



ASSIGNED COUNSEL PROGRAM

Robert N. Convissar, Chief Defender/Administrator

The Crosby Building
170 Franklin Street, Suite 400
Buffalo, NY 14202-2412

Phone (716) 856-8804
Fax (716) 856-0424

Officers 2016-2017

August 31, 2016

Daniel J. Henry, Jr.
President

Kenneth W. Gibbons
Vice President

Emily Trott
Acting Secretary

Joseph J. Terranova
Treasurer

Karen M. McCarthy
Clerk of the Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, NY 14202

Re: Resolution 233 of May 6, 1975

James Q. Auricchio
Deputy Administrator
Criminal Division

Dear Ms. McCarthy:

Yvonne Vertlieb
Deputy Administrator
Family Division

Pursuant to the above-referenced Resolution, I am enclosing a financial report, cash basis, for the period 1/1/16 – 6/30/16, 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.

James DeMatteo
Ayoka Tucker
Quality Enhancement
Attorneys

Thank you.

John R. Nuchereno
Center for Legal
Excellence

Sincerely

Robert N. Convissar
Administrator

John R. Nuchereno
(1951-2016)
Dean

RNC:nd
encs.

ECBA AIP
Assigned Counsel Program

Report to the Clerk of Erie County Legislature

Period 1/01/16-6/30/16

Source of Funds:

County of Erie:	\$4,073,050
NYS:	0
ILS:	0
Donation - Training Restricted	0

Total: \$4,073,050

Program Expenditures:

Attorney Fees	3,017,684
Transcripts	32,713
Experts	37,483
Investigators	23,774

Total: \$3,111,654

Administration:

Personnel (Wages, Hosp, FICA, Unemploy, l	519,090
Util/Telephone	13,466
Space Rental	24,060
Office Supplies	7,583
Postage	15,685
Travel	2,839
Insurance	0
Legal/accounting (Accountant)	0
Dues & Assoc. Membership Fees	1,175
Office Printing/copying (Reproduction)	4,691
Training	26,360
Equipment Purchase	3,273
Computer Maintenance	24,865
Legal Publications	2,258
Courier Service	2,760
Temp & Law Student	0
Payroll Service	1,217
Misc (Misc & Misc Volunteer Support)	1,772

Total: \$651,094

Grand Total: \$3,762,748

Assigned Counsel Panel As Of June 30, 2016

JEFFREY	ABATE	PAUL	CLEARY
ANTHONY	ABBARNO	JAMIE	CODJOVI
EUGENE	ADAMS	RICHARD W.	COLE
DAVID R	ADDELMAN	CORNELIUS	COLLINS
FERN	ADELSTEIN	KEVIN	CONDON
JERRY M	ADER	ROBERT	CONVISSAR
MARK	ADRIAN	LATASHA	CRUTCHER
JOSEPH	AGRO	WILLIAM	CURTIN
SAMUEL	ALBA	ROBERT	CUTTING
CHERYL	ALOI	CRAIG	CWICK
FRANCIS	AMENDOLA	PHILLIP	DABNEY, JR.
ELENA	ANCONA	DON	DALLY
RYAN	ANDERSON	DANA	DANTONIO
HEATHER	ANDERSON	SAMUEL	DAVIS
ANN	ANDERSON	MICHAEL	DEAL
JOHN	ANGE	PAUL G.	DELL
SARA LEE	ANTHIS	REGINA	DELVECCHIO
ANN	ARNOLD	JAMES	DEMARCO III
MICHAEL	BARONE	JAMES	DEMATTEO
PAUL	BARR	MARY BETH	DEPASQUALE
RUTH	BAUM	GINA	DEPRIMA
JOHN	BEDASKA	LAWRENCE	DESIDERIO
DEBRA	BENDER	KATHLEEN	DEVEREAUX
CATHERINE	BERCHOU	JASON	DIPASQUALE
PETER	BERGENSTOCK	MARK	DOANE
JENNIFER	BLACKHALL	ALAN	DONATELLI
DAVID	BLACKLEY	CECILE	DORLIAE
JEFFREY	BOCHIECHIO	DANIEL	DUBOIS
FRANK	BOGULSKI	JOHN	DUDZIAK
REBECCA	BRAWN	KATHRYN	EASTMAN
GAIL	BREEN	LAURA	EL-BAHTITY
WILLIAM	BRODERICK JR	ANTHONY	EMMI
MATTHEW	BROOKS	HOLLY	ERICK
ANGELO	BUFFOMANTE	TARA	EVANS
FRANK	BUFFOMANTE	THOMAS C	FARLEY
KARA	BUSCAGLIA	JENNIFER	FARRELL
NICHOLAS	BUSSI	KENNETH	FARRELL
FRANK	BYBEL	WAYNE	FELLE
DOMINIC	CANDINO	NOEMI	FERNANDEZ
E. CAREY	CANTWELL	M. KREAG	FERULLO
ANTONIO	CARDARELLI	SHANNON	FILBERT
CATHERINE	CAREY	GREGORY	FINA
BENJAMIN	CARLISLE	ANDREW	FISKE
A. JOSEPH	CATALANO	ROBERT	FLYNN
ANTHONY	CERVI	TAMARA	FOWLSTON
MICHELLE	CHAAS	GARY	FREEDMAN
MARY	CHAN	KATHRYN	FRIEDMAN
ELIZABETH	CIAMBRONE	TIMOTHY	GALLAGHER
MICHAEL	CIMASI	PATRICK	GARRITY
DANIEL	CIMINELLI	ROSS	GELBER
JAMES	CIMINELLI	GIOVANNI	GENOVESE
DIANE	CIURCZAK	MATTHEW	GIANNETTI

