



**Real Attorneys  
Professional Defenders**

# 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 2018-2019

Joseph J. Terranova  
President

Mark A. Worrell  
Vice President

Jennifer P. Stergion  
Secretary

Nicholas W. Hicks  
Treasurer

Daniel P. Grasso  
Deputy Administrator  
Criminal Division

Yvonne Vertlieb  
Deputy Administrator  
Family Division

James DeMatteo  
Kevin C. Gibbons  
Quality Enhancement  
Attorneys

John R. Nucheren  
Center for Legal  
Excellence

John R. Nucheren  
(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.

January 15, 2019

Karen M. McCarthy  
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 Ms. McCarthy:

Pursuant to the above-reference Resolution, I am enclosing a financial report, cash basis, for the period 7/1/18-12/31/18, 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.

**ECBA AIP**  
**Assigned Counsel Program**

Report to the Clerk of Erie County Legislature

Period 7/1/18-12/31/18

**Source of Funds:**

County of Erie:	\$4,258,373
NYS: ATD (2018)	55,250
Donation - Training Restricted	12,130

Total:	\$4,325,753
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**Program Expenditures:**

Attorney Fees	4,659,388
Transcripts	43,355
Experts	21,916
Investigators	13,232

Total:	\$4,737,891
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**Administration:**

Personnel (Wages, Hosp, FICA, Unemploy, Disability, Work. Comp & Pension)	627,106
Util/Telephone	9,704
Space Rental	24,840
Office Supplies	8,128
Postage	10,515
Travel/Conferences	1,442
Insurance	5,953
Legal/accounting (Accountant)	0
Dues & Assoc. Membership Fees	870
Office Printing/copying (Reproduction)	2,079
Training	23,013
Equipment Purchase	6,659
Computer Maintenance	16,859
Legal Publications	4,470
Courier Service	2,940
Temp & Law Student	411
Payroll Service	2,042
Bank Charges	0
Online Billing Software fees	21,359
Misc (Misc & Misc Volunteer Support)	3,799

Total:	\$772,188
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Grand Total:	\$5,510,079
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**Assigned Counsel Panel****Active****As Of December 31, 2018**

JEFFREY	ABATE	MARY BETH	DEPASOUALE
ANTHONY	ABBARNO	GINA	DEPRIMA
DAVID R	ADDELMAN	LAWRENCE	DESIDERIO
SAMUEL	ALBA	BARRY	DOLGOFF
CHERYL	ALOI	ALAN	DONATELLI
FRANCIS	AMENDOLA	CECILE	DORLIAE
ELENA	ANCONA	DANIEL	DUBOIS
RYAN	ANDERSON	JOHN	DUDZIAK
HEATHER	ANDERSON	THEARTHUR	DUNCAN
ANN	ANDERSON	TARA	EVANS
JOHN	ANGE	ANTHONY	FARACO
SARA LEE	ANTHIS	THOMAS C	FARLEY
JAMES	AURICCHIO	NOEMI	FERNANDEZ
WILLIAM	BECK	M. KREAG	FERULLO
JOHN	BEDASKA	GREGORY	FINA
DEBRA	BENDER	ANDREW	FISKE
CATHERINE	BERCHOU	ROBERT	FLYNN
PETER	BERGENSTOCK	RICHARD	FRIEDFERTIG
DAVID	BLACKLEY	KATHRYN	FRIEDMAN
FRANK	BOGULSKI	ANDREW	FRITSCH
ADAM	BOJAK	TIMOTHY	GALLAGHER
REBECCA	BRAWN	PATRICK	GARRITY
GAIL	BREEN	ROSS	GELBER
ELIZABETH	BREWER	GIOVANNI	GENOVESE
WILLIAM	BRODERICK JR	KENNETH	GIBBONS
MATTHEW	BROOKS	KEVIN	GIBBONS
ANGELO	BUFFOMANTE	JOHN	GILMOUR
FRANK	BYBEL	LESLIE	GLEISNER
DOMINIC	CANDINO	ROBERT	GOLDSTEIN
E. CAREY	CANTWELL	DANIEL	GRASSO
ANTONIO	CARDARELLI	CHARLES	GREENBERG
CATHERINE	CAREY	ALVIN	GREENE
A. JOSEPH	CATALANO	JOHN	GRENNEILL
ANTHONY	CERVI	DANIEL	GRIEBEL
ANTHONY	CHABALA	MARK	GUGLIELMI
MARY	CHAN	VANESSA	GUITE
ELIZABETH	CIAMBRONE	LYLE	HAJDU
MICHAEL	CIMASI	IAN	HARRINGTON
JAMES	CIMINELLI	JEFFREY	HARRINGTON
DIANE	CIURCZAK	KEVIN	HARRIS
JAMIE	CODJOVI	TINA	HAWTHORNE
RICHARD W.	COLE	TIMOTHY	HENNESSY
KEVIN	CONDON	KAREN	HENSLEY
MICHAEL	CONROY	AUDREY	HERMAN
ROBERT	CONVISSAR	NICHOLAS	HICKS
AMY	COUNTER	MARISSA	HILL
WILLIAM	CURTIN	KAITLYN	HOERNER
ROBERT	CUTTING	ALAN	HOFFMAN
PHILLIP	DABNEY, JR.	STEPHEN	HUGHES
SAMUEL	DAVIS	FRANK	IERACI
PAUL G.	DELL	JUSTIN	JABLONSKI
JAMES	DEMATTEO	HOPE	JAY

