigent Prisoners, Inc. February 14, 2012

Present: John Aman, Robert Convissar, Julie Dee, James DeMarco III, Kenneth Gibbons, Robert Goldstein, Rodney Personius, Joseph Terranova, Ayoka Tucker, Hon. Michael Hudson, Karen Welch, JoAnn Wahl, Robert Lonski and Claudia Schultz.

Mr. Convissar convened the meeting at 12:20 p.m.

Following a motion and second, the minutes of the meeting of November 16, 2011 were approved by unanimous vote.

Mr. Lonski presented the financial report of the organization through the end of December 2011. He discussed the successful efforts of the organization to end the year without a deficit, and acknowledged the extraordinary support of the panel attorneys to that end. The Board discussed the importance of increasing attorney use of experts and investigators, suggesting that one avenue toward that goal might be a CLE program. Mr. Lonski agreed that increased efforts in this area should be a priority.

Mr. Lonski reviewed in some detail the procedure that the program follows to calculate its unbilled liability at any given point in time.

He reported that the executions of the primary funding contract with the County of Erie and the contract between the County and the program for the ILS grant are on schedule.

Mr. Lonski reported on his recent dinner conversation with Bill Leahy of the Indigent Legal Services office in Albany and Billy Coughlin of the Legal Aid Bureau during which there was some suggestion that the relative mix of cases handled by the respective organizations should be reviewed and perhaps revised. He further reported that he has received indications since that time that Mr. Leahy may have reconsidered that position. Mr. Lonski and Mr. Leahy will be meeting on February 15<sup>th</sup> to discuss this issue further.

Mr. Lonski advised that the Whistleblower Policy that the Board adopted at its last meeting has been fully implemented in the office.

Ms. Schultz reported for the Attorney Recognition Reception Committee, saying that this year's event will be on Wednesday, March 28<sup>th</sup> from 5:30 p.m. to 7:30 p.m. The Committee recommended that Ayoka Tucker be recognized as the outstanding attorney of the year in Family Court practice, and Joseph Agro in the area of criminal defense. The Board unanimously adopted those recommendations, with the exception of Ms. Tucker, who abstained.

The Board went into executive session to discuss the recommendations of the Professional Standards Committee following its interviews of 9 attorneys. Following extensive discussion, the Board returned from executive session, and unanimously adopted the recommendations regarding the following attorneys: Thomas Keane, Sean Kelly, Michael Marion, Nora Robshaw, Elena Ancona, William Clark, Frank Longo, and Abby Ma. The recommendation with respect to Kevin Wolf was adopted, with all present voting in favor with the exception of Mr. Aman and Ms. Dee, who opposed.

Mr. Lonski asked Board members to let him know if they have any relationship with the new County Executive, the new County Attorney (Michael Siragusa), the Budget Director (Bob Keating), or any of the new County Legislators (Tim Hogues, Terry McCracken, or Joseph Lorigo).

Finally, the Board discussed initiating attorney panel reviews for the misdemeanor and Family Court panels of attorneys while continuing the ongoing felony panel reviews, and at the same time reducing the number of attorney applicants who are interviewed by utilizing a two-stage prescreening process. Mr. Lonski was authorized to proceed with those projects, and to utilize the resources of the Professional Standards Committee as may be needed.

There being no further business to discuss, the meeting was adjourned at approximately 1:55 p.m.

Respectfully submitted,

Julie A. Dee Secretary

JAD:mo