Assigned Counsel Panel As Of June 30, 2016

LESLIE	GIBBIN	LEE CHARLES	LAMENDOLA
KENNETH	GIBBONS	ANTHONY	LANA
KEVIN	GIBBONS	CHRISTINA	LANA SHINE
LISA	GIBERTONI	ELIZABETH	LANDWEHR
JOHN	GILMOUR	FREDERICK	LANG
ROBERT	GOLDSTEIN	JAMES	LAZARUS
ALBERT	GRANDE	ROBERT J	LEE
DANIEL	GRASSO	RICHARD	LEFF
CHARLES	GREENBERG	MICHAEL	LEFF
ALVIN	GREENE	CLAYTON	LENHARDT
JOHN	GRENNELL	DEAN	LILAC JR
DANIEL	GRIEBEL	MICHAEL	LOCICERO
VANESSA	GUITE	FRANK	LONGO
DAVID	GUTOWSKI	JENNIFER	LORENZ
LYLE	HAJDU	ANDREW C	LOTEMPIO
WILLIAM	HARPER	TIMOTHY R	LOVALLO
IAN	HARRINGTON	JOHN	LUHR
JEFFREY	HARRINGTON	EVAN	LUMLEY
KEVIN	HARRIS	PARKER	MACKAY
TINA	HAWTHORNE	LOUIS	MAINO
TIMOTHY	HENNESSY	JAMES	MALONEY
DANIEL	HENRY JR	JOAN	MALONEY
JASON	HENSKEE	J. MICHAEL	MARION
KAREN	HENSLEY	MINDY	MARRANCA
AUDREY	HERMAN	RACHEL	MARRERO
MICHAEL	HERON	EDWARD J	MARTNSHIN
NICHOLAS	HICKS	PATRICIA	MAXWELL
LORI	HOFFMAN	JENNIFER	MCCANN
ALAN	HOFFMAN	KATHLEEN	MCDONALD
BERNADETTE	HOPPE	MICHAEL	MCKEATING
STEPHEN	HUGHES	PATRICK	MCLAUGHLIN
THOMAS	HURLEY	RALPH	MEGNA
FRANK	IERACI	CHARLES	MESSINA
RAMON	IRIZARRY	PAUL	MICHELEK JR
JUSTIN	JABLONSKI	TARA	MIDLIK
HOPE	JAY	RAYMOND	MILES III
ROBERT	JOHNSON	CORY	MISSELL
ROCHELLE	JONES	JOHN	MOLLOY
JOHN K	JORDAN	RICHARD	MORRISROE
KELLY	KAPPERMAN	MARK	MULTERER
SUSAN	KARALUS	MOLLY JO	MUSARRA
RANDALL	KAY	JOSEPH	MUSCATO
THOMAS	KEANE	JESSICA	MUSSELL
THOMAS	KEEFE	CATHERINE	NAGEL
DAVID	KELLY	TERENCE	NEWCOMB
MICHAEL	KELLY	JON ALLON	NICHOLS
SEAN	KELLY	ANN	NICHOLS
STEPHEN	KENNEDY	LEAH	NOWOTARSKI
DENIS	KITCHEN	JOHN	NUCHERENO
MICHAEL	KOBIOLKA	MICHAEL G	O'ROURKE
ADAM	KOCH	EVELYNE	O'SULLIVAN
PETER	KOOSHOIAN	ANDREW	PACE
MICHAEL	KOOSHOIAN	DAVID	PAJAK
JOSHUA	KORMAN	BRIAN	PARKER
ANTHONY	KOWALSKI	LUCIAN	PARLATO
JEFFREY	KRAJEWSKI	FRANK	PASSAFIUME
KATHLEEN	KUGLER	KIM	PAUL