**Assigned Counsel Panel  
Active  
As Of December 31, 2018**

KEVIN	KANE	AMBER	POULUS
KELLY	KAPPERMAN	BECKY	POWELL
SUSAN	KARALUS	ARTHUR	PRESSMAN
THOMAS	KEANE	DEAN	PULEO
THOMAS	KEEFE	PATRICK	QUINLIVAN
SEAN	KELLY	ANDREW	RADACK
STEPHEN	KENNEDY	SUSAN	REINECKE
DENIS	KITCHEN	SCOTT	RIORDAN
MICHAEL	KOBIOLKA	NORA	ROBSHAW
MICHAEL	KOOSHOIAN	LORI	ROMAN
PAUL	KULLMAN	WALTER	ROOTH III
JESSICA	KULPIT	MARIA	ROSCIGLIONE
ANTHONY	LANA	NICHOLAS	ROSSI
JAMES	LAZARUS	ELISABETH	ROSSOW
RICHARD	LEFF	BRIAN	RUFFINO
CLAYTON	LENHARDT	JENNIFER	RUNFOLA
FRANK	LONGO	LISSETTE	ROUTOLO
TIMOTHY R	LOVALLO	MARK	SACHA
PARKER	MACKAY	BRENT	SALEVSKY
JAMES	MALONEY	SALVATORE	SANFILIPPO
JOAN	MALONEY	SABBY	SANTARPIA
MINDY	MARRANCA	JEFFREY	SANTORO
RACHEL	MARRERO	DOMINIC	SARACENO
EDWARD J	MARTNSHIN	DAVID	SARKOVICS
JENNIFER	MCCANN	ROBERT	SCALIONE
KATHLEEN	MCDONALD	JEFFREY	SCHERER
MICHAEL	MCKEATING	SAMANTHA	SCHULTZ
PATRICK	MCLAUGHLIN	LAWRENCE	SCHWEGLER
PAUL	MICHALEK JR	JAMES	SCHWEGLER
TARA	MIDLIK	DEBORAH	SINTA
RAYMOND	MILES III	JOSEPH	SCINTA
JOSEPH	MUSCATO	SETH	SEEGERT
JESSICA	MUSSELL	MARC	SHATKIN
TERENCE	NEWCOMB	KRISTOPHER	SIGETI
JON ALLON	NICHOLS	DANIEL	SLADE
ANN	NICHOLS	VICTORIA	SMITH
BARBARA	O'NEILL	JENNIFER	SMITH
MICHAEL G	O'ROURKE	KEVIN	SPITLER
EVELYNE	O'SULLIVAN	MICHAEL	STACHOWSKI
MARISSA	OZZELLA	JOSEPH	STADLER
ANDREW	PACE	PATRICK	STAFFORD
DAVID	PAJAK	RICHARD	STANTON
ASHLEA	PALLADINO	ROBERT	STEINHAUS
BRIAN	PARKER	DOUGLAS	STILLER
KIM	PAUL	WILLIAM	SZCZEPAWSKI
DOROTHY	PEARMAN	CELIA	SZCZUR
BRITTANY LEE	PENBERTHY	DANIEL	TARANTINO
MARK J	PESZKO	JOSEPH	TERRANOVA
FREDERICK	PETERSEN	FRANCIS	TESSEYMAN JR
GARY	PHILLIPS	PAMELA	THIBODEAU
ANN	PINZLER	DELREASE	TOTA-NEAL
DANIEL	PIOTROWICZ	BRIAN	TOWEY
PAUL	PIOTROWSKI	EMILY	TROTT
KATHLEEN	PLATZER	LANA	TUPCHIK
MICHAEL	PORETTA	JOSEPH	TURNER
TODD	POTTER	STEPHEN	UNDERWOOD

