



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 2017-2018

Kenneth W. Gibbons
President

Joseph J. Terranova
Vice President

Emily Trott
Secretary

Peter P. Vasilion
Treasurer

January 23, 2018

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

Re: Resolution 233 of May 6, 1975

Dear Ms. McCarthy:

Pursuant to the above-reference Resolution, I am enclosing a financial report, cash basis, for the period 7/1/17-12/31/17, 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 N. Convissar
Chief Defendant/Deputy Administrator

RNC:hk
encs.

James Q. Auricchio
Deputy Administrator
Criminal Division

Yvonne Vertlieb
Deputy Administrator
Family Division

James DeMatteo
Kevin C. Gibbons
Quality Enhancement
Attorneys

John R. Nuchereno
Center for Legal
Excellence

John R. Nuchereno
(1951-2016)
Dean

Mission Statement

We strive to help those who cannot help themselves; who face steep odds against the power of the State; and who struggle with poverty, mental issues, helplessness and dread. We save lives and we save families. We are the first line of defense for the freedoms granted to us by the U.S. Constitution and the Bill of Rights.

**ECBA AIP
Assigned Counsel Program**

Report to the Clerk of Erie County Legislature

Period 7/1/17-12/31/17

Source of Funds:

County of Erie:	\$4,174,876
NYS: ATD (2016)	27,625
NYS: ATD (2017)	82,875
ILS: (2017)	508,639
Donation - Training Restricted	14,860

Total: \$4,808,875

Program Expenditures:

Attorney Fees	4,057,509
Transcripts	44,234
Experts	29,817
Investigators	16,933

Total: \$4,148,493

Administration:

Personnel (Wages, Hosp, FICA, Unemploy, i	576,528
Util/Telephone	13,671
Space Rental	24,840
Office Supplies	5,005
Postage	18,435
Travel/Conferences	3,393
Insurance	5,912
Legal/accounting (Accountant)	900
Dues & Assoc. Membership Fees	809
Office Printing/copying (Reproduction)	6,172
Training	25,167
Equipment Purchase	3,053
Computer Maintenance	22,691
Legal Publications	4,015
Courier Service	3,354
Temp & Law Student	0
Payroll Service	1,485
Bank Charges	0
Misc (Misc & Misc Volunteer Support)	0

Total: \$715,430

Grand Total: \$4,863,922

Assigned Counsel Panel As Of December 31, 2017

JEFFREY	ABATE	WILLIAM	CURTIN
ANTHONY	ABBARNO	ROBERT	CUTTING
DAVID R	ADDELMAN	PHILLIP	DABNEY, JR.
FERN	ADELSTEIN	PAUL G.	DELL
SAMUEL	ALBA	JAMES	DEMARCO III
CHERYL	ALOI	JAMES	DEMATTEO
FRANCIS	AMENDOLA	MARY BETH	DEPASQUALE
ELENA	ANCONA	GINA	DEPRIMA
RYAN	ANDERSON	LAWRENCE	DESIDERIO
HEATHER	ANDERSON	BARRY	DOLGOFF
ANN	ANDERSON	ALAN	DONATELLI
JOHN	ANGE	CECILE	DORLIAE
SARA LEE	ANTHIS	DANIEL	DUBOIS
JAMES	AURICCHIO	JOHN	DUDZIAK
JOSEPH	BANIA	THEARTHUR	DUNCAN
MICHAEL	BARONE	LAURA	EL-BAHTITY
RUTH	BAUM	HOLLY	ERICK
JOHN	BEDASKA	TARA	EVANS
DEBRA	BENDER	THOMAS C	FARLEY
CATHERINE	BERCHOU	JENNIFER	FARRELL
PETER	BERGENSTOCK	KENNETH	FARRELL
JENNIFER	BLACKHALL	NOEMI	FERNANDEZ
DAVID	BLACKLEY	M. KREAG	FERULLO
JEFFREY	BOCHIECHIO	SHANNON	FILBERT
FRANK	BOGULSKI	GREGORY	FINA
REBECCA	BRAWN	ANDREW	FISKE
GAIL	BREEN	ROBERT	FLYNN
WILLIAM	BRODERICK JR	GARY	FREEDMAN
MATTHEW	BROOKS	RICHARD	FRIEDFERTIG
ANGELO	BUFFOMANTE	KATHRYN	FRIEDMAN
FRANK	BUFFOMANTE	ANDREW	FRITSCH
KARA	BUSCAGLIA	TIMOTHY	GALLAGHER
FRANK	BYBEL	PATRICK	GARRITY
DOMINIC	CANDINO	ROSS	GELBER
E. CAREY	CANTWELL	GIOVANNI	GENOVESE
ANTONIO	CARDARELLI	LESLIE	GIBBIN
CATHERINE	CAREY	KENNETH	GIBBONS
A. JOSEPH	CATALANO	KEVIN	GIBBONS
ANTHONY	CERVI	JOHN	GILMOUR
MARY	CHAN	ROBERT	GOLDSTEIN
ELIZABETH	CIAMBRONE	ALBERT	GRANDE
MICHAEL	CIMASI	DANIEL	GRASSO
DANIEL	CIMINELLI	CHARLES	GREENBERG
JAMES	CIMINELLI	ALVIN	GREENE
DIANE	CIURCZAK	JOHN	GRENNELL
PAUL	CLEARY	DANIEL	GRIEBEL
JAMIE	CODJOVI	VANESSA	GUITE
RICHARD W.	COLE	DAVID	GUTOWSKI
KEVIN	CONDON	LYLE	HAJDU
MICHAEL	CONROY	IAN	HARRINGTON
ROBERT	CONVISSAR	JEFFREY	HARRINGTON
AMY	COUNTER	KEVIN	HARRIS