Assigned Counsel Panel As Of June 30, 2016

PAUL	KULLMAN	TIMOTHY	PAWARSKI
JESSICA	KULPIT	NEIL	PAWLOWSKI
DOROTHY	PEARMAN	DANIEL	SLADE
BRITTANY LEE	PENBERTHY	VICTORIA	SMITH
MARK J	PESZKO	JENNIFER	SMITH
GARY	PHILLIPS	KEVIN	SPITLER
DANIEL	PIOTROWICZ	MICHAEL	STACHOWSKI
KATHLEEN	PLATZER	JOSEPH	STADLER
YULIYA	POLLACK	PATRICK	STAFFORD
MICHAEL	PORETTA	RICHARD	STANTON
MATTHEW	POTENZA	SCOTT	STEPIEN
BECKY	POWELL	JENNIFER	STERGION
ARTHUR	PRESSMAN	DOUGLAS	STILLER
DEAN	PULEO	JOSEPH	TERRANOVA
PATRICK	QUINLIVAN	FRANCIS	TESSEYMAN JR
ANDREW	RADACK	THOMAS	THEOPHILOS
JOSHUA	RAMOS	PAMELA	THIBODEAU
MELISSA	REESE	DAVID	TODARO
SUSAN	REINECKE	NELSON S	TORRE
SCOTT	RIORDAN	DELREASE	TOTA-NEAL
NORA	ROBSHAW	RONALD	TRABUCCO
JULIE	ROGERS	ANDREW	TRAVIS
LORI	ROMAN	EMILY	TROTT
WALTER	ROOTH III	AYOKA	TUCKER
MARIA	ROSCIGLIONE	LANA	TUPCHIK
CAROL	ROSENTHAL	JOSEPH	TURNER
ELISABETH	ROSSOW	DENIS	UMINSKI
DEBRA	ROUGEUX	STEPHEN	UNDERWOOD
BRIAN	RUFFINO	LISA	VALVO
SEAN	RYAN	JAMES	VANDETTE
MARK	SACHA	PETER	VASILION
BRENT	SALEVSKY	VERA	VENKOVA
JOHN	SANCHEZ	CATHARINE	VENZON
SALVATORE	SANFILIPPO	YVONNE	VERTLIEB
SABBY	SANTARPIA	JESSICA	VESPER
JEFFREY	SANTORO	LOUIS	VIOLANTI
DOMINIC	SARACENO	GARY	VIOLANTI
DAVID	SARKOVICS	SURINDER	VIRK
ANTONIO	SAVAGLIO	KAMALJIT	VIRK
ROBERT	SCALIONE	JEFFREY	VOELKL
JEFFREY	SCHERER	CINDY	WADSWORTH
SEAN	SCHOENBORN	JACLYN	WANEMAKER
JEREMY	SCHWARTZ	DANIEL	WARD
LAWRENCE	SCHWEGLER	DOUGLAS	WEINERT
JAMES	SCHWEGLER	PIETER	WEINRIEB
DEBORAH	SCINTA	WALLACE	WIENS
JOSEPH	SCINTA	DAVID	WILSON
DENIS	SCINTA	KEVIN	WOLF
SETH	SEEGERT	PAUL	WOLF
MARC	SHATKIN	MARK	WORRELL
RICHARD	SHAW II	LISA	YAEGER
ROBERT	SHEPHERD	GRANT	ZAJAS
KRISTOPHER	SIGETI	MICHAEL	ZOSH
DAVID	SILVERBERG		

MINUTES
Meeting of the Board of Directors
Erie County Bar Association Aid to Indigent Prisoners Society, Inc.
April 6, 2016

Present: Hon. John Amen, Hon. Christopher J. Burns, Robert Convissar, Kenneth Gibbons, Daniel Henry Jr., Nicholas Hicks, Douglas Stiller, Joseph Terranova, Ayoka Tucker, Peter Vasilion, JoAnn Wahl and Mark Worrell.

Mr. Henry convened the meeting at approximately 12:35 p.m.

The Board unanimously approved the minutes of the Board meeting of January 17, 2016.

The Administrator's Report was given. At the present time, we have still not yet closed the books on Fiscal Year 2015. We have been slowed by Nora Diggins extended absences due to her mother's recent heart surgery and deteriorating medical condition. They are staying in Cleveland and treating at the Cleveland Clinic. This situation is getting to be intolerable, and a resolution will not be easy. While we are moving slowly, we are getting the year end closed and will bill the appropriate amounts to our grants from the ILS.

Mr. Convissar presented a Financial Report for the first 11 months of the year. This report shows that through the month ending November 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 being reduced. Mr. Convissar advised that by the closing of the 2015 year, the Program will be within budget. This will be done by a combination of billing significant portions of the increase to grants from ILS and by the application of other accounting principles.

Mr. Convissar reported that Justice Works has modified its contract proposal to provide for a six year term during which there will be no increase in the processing costs per voucher. This was renegotiated as requested by the Board at our last meeting. A draft contract proposal was reviewed and the Board unanimously authorized the execution of the contract by the Administrator.

The Board was advised that we have engaged with Judge Boller, as the Supervising Judge of the Justice Courts, on the issue of getting courts to develop procedures for the prompt and early granting of adjournments so as to avoid a waste of Court and ACP resources. His assistant, Judge Marky has agreed to contact each court and work with them to adopt new procedures to accomplish this.

