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MINUTES
Meeting of the Board of Directors
Erie County Bar Association Aid to Indigent Prisoners, Inc.
June 17, 2015

Present: Hon. John Amen, Richard Barnes, Robert Convissar, Kenneth Gibbons, Daniel Henry Jr., Hon. Richard Kloch, Sr., Douglas Stiller, Joseph Terranova, Emily Trott, Ayoka Tucker, Peter Vasilion, JoAnn Wahl and Mark Worrell.

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

The Board unanimously approved the minutes of the Annual Meeting of April 15, 2015 and the minutes of the regular Board meeting of April 15, 2015.

A report of Professional Standards Committee was given to the Board by Joseph Terranova. The Board was advised that the Committee has been reactivated. It will first handle determinations as to Panel acceptance of a number of experienced, well qualified attorneys seeking to join. They next will focus on determining applications by current panel members to upgrade their panel memberships. Thereafter, we will concentrate on reviewing new applicants who seek to join our Panel. Mr. Convissar also advised that the Committee will be handling a Regional ILS initiative to assist the Wyoming County Assigned Counsel Program with panel creation and attorney review under a \$21,000.00 ILS grant they have.

Mr. Convissar then presented the year-end financial report which is essentially finalized with our auditors. He reported that the final budget shows that once again we came in under budget in the sum of \$6939.00. Mr. Convissar presented a Financial Report for the first four months of the year. This report shows that through the month ending April 30, 2015, we are under budget for our Program Attorney costs and under budget for our Administrative Costs. The total is that we are under budget in the sum of \$18,572.00. The Board received the reports following a short discussion.

Mr. Convissar reported on his recent meeting with the Chief Defenders Association and then updated the Board on the progress of the State's response to the settlement of the Hurrell-Harring case and the renewed focus on Counsel at arraignment, case load limits, quality of counsel issues and the creation of uniform client eligibility standards.

The Administrator's report continued with an ILS update. Mr. Convissar advised that he was named to their Chief Defenders Advisory Committee and meet in Albany with Mr. Leahy and his staff on May 28, 2015. Under Grant # 4, the selection process for Quality Control Attorneys is moving along and 2 attorneys will be on board within a month or so. We received an 18 month extension of Grant #2, which was to expire June 30, 2015. It appears that our Program, under Bob Lonski had only spent about half of the funds. This extension should allow us to get all available proceeds from the Grant.

Mr. Convissar then advised the Board regarding his two personal meetings with ILS Staff member Joanne Macri and Andrew Davis, who is coordinating a data collection effort which our office will assist regarding the Attorney at Arraignment program.

A discussion was conducted and the Board advised of our recent efforts to improve the practice of our panel members in Family Court. We have re-created an Article 10 panel of our best family court trial attorneys and have created a special Support panel based on the need we were advised of by our meetings with the Support Magistrates. We are conducting a Trial Technique, three part, 9 hour CLE program to be taught by John Nucherino and others. It will be held on July 31, August 14 and August 28, 2015 and we have received permission to conduct the sessions in the Ceremonial Courtroom. It will be intended to teach evidence, direct and cross-examination and expert testimony to our Family Court Panel members and will include hands-on training sessions.

An update was given to the Board regarding moving On-Line Billing to the forefront of our initiatives. Systems being investigated will include complementary Case Management systems as well as voucher and billing. To that end an effort will be made soon to reach out to the Superior Court and Family Court Judges to address future methods of voucher approval given the anticipated change to On-line Billing.

Under New Business, the Board went into Executive Session and had a general discussion of two matters.

The next scheduled Board Meeting is August 19, 2015.

The Board scheduled future Board meetings as follows:

August 19, 2015 (Budget approval)
November 18, 2015
February 17, 2016

There being no further business, the meeting was adjourned at approximately 1:30 p.m.

Respectfully submitted,

Robert N. Convissar
Acting Secretary

MINUTES
Meeting of the Board of Directors
Erie County Bar Association Aid to Indigent Prisoners, Inc.
August 19, 2015

Present: Richard Barnes, Robert Convissar, Samuel Davis, Robert Feldman, Nicholas Hicks, Hon. Michael E. Hudson, Douglas Stiller, Joseph Terranova, Emily Trott, Ayoka Tucker, Peter Vasilion, and Mark Worrell.

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

The Board unanimously approved the minutes of the Board meeting of June 17, 2015.

The Administrator's Report was given. Mr. Convissar advised that receipt of the audited financial report for the year 2014 was imminent and would be provided to all Board Members upon receipt. Mr. Convissar presented a Financial Report for the first six months of the year. This report shows that through the month ending June 30, 2015, we are under budget for our Administrative Costs. At this stage of the year we are over budget for Attorney Program costs. We are addressing this issue and the over budget amount is already shrinking in the July report about to be issued.