Assigned Counsel Panel As Of December 31, 2017

SABBY	SANTARPIA	PIETER	WEINRIEB
JEFFREY	SANTORO	WALLACE	WIENS
DOMINIC	SARACENO	DAVID	WILSON
DAVID	SARKOVICS	KEVIN	WOLF
ROBERT	SCALIONE	PAUL	WOLF
JEFFREY	SCHERER	MARK	WORRELL
SAMANTHA	SCHULTZ	LISA	YAEGER
LAWRENCE	SCHWEGLER	GRANT	ZAJAS
JAMES	SCHWEGLER	MICHAEL	ZOSH
DEBORAH	SCINTA		
JOSEPH	SCINTA		
SETH	SEEGERT		
MARC	SHATKIN		
KRISTOPHER	SIGETI		
DAVID	SILVERBERG		
DANIEL	SLADE		
VICTORIA	SMITH		
JENNIFER	SMITH		
KEVIN	SPITLER		
MICHAEL	STACHOWSKI		
JOSEPH	STADLER		
PATRICK	STAFFORD		
RICHARD	STANTON		
ROBERT	STEINHAUS		
DOUGLAS	STILLER		
WILLIAM	SZCZEPAWSKI		
CELIA	SZCZUR		
JOSEPH	TERRANOVA		
FRANCIS	TESSEYMAN JR		
THOMAS	THEOPHILOS		
PAMELA	THIBODEAU		
DAVID	TODARO		
DELREASE	TOTA-NEAL		
BRIAN	TOWEY		
RONALD	TRABUCCO		
ANDREW	TRAVIS		
EMILY	TROTT		
AYOKA	TUCKER		
LANA	TUPCHIK		
JOSEPH	TURNER		
DENIS	UMINSKI		
STEPHEN	UNDERWOOD		
GINA	VALLONE-BACON		
JAMES	VANDETTE		
PETER	VASILION		
VERA	VENKOVA		
CATHARINE	VENZON		
YVONNE	VERTLIEB		
JESSICA	VESPER		
LOUIS	VIOLANTI		
SURINDER	VIRK		
JEFFREY	VOELKL		
CINDY	WADSWORTH		
DANIEL	WARD		

MINUTES
Meeting of the Board of Directors
Erie County Bar Association Aid to Indigent Prisoners Society, Inc.
August 16, 2017

Present: Hon. John Aman, Hon. Christopher J. Burns, Robert Convissar, Robert Feldman; Kenneth Gibbons, Hon. Craig Hannah, Daniel Henry; Terence Newcomb, Hon. JaHarr Pridgeon; Nicholas Rossi, Hon. Jennifer Stergion; Douglas Stiller, Emily Trott, Peter Vasilion and Mark Worrell.

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

The Board unanimously approved the minutes of the Board meeting of June 14, 2017.

The Administrator's Report was given.

The Board was presented with the Financial Statement and report through the Month of June, 2017. The Financial Statement shows that we are over budget. As usual, our Administrative Costs which we can directly control, are well below budget, which significantly cuts into the overrun of our Program Costs. The amount of \$77,419 over budget is not unusual for the halfway point of the year and is well within our ability to come in on budget by years end.

Mr. Convissar advised that the new Eligibility Standards for criminal cases were now in effect for a full four months. It was reported that there was an immediate increase of assignments in the first two months but since that time we have actually seen a decrease in the average number of assignments and case intakes. We will continue to monitor the situation.