The Administrator's report continued with an ILS and State update. Mr. Convissar advised that the ILS has adopted State-wide Eligibility Standards which will significantly raise the number of people who can qualify as indigent by setting the income level at 250% of the Federal Poverty limit, which is a significant increase over the maximum limit we use for multiple felonies which is 175%. Mr. Convissar also advised that Judge DiTullio, who is on the ILS Board, was most interested in our early and extensive development of Attorney of the Day and Attorney on Call counsel at arraignment program. We have approximately 90% of the County's arraignments actively covered. She promised to report this extremely positive situation to the ILS Board at their April 22, 2016 meeting.

The State Budget was reviewed and the Board was advised that there was no additional funding to Upstate Counties outside of the 5 counties covered by the Harrell-Hurring decision. This situation will become critical once the new eligibility standards take effect in October, 2016.

The Board was advised that pursuant to its prior directive that it is suggested that the Criminal Practitioner of the Year Award has been renamed the "John R. Nucheren Award for Criminal Defense Excellence". The Board unanimously adopted the motion to approve this change.

The recommendation of the Nominating Committee as to this year's award recipients was discussed by the Board. It was unanimously agreed that Robert Johnson receive the Nucheren Award and that Jeffrey Harrington receive the award for Family Court.

The Board then discussed issues pertaining to Panel membership. The Board was advised that Lisa Yaeger was ordered reinstated to the practice of law by the Appellate Division, Fourth Department. The order was reviewed by the Board, which then unanimously restored her to active participation on the Panel(s) she was previously qualified for. The Board was then advised that a Per Curium decision and order was rendered by the Appellate Division, Fourth Department to the effect that Richard Shaw, II be censured. This follows his conviction by plea to a violation charge of Loitering for Purposes of Prostitution, for which he received a conditional discharge and 50 hours of community service. During the discussion, information was received that Mr. Shaw had previously been the subject of inquiry by the Grievance Committee with respect to certain conduct involving himself and another female client, the exact resolution of which was unknown. The Board unanimously determined that it would refer this entire matter to the Professional Standards Committee, under the chairmanship of Joseph Terranova, pursuant to our Complaint Review Rules. Mr. Convissar was directed to advise Mr. Shaw of this determination and to schedule the proceedings before the Professional Standards Committee as soon as possible.

The Board was advised by Mr. Convissar of the filing of a complaint by Rochelle Jones with the New York State Division of Human Rights alleging discrimination. The matter was then discussed in Executive Session. The Board instructed Mr. Convissar to engage in the scheduled Pre-trial settlement discussion scheduled for April 13, 2016. The Board will not authorize the payment of any amount in settlement and instructed Mr. Convissar that our Jurisdictional objections be maintained. Settlement could be obtained by restoring Ms. Jones to the Misdemeanor Criminal Panel if it can be established that she is able to continue in the practice of law.

The Board saluted our departing members, Richard Barnes and Ayoka Tucker. Ms. Tucker responded with advice that confidentiality and discretion needs to be foremost in the minds of our Directors. She further told us how important she views her role as an attorney on our Family Court Panel and on our Board and expressed a desire to return after her mandated one year rotation off the Board.

The next scheduled Board Meeting is June 15, 2016. The Board scheduled future Board meetings as follows: August 17, 2016 (Budget Approval); November 16, 2016 and February 17, 2017

There being no further business, the meeting was adjourned at approximately 2:00 p.m.

Respectfully submitted,
Robert N. Convissar
Acting Secretary

MINUTES
Meeting of the Board of Directors
Erie County Bar Association Aid to Indigent Prisoners Society, Inc.
June 15, 2016

Present: Hon. John Amen, Robert Convissar, James DeMarco,III, Kenneth Gibbons, Robert Goldstein, Hon. Craig Hannah, Daniel Henry Jr., Nicholas Hicks, Terence Newcomb, Hon. JaHaar Pridgen, Hon. Jennifer Stergion, Douglas Stiller, Emily Trott, Peter Vasilion, JoAnn Wahl and Mark Worrell.

Mr. Henry convened the meeting at approximately 12:25 p.m.

We welcomed our new Board Members, both first time and returning.

The Board unanimously approved the minutes of the Board meeting of April 6, 2016.

The Administrator's Report was given.

Mr. Convissar presented a Financial Statement for the 2015 year. This report shows that we finished 2015 within our total budget. Our total expenses were \$8,811,872. Total revenue, including amounts to be received from ILS was \$8,812,905. Subject to a final audit, we were \$1033 under budget.

The Board was presented with a Financial Statement for the First Quarter, ending March 30, 2016. We are currently spending under our budgeted amounts, but overall attorney program costs are still above budget. We will continue to monitor this situation and expect a reduction in this area when all ILS billing for 2015 and 2016 is received.