The Board discussed the issues which lead to this situation. These included, among others, that our caseload is increasing and the time necessary to spend on each file is increasing due to the DA's enforced no-plea policy. There are more trials and more time is needed to prepare for them. In addition, Family Court Article 10 cases (Abuse and Neglect), which substantially increased in 2013 and 2014, and which have essentially a 2-3 year period to resolve, are now being billed in 2015 in large amounts. Mr. Convissar was instructed to keep a close eye on attorney costs and will report back to the Board at our next meeting with updated financials.

Mr. Convissar reported that he was elected to the Board of Directors of the Chief Defenders Association of New York and then updated the Board on their focus on the issues of Counsel at arraignment, case load limits, quality of counsel issues and the creation of uniform client eligibility standards and the need for the State to fund all new initiatives which will increase the caseload of any individual program

The Administrator's report continued with an ILS update. Under Grant # 4, the selection process for Quality Control Enhancement Attorneys is concluded and that James DeMatteo and Ayoka Tucker have been selected to those positions. We received an 18 month extension of Grant #2, which was to expire June 30, 2015. It appears that our Program, under Bob Lonski had only spent about half of the funds. This extension should allow us to get all available proceeds from the Grant. Mr. Convissar advised that Grant #5 was just approved and funding over 3 years in the amount of \$1.5 million will come to our Program. It includes funds for a Grant Manager and for on-line billing and document digitizing.

A discussion was conducted and the Board advised of our recent efforts to improve the practice of our panel members in Family Court. We held two sessions of our Family Court Trial Technique, three part, 9 hour CLE program, taught by John Nucherino and others. The final session will teach a

scientific method to conduct cross-examination. The overall reviews have been positive, though some more experienced attorneys wished for a beyond the basics approach.

Mr. Convissar reported on the situation involving attorney Richard Shaw. Since our last discussion of this, Mr. Shaw entered a plea of guilty to the violation charge of Loitering for the Purposes of Prostitution. As a result of the conviction, and pursuant to our policies, Mr. Shaw was suspended from the Program and would receive no new cases until final of the Board. He is no longer appearing for the Program as Attorney of the Day. He was allowed to continue handling all of his previously assigned cases. The next step is for our Professional Standards Committee to meet with Mr. Shaw, receive any submissions he might make and make a recommendation to the Board, which will make the final decisions regarding Mr. Shaw and the Program.

A report of Professional Standards Committee was given to the Board by Joseph Terranova. The Board was advised that the Committee has been reactivated. It will first handle determinations as to Panel acceptance of a number of experienced, well qualified attorneys seeking to join. They next will focus on determining applications by current panel members to upgrade their panel memberships. Thereafter, we will concentrate on reviewing new applicants who seek to join our Panel. Mr. Terranova, on behalf of the Committee moved, the acceptance of Vanessa Guite, former member of our panel, to be formally approved for the C, D and E felony Panel. The vote was unanimous.

A brief update was given to the Board regarding moving On-Line Billing to the forefront of our initiatives. Systems being investigated will include complementary Case Management systems as well as voucher and billing. To that end an effort will be made soon to reach out to the Superior Court and Family Court Judges to address future methods of voucher approval given the anticipated change to On-line Billing.

Our next order of business was discussion and approval of our 2016 Budget to be submitted to the County. A detailed review of the issues driving a significant increase in anticipated Attorney costs was presented to the Board. In 2015, there has been a huge increase in criminal jury and non-jury trials, as a direct result of the DA's enforced no plea policy. The DA's policy is leading to more trials, more trial days and more costs. We are doing a great job in defending our clients. The DA's conviction rate on violent felonies was only 51.8% in 2014. We are winning 48.2% of our cases. Quality has to be paid for. Family Court has added a new Article 10 Part and a new Magistrate. More courts equal more business and actual filings in Family Court have increased dramatically this year, especially in the more costly area of Abuse and Neglect.

The Board approved a budget with a total cap of up to a 7.5% increase. It authorized the Administrator to use his discretion and best judgement in determining the actual budget request to be filed. The Board approved a minimum budget request in the amount of a 5% increase for a total additional increase of \$404,260.00, \$320,000 for attorney program costs and \$104,000 for Administration.

Under New Business, the Board heard from Board Members Ayoka Tucker and Peter Vasilion with regard to issues arising in Family Court. There was some concern expressed with regard to the CLE we just conducted and feeling among the Panel members that they were being disrespected by some basic instruction on evidence, file management and direct exam given by outsiders and not by our more senior and able Panel members. There was further discussion of the institutional problems in

the Family Court. Unfortunately, there was insufficient time to give justice to these issues. They will be made a regular Agenda item for our next meeting.

The next scheduled Board Meeting is November 18, 2015.

The Board scheduled future Board meetings as follows:

November 18, 2015

February 17, 2016

There being no further business, the meeting was adjourned at approximately 2:20 p.m.

Respectfully submitted,

Robert N. Convissar
Acting Secretary