Mr. Convissar reported to the Board on the newly adopted "Raise the Age" legislation and the creation of a new category of defendant known as the Adult Offender. The age for full criminal adult responsibility will be raised to 17 next year and to 18 in 2018. A new category has been created known as the Adult Offender and is to be handled in a new Superior Court part. The discussion focused on the provision of indigent criminal defense services to the new defendants. The Board was advised of a surprise effort by the Legal Aid Bureau to assume the defense of these cases through their Attorney for the Child lawyers, albeit with a need for additional funding and training. This was done at a meeting of stakeholders conducted by Judge Feroletto. Mr. Convissar advised that he was present at this meeting and immediately objected to that proposal, explaining that those AFC attorneys have absolutely no criminal defense experience and no jury trial experience. He further advised that many of our Criminal Panel attorneys are also approved as Attorneys for the Child and have significant experience in criminal trials and in Family Court. The assembled folks were also reminded that these felony cases would normally be handled by the ACP and that we could so in this new part without any added costs. No final decision was made. Mr. Convissar followed up that meeting by sending an email to Judges Feroletto and Griffith listing the 13 Panel Attorneys who could immediately step in and other criminal defense attorneys already taking or who will take the 4th Departments AFC training. Judges Griffith's reply was "good stuff".

James Auricchio presented the Board with an outline and description of the on-line case management and billing system we are in the process of completing. The Board was advised that the system is currently being finalized and testing is underway with a group of our attorneys who are giving us feedback and exposing some issues which continue to need to be addressed. Preliminary feedback has been highly positive. We currently anticipate that the entire system will be finished by November 1, 2017. The total cost will be \$25,000.00

Mr. Convissar led a discussion on the status of regionalization of arraignments. He reviewed the status of the meetings held to date and advised that he has been charged by Judge Boller with devising the plan which will be put into place. An outline of the plan was reviewed with the Board. Additional work still needs to be done, and additional statistics are being assembled.

The New York State Office of Indigent Legal Services was the next topic of discussion. The Board was advised that Erie County did not receive the award for the Family Court Demonstration Project, although we had been among the finalists. The Board was advised that Mr. Convissar has presented a "wish list" for the provisions of additional funds we believe are necessary for compliance with Hurrell- Haring, and the letter to the ILS was reviewed.

The Board was updated on issues involving the current RFP for the Second Quality Improvement and Caseload Relief grant. A discussion was had with regards to the Legal Aid Society making claim for the entire grant amount of \$100,000 per year for 3 years instead of the first grants 75% - 25% split. Mr. Convissar stated that this was a breach of an agreement reached with Legal Aid for both ACP and the PD to not seek either additional cases or additional funding other than the current status quo. Mr. Convissar reported that he objected strongly to the County of such a request being made. The Board was advised that Martin Polowy just told us to submit a proposal to receive the entire amount of the grant, saying the County will decide who gets and how much. This will be done.

A proposal for our 2018 budget was presented to the Board. There was a review of the budgetary factors bearing on a need for an increase in County funding. Due to our ability to control Administrative costs, only an increase to cover mandatory increases in health care insurance and a modest 2% increase in wages was necessary. The remaining increase went to our Program Costs in anticipation of increasing cases under the changed eligibility standards. The Board unanimously approved the budget and authorized the Administrator to seek up to 5%. The budget request is to be filed no later than September 6.

The Professional Standards committee will soon begin a new round of applicant screening and interviewing to create a new class for training. Mr. Convissar commented on the extreme high quality of these attorneys and reminded the Board of our ability to attract superior candidates for our Program and our ability to be highly selective.

The Board was advised of the schedule of CLE's planned through the year, to include a New Attorney Orientation Boot Camp; Plea Bargaining; The Addicted Client and Family Court Practice and Procedure CLE series, which is to include 6 sessions of evidentiary foundations.

The next scheduled Board Meeting is November 15, 2017.

The Board scheduled future Board meetings as follows:

November 15, 2017

February 14, 2018

MINUTES
Meeting of the Board of Directors
Erie County Bar Association Aid to Indigent Prisoners Society, Inc.
November 15, 2017

Present: Richard Barnes, Hon. Christopher J. Burns, Robert Convissar, James DeMarco III, Robert Feldman; Kenneth Gibbons, Robert Goldstein, Daniel Henry; Terence Newcomb, Hon. JaHarr Pridgeon; Nicholas Rossi, Hon. Jennifer Stergion; Douglas Stiller, Joseph Terranova, Peter Vasilion and Mark Worrell.

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

The Board unanimously approved the minutes of the Board meeting of August 16, 2017.