Mr. Convissar reported that Justice Works has provided us with a rollout timetable for the defenderData system. We expect it to be operational by September 15, 2016, with the mobile app component operational by November 15, 2016. We are creating a beta test panel of computer literate attorneys from both the criminal and family court panels to get the kinks out of the system. We will have seminars and will offer hands-on training before we go fully operational. We expect to have this in effect by the first of the year.

The Administrator's report continued with an ILS and State update. Mr. Convissar advised that the ILS has adopted State-wide Eligibility Standards which will significantly raise the number of people who can qualify as indigent by setting the income level at 250% of the Federal Poverty limit, which is a significant increase over the maximum limit we use for multiple felonies which is 175%. Mr. Convissar advised the Board of the steps taken to obtain a delay of the implementation from October 4, 2016. Through the efforts of the Chief Defenders Association and the NY State Association of Counties, the implementation date has been extended until April 1, 2017 which coincides with the beginning of the next State fiscal year.

Efforts to lobby the State Legislature for passage of the Fahy/DeFrancisco bill which will provide for a takeover by the State of all obligations to fund Indigent Defense over a four year period were

described. Letters forwarded to area Senators not yet signed up for the bill were provided. As a result of our work in these two areas and our constant contact with the County to advise them of the potential effect of these matters, ACP has essentially become the source of information to the County on the issues bearing on Indigent Defense.

Mr. Convissar brought up the topic of voucher payment issues and the issue of Panel members concerns and possible worry. The Board conducted a discussion of this lead by the Board members who are Panel members. It was found that there was no real cause for concern, that there is not a growing group of disgruntled attorneys and that payments were being made at a regular rate consistent with our historical numbers. The Board was provided with the totals of our payments to date and with the comparable figures from last year. Though there was a slight decrease in total paid, there is also a comparable deduction in the number of case assignments made year to date, between 2015 and 2016. Mr. Convissar was advised to continue to work to reduce time delays in processing vouchers.

The Board then discussed issues pertaining to Panel membership. The Board was advised that Louis Violanti was ordered reinstated to the practice of law by the Appellate Division, Fourth Department. The order was reviewed by the Board, which then unanimously restored him to active participation on the Panel(s) he was previously qualified for. The Board then addressed the issue of Richard Shaw, II. The Board was advised that Joe Terranova, Chair of the Professional Standards Committee, requested of Dan Killelea, Mr. Shaw's attorney, that Mr. Shaw sign whatever waivers were required and to produce for the Board all available information regarding an incident in 2004 which led to the issuance of a letter of admonition to Mr. Shaw by the Grievance Committee. The Board unanimously determined that it would refer this entire matter to the Professional Standards Committee, under the chairmanship of Joseph Terranova, pursuant to our Complaint Review Rules. Mr. Convissar was directed to advise Mr. Shaw of this determination and to schedule the proceedings before the Professional Standards Committee as soon as possible.

The Board was advised by Mr. Convissar of the current status of the complaint by Rochelle Jones with the New York State Division of Human Rights alleging discrimination. A Pre-trial settlement discussion was held on April 13, 2016. Ms. Jones demand for settlement was \$18,000. Mr. Convissar, pursuant to the prior directions of the Board, offered no settlement and maintained our position that there is no jurisdiction in this matter. The matter is awaiting the scheduling of a trial hearing.

Mr. Convissar further advised the Board of the submission of a voucher by Ms. Jones. Copies of the voucher and all correspondence thereon was provided to the Board. The voucher is quite old and well beyond the time limits of 180 days when it would be deemed abandoned. Mr. Convissar advised that he would deem the voucher abandoned and that no exceptional circumstances exist to justify the delay in a timely filing. The Board advised Mr. Convissar that non-payment of the voucher was proper under our procedures.

The Board received a copy of an anonymous letter sent to our President Dan Henry, complaining regarding alleged improprieties by having sitting Judges on our Board and threatening to go to the media. The Board was advised that our By-Laws themselves provide for the Supervising Judge of the Criminal Courts to be a Board member. The issue of conflict of interest or appearance of impropriety was discussed and the Board decided that no action need be taken re: this matter as we are in no known violation of any ethical standard.

The Board reviewed our prior Court Panel Review Policy and Procedure manual and formally unanimously voted to adopt and renew it as presented.

The Board was updated on our internal staffing issues and of the Administrator's intention to increase the pay of Deputy Administrator James Auricchio. Mr. Convissar was advised to pay it as a bonus from available funds and present a formal salary request at the appropriate budgetary time.

The Board unanimously selected for the Audit Committee Robert Feldman, Chair, JoAnn Wahl and Hon. Michael Hudson, having found each to be qualified as an "Independent Director" as defined in Section III (a), (b) and (c) of the Audit Committee Charter. The Board solicited and appointed the following Board Members to serve as members of the Professional Standards Committee: Joseph Terranova, Chair, Hon. John Aman, Robert Goldstein, Kenneth Gibbons, Nicholas Hicks, Terence Newcomb, Hon. Jennifer Stergion, Douglas Stiller, Emily Trott, Peter Vasilion and Mark Worrell.

The next scheduled Board Meeting is August 17, 2016. The Board scheduled future Board meetings as follows: August 17, 2016 (Budget Approval); November 16, 2016 and February 17, 2017

There being no further business, the meeting was adjourned at approximately 1:45 p.m.

Respectfully submitted,
Robert N. Convissar
Acting Secretary

MINUTES
Annual Meeting
of the
Board of Directors
of the
Assigned Counsel Program
April 6, 2016

Present: Hon. John Amen, Hon. Christopher J. Burns, Robert Convissar, Kenneth Gibbons, Daniel Henry Jr., Nicholas Hicks, Douglas Stiller, Joseph Terranova, Ayoka Tucker, Peter Vasilion, JoAnn Wahl and Mark Worrell.

Mr. Convissar convened the meeting at approximately 12:15 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 Richard Barnes and Ayoka Tucker are rotating off the Board at this time due to the operation of the by-laws. The Board joined in expressing its gratitude for their committed service to the program over the past many years. He also indicated that the initial 3-year terms of Kenneth Gibbons, Nicholas Hicks and JoAnn Wahl have been completed, but that they are eligible for re-election for an additional 3-year term and have been so nominated by the Nominating Committee. The motion to elect them was made and seconded and the vote was unanimous in support of their election.

On behalf of the Nominating Committee, Mr. Convissar nominated Hon. JaHarr S. Pridgeon, Hon. Craig D. Hannah, Hon. Jennifer P. Stergion, James C. DeMarco, III, Robert M. Goldstein and Terence B. Newcomb for three-year terms as directors. The nominations were moved and seconded and there being no other nominations they were elected unanimously.

Mr. Convissar reminded the Board that, following the meetings of this date, Dan Henry would take office as President, Kenneth Gibbons as vice-president, Emily Trott as Acting Secretary, and Joseph Terranova as Treasurer.

Mr. Convissar then reported for the Nominating Committee with respect to its recommendations for officers. Kenneth Gibbons was nominated as president-elect, to take office as president at this time next year. Joseph Terranova was nominated as vice-president-elect, to take office as vice-president at this time next year. Emily Trott was nominated as secretary-elect, to take office as secretary at this time next year, and Peter Vasilion was nominated as treasurer-elect, to take office as treasurer at this time next year.

There were no other nominations, these were moved and seconded and those nominated were elected unanimously.

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

Respectfully submitted,

Robert N. Convissar
Chief Defender/Administrator

MINUTES
Meeting of the Board of Directors
Erie County Bar Association Aid to Indigent Prisoners Society, Inc.
February 17, 2016

Present: Richard Barnes, Robert Convissar, Hon. John Aman, Robert Feldman, Kenneth Gibbons, Nicholas Hicks; Hon. Michael E. Hudson; Hon. Richard C. Kloch, Sr., Douglas Stiller, Joseph Terranova, Emily Trott, Ayoka Tucker, Peter Vasilion, and Mark Worrell

Mr. Barnes convened the meeting at approximately 12:25 p.m.

The Board unanimously approved the minutes of the Board meeting of November 18, 2015.

The Administrator's Report was given. Mr. Convissar presented a Financial Report for the first 11 months of the year. This report shows that through the month ending November 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 being reduced. The Board reviewed 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 2103 and 2014, and which have essentially a 2-3 year period to resolve, are now being billed in 2015 in large amounts. Mr. Convissar advised that by the year end the Program will be within budget. This will be done by a combination of billing significant portions of the increase to grants from ILS and by the application of other accounting principles.

Mr. Convissar reported that significant advances are being made with respect to our computer systems and the creation of an on-line billing and case management system. We have upgraded our server and firewall and upgraded our e-mail systems. James Auricchio entered the meeting and presented an outline of the system under consideration from Justice Works. The Board engaged in a lengthy discussion regarding how the system would operate; security and ownership of records concerns; cost concerns and application of grant funds issues; and vouchering procedures and on-going costs of operation. The Board specifically asked for a clarification of any potential cost increases over the short term. A draft contract proposal was reviewed and the Board unanimously authorized the execution of the contract by the Administrator.

The Administrator's report continued with an ILS update. Mr. Convissar advised that Grant #6 was applied for and that it was essentially a continuation of Grant #3 which is scheduled to end soon. The Board was advised that a new category was put into the grant for Indigent Client Representation and Litigation Support Services, to include both Attorney costs and items such as Investigators, Social Workers and Experts in a single category, which has preliminary ILS approval.