The Administrator's Report was given.

The Board was presented with the Financial Statement and report through the Month of September, 2017. The Financial Statement shows that we are \$91,000 under budget on our Administrative costs, principally due to personnel costs being lower than expected due the disability of Maureen Wilson and not filling one staff spot. We are under-budget \$62,000 on our Program Attorney costs. Mr. Convissar advised that he expected us to be within budget at the end of the year, with very little variance. With regard to Program attorney costs, we have not yet seen a consistent raise in the number of cases which can be attributed to the changed eligibility standards. We will continue to monitor the situation.

Mr. Convissar reported to the Board that the County Executive gave us a proposed 2% increase in the budget he proposed to the County. This equated to a monetary increase of \$155,995, if approved by the legislature. There was brief and preliminary discussion of future budget requests, specifically the entire issue of cost effectiveness will have to be raised with the County, because our defense model can address caseload issues at a much lower cost than throwing more and more full time attorney and support staff at the problem as it exists in Buffalo City Court

Mr. Convissar reported to the Board on the newly adopted "Raise the Age" legislation and the creation of a new category of defendant known as the Adult Offender. The age for full criminal adult responsibility will be raised to 17 next year and to 18 in 2018. A new category has been created known as the Adult Offender and is to be handled in a new Superior Court part. The discussion focused on the provision of indigent criminal defense services to the new defendants. As the Board was advised at our last meeting, we are having a dispute with Legal Aid, which has a presence in Family Court. They provide some attorneys to the Attorney for the Child Program which handles the defense of JD actions within Family Court.

The issue is that Legal Aid attempting to stake out a claim that their AFC attorneys should defend in the new AO Court. I have swatted them down every time they raise this. Their people have no criminal experience and I wouldn't trust them to defend a first time Petit Larceny Defendant. It is now clear that ACP will be the primary defender in the AO Part. The full Raise the Age Committee

understands that our handling of these cases will not increase the County's cost, since they are already our cases.

However, because we agreed in 2008 to have the PD's defend the lower level D and E felonies filed in Buffalo City Court, they are now seeking to handle any Buffalo originating cases in the AO Part and to get all the D and E's county wide.

I raised this because I intend to fight to completely eliminate their presence in this new part. The Board referred to the Representation Plan currently in effect which created this D and E business. The Board believes that Legal Aids authority to handle any felony is limited solely to criminal cases which are filed in Buffalo City Court which are D and E felonies.

The AO cases, including the ones arising in the City of Buffalo are not filed in Buffalo City Court but rather are filed and arraigned in the AO Part.

The Board unanimously authorized the Chief Defender to address this issue and to undertake whatever action is necessary to protect and preserve our cases and to prevent inappropriate expansion of the PD's office by enforcing the County Plan for Representation.

Mr. Convissar next discussed the status of the Regional Centralized Arraignment plan and the proposal that both daytime and off-hour and weekend arraignments be regionalized in the Buffalo City Court building. Our present program of Attorney of the Day and the On-call Attorney was reviewed with the Board and the costs were described. This is an extremely expensive proposition and we are funded by various ILS grants, as well as CAFA. But we also use our own funds to cover the excess – approximately \$144,000 per year. We hope to reduce costs to the County by centralizing these arraignments into one building. The current plan under discussion is to have Daytime and afternoon arraignments brought to Part 1 and handled by City Court Judges, with our attorney present – not the PD. Evening arraignments will be taken in the Buffalo City Court building handled by scheduled on-call town and village justices and our on-call attorneys. The likely area for a court is in the lobby of the City Court Building. Various towns will be excluded mainly Amherst, Cheektowaga, Tonawanda.

The Board was advised that the system is currently being finalized and testing in underway with a group of our attorneys who are giving us feedback and exposing some issues which continue to need to be addressed. Preliminary feedback has been highly positive. We currently anticipate that the entire system will be operational by January 1, 2018.

The New York State Office of Indigent Legal Services was the next topic of discussion. The Board was advised that ILS is proposing a \$54 Million dollar advance on the sums set aside for Indigent by last year's legislative action. Mr. Convissar advised that has presented a "wish list" for the provisions of additional funds we believe are necessary for compliance with Hurrell- Harring to the ILS which was favorably received by Joanne Macri. We will await the publication of the ILS plan and the actual issuance of funding

The Professional Standards committee will soon begin a new round of applicant screening and interviewing to create a new class for training. Mr. Convissar commented on the extreme high quality of these attorneys and reminded the Board of our ability to attract superior candidates for our Program and our ability to be highly selective. ACP will soon begin again to conduct attorney reviews of our Panel Attorneys.