The Board was advised of a meeting had by the Administrator and the Acting District Attorney in which agreement was reached on two procedures to reduce attorney time in the Justice Courts. These involve the early calling and writing up of requests for adjournments and the consultation with defense counsel after the completion of each individual conference with their complainant. The Board was further advised that we have engaged with Judge Boller, as the Supervising Judge of the

Justice Courts, on the issue of getting courts to provide defense attorneys with criminal history reports. His assistant, Judge Marky has agreed to contact each court and so instruct them to provide them as a matter of course. He is also forwarding them our infoshare memo so that they are aware of the efforts to speed up their calendars. The DA also forwarded our infoshare memo as the method of advising his ADA's of the agreement and new procedures.

Mr. Convissar then advised the Board on his investigation of and meeting with the Legal Aid Bureau regarding the issue of C Felony Drug cases in City Court. Insofar as there was a private side agreement reached between Bob Lonski and them (confirmed by Mr. Lonski) as to their handling of those cases the entire time they remained in City and since very few are sent over as Felonies, all of which our Program gets, this was determined to be a non-issue at this time. While ACP could have invoked the express terms of the County's Representation Plan and stopped this practice, given our budget constraints, we will not do so at this time.

The Board was advised of new Family Court standards issued by ILS regarding Article 10 proceedings. We have created from among the very best practitioners on our Article 10 panel a Steering Committee to facilitate panel wide adoption of these standards and to develop a Practice Manual and Trial Notebook which will be used to comply and exceed the standards. In conferring with ILS, no other Program in the State is as advanced as we are in this area.

The Board discussed the tragic death of our good friend John R. Nuchereno. The Board unanimously renamed our Criminal Practitioner of the Year Award after Mr. Nuchereno. The Board unanimously approved the renaming of the ACP Center for Legal Excellence as the John R. Nuchereno Center for Legal Excellence in honor of his having been our first Dean of the CLE program. It was also unanimously agreed that our letterhead will be changed to memorialize his position as our Dean.

Mr. Convissar reported on the Criminal Panel training class of 5 which is currently undergoing training. He further advised that our next training session for Family Court Panel members will be comprised of 6 to 7 present members of our Criminal Panel who have expressed a desire to work in Family Court. The Board agreed that bringing experienced trial attorneys into Family Court will advance the interests of the Program to better our representation of clients. That training program will begin shortly.

A discussion of our CLE program was conducted. Two programs are in the pipeline and will be run despite the loss of Mr. Nuchereno, though there will be a delay in the Boot Camp CLE. The Board discussed the search process for someone to assume the Dean's function of the CLE Program.

A Nominating Committee was formed from Board volunteers and will consist of Emily Trott, Ken Gibbons, Nick Hicks, Ayoka Tucker, Mike Hudson, Richard Barnes, and Pete Vasilion

The next scheduled Board Meeting is April 6, 2016 (Annual Meeting).

The Board scheduled future Board meetings as follows:

April 6, 2016 (Annual Meeting)
June 15, 2016
August 17, 2016 (Budget Approval)
November 16, 2016
February 17, 2017

There being no further business, the meeting was adjourned at approximately 2:00 p.m.

Respectfully submitted,

Robert N. Convissar
Acting Secretary



ASSIGNED COUNSEL PROGRAM

Robert N. Convissar, Chief Defender/Administrator

The Crosby Building
170 Franklin Street, Suite 400
Buffalo, NY 14202-2412

Phone (716) 856-8804
Fax (716) 856-0424

Officers 2016-2017

Daniel J. Henry, Jr.
President

Kenneth W. Gibbons
Vice President

Emily Trott
Acting Secretary

Joseph J. Terranova
Treasurer

James Q. Auricchio
Deputy Administrator
Criminal Division

Yvonne Vertlieb
Deputy Administrator
Family Division

James DeMatteo
Ayoka Tucker
Quality Enhancement
Attorneys

John R. Nuchereno
Center for Legal
Excellence

John R. Nuchereno
(1951-2016)
Dean

August 31, 2016

Karen M. McCarthy
Clerk of the Erie County Legislature
92 Franklin Street, 4th Floor
Buffalo, NY 14202

Re: Erie County Legislature Resolution of March 4, 2004
Comm. 5E-24 (2004)

Dear Ms. McCarthy:

Pursuant to the above-referenced Resolution and the related letter from the Erie County Attorney to the Chairman of the Legislature dated March 16, 2004, this letter with enclosure constitutes the Quarterly Report of the Assigned Counsel Program for the 2nd quarter of 2016

County funds appropriated for 2016 fiscal year: \$8,146,099

Portion of appropriation allocated to 2nd quarter: \$2,036,524.75

Portion of appropriation allocated for year to date: \$4,073,049.50

Funds disbursed by Erie County to Assigned Counsel Program in 2nd quarter: \$4,073,049.50

Funds disbursed by Erie County to Assigned Counsel Program, year to date:
\$4,073,049.50

Administrative expenses in 2nd quarter: \$354,444.08

Administrative expenses, year to date: \$651,093.53

Payments made to attorneys for legal services in 2nd quarter: \$1,811,057.69

Payments made to attorneys for legal services, year to date: \$3,174,045.26

Payments made to investigators in 2nd quarter: \$17,572.00

Payments made to investigators, year to date: \$25,583.50

Payments made to experts in 2nd quarter: \$21,650.00

Payments made to experts, year to date: \$34,336.08

Payments made for transcripts in 2nd quarter: \$19,082.35

Payments made for transcripts, year to date: \$32,769.20

Comm. 18M-3

ATTORNEYS RECEIVING ASSIGNED COUNSEL PAYMENTS - 2ND QUARTER 2016

BERNADETTE HOPPE
STEPHEN HUGHES
THOMAS HURLEY
FRANK IERACI
JUSTIN JABLONSKI
HOPE JAY
ROBERT JOHNSON
JOHN JORDAN
KELLY KAPPERMAN
SUSAN KARALUS
RANDALL KAY
THOMAS KEANE
THOMAS KEEFE
SEAN KELLY
STEPHEN KENNEDY
DENIS KITCHEN
MICHAEL KOBIOLKA
PETER KOOSHOIAN
JOSHUA KORMAN
ANTHONY KOWALSKI
JEFFREY KRAJEWSKI
KATHLEEN KUGLER
PAUL KULLMAN
JESSICA KULPIT
ANTHONY LANA
ELIZABETH LANDWEHR
FREDERICK LANG
PETER LARSON
JAMES LAZARUS
CLAYTON LENHARDT
MICHAEL LOCICERO
FRANK LONGO
TIMOTHY LOVALLO
JOHN LUHR
EVAN LUMLEY
PARKER MACKAY
LOUIS MAINO
JAMES MALONEY
JOAN MALONEY
MINDY MARRANCA
RACHEL MARRERO
SHAWN MARTIN
EDWARD MARTNSHIN
JENNIFER MCCANN
KATHLEEN MCDONALD
MICHAEL MCKEATING
RALPH MEGNA
CHARLES MESSINA
PAUL MICHALEK JR
TARA MIDLIK
RAYMOND MILES III
MARK MULTERER
MOLLY JO MUSARRA
JOSEPH MUSCASTO
JESSICA MUSSELL
CINDY NAVARRO
TERENCE NEWCOMB
ANN NICHOLS
JON ALLON NICHOLS
MICHAEL G O'ROURKE
EVELYNE O'SULLIVAN
ANDREW PACE
DAVID PAJAK
BRIAN PARKER
KIM PAUL
TIMOTHY PAWARSKI
NEIL PAWLOWSKI
DOROTHY PEARMAN
BRITTANY LEE PENBERTHY
MARK J PESZKO
GARY PHILLIPS
DANIEL PIOTROWICZ
KATHLEEN PLATZER
YULIYA POLLACK
MICHAEL PORETTA
BECKY POWELL
ARTHUR PRESSMAN
DEAN PULEO
PATRICK QUINLIVAN
ANDREW RADACK
JOSHUA RAMOS
MELISSA REESE
SUSAN REINECKE
NORA ROBSHAW
JULIE ROGERS
WALTER ROOTH III
MARIA ROSCIGLIONE
ELISABETH ROSSOW
DEBRA ROUGEUX
MARK SACHA
BRENT SALEVSKY
JOHN SANCHEZ
SALVATORE SANFILIPPO
SABBY SANTARPIA
JEFFREY SANTORO
DOMINIC SARACENO
DAVID SARKOVICS
ROBERT SCALIONE
JEFFREY SCHERER
SEAN SCHOENBORN
JAMES SCHWEGLER
LAWRENCE SCHWEGLER
DEBORAH SCINTA
JOSEPH SCINTA

ATTORNEYS RECEIVING ASSIGNED COUNSEL PAYMENTS - 2ND QUARTER 2016

SETH SEEGERT
MARC SHATKIN
RICHARD SHAW II
KRISTOPHER SIGETI
DAVID SILVERBERG
DANIEL SLADE
JENNIFER SMITH
VICTORIA SMITH
MICHAEL STACHOWSKI
JOSEPH STADLER
PATRICK STAFFORD
RICHARD STANTON
JENNIFER STERGION
DOUGLAS STILLER
JOSEPH TERRANOVA
FRANCIS TESSEYMAN JR
PAMELA THIBODEAU
DAVID TODARO
DELREASE TOTA-NEAL
RONALD TRABUCCO
ANDREW TRAVIS
EMILY TROTT
LANA TUPCHIK
JOSEPH TURNER
DENIS UMINSKI
STEPHEN UNDERWOOD
JAMES VANDETTE
PETER VASILION
VERA VENKOVA
JESSICA VESPER
GARY VIOLANTI
JEFFREY VOELKL
CHRISTINE VOGEL
DANIEL WARD
PIETER WEINRIEB
WALLACE WIENS
DAVID WILSON
KEVIN WOLF
PAUL WOLF
MARK WORRELL
GRANT ZAJAS
MICHAEL ZOSH