**Assigned Counsel Panel  
Active  
As Of December 31, 2018**

TWIESHA	VACHHRAJANI
GINA	VALLONE-BACON
JAMES	VANDETTE
PETER	VASILION
CATHARINE	VENZON
YVONNE	VERTLIEB
JESSICA	VESPER
LOUIS	VIOLANTI
JEFFREY	VOELKL
DANIEL	WARD
PIETER	WEINRIEB
CRYSTAL	WENTZ
WALLACE	WIENS
DAVID	WILSON
PAUL	WOLF
MARK	WORRELL
MICHAEL	ZOSH

**MINUTES**  
**Meeting of the Board of Directors**  
**Erie County Bar Association Aid to Indigent Prisoners Society, Inc.**  
**August 15, 2018**

Present: Hon. John J. Aman; Hon. Christopher Burns; Robert Convissar; James DeMarco III; Robert Feldman; Kenneth Gibbons; Nicholas Hicks; Hon. Sharon LoVallo; Terence Newcomb; Hon. Jennifer Stergion; Douglas Stiller; Joseph Terranova, Emily Trott; Peter Vasilion and Mark Worrell.

President Joseph Terranova convened the meeting at approximately 12:30 p.m.

The Board unanimously approved the minutes of the Board meeting of June 13, 2018, after adding Emily Trott to the list of members present.

The Administrator's Report was given.

The Board was presented a Financial Report for the month ending June 30, 2018. The statement shows that we were below our budget spending by a total of \$38,770 due to substantial savings on our Administrative Expenses, notably personnel and health costs. Mr. Convissar reported that we are not facing any fiscal issues or financial threats to the Program and that we are in great fiscal shape.

Mr. Convissar reviewed the New York States 2018 budget with the Board. He advised that an additional \$50 Million was included to fund the State's first year's commitment to state-wide criminal defense reforms under legislation passed last year. This money was earmarked for each County according to a secret budget agreement between ILS and the Governor's Budget Director.

At a meeting with Joanne Macri and Joe Worscheim, ILS told us that we would receive a total of \$2,273,000 for fiscal year 2018, to be followed by even more money in each of the following 4 years. The Board was most appreciative of this news, especially when advised that Legal Aid was only getting \$900,000.

The money will be paid by way of a five-year contract with the County, which will be reimbursed by the State. This is a process identical to the current grant program from which we also receive additional State money.

Mr. Convissar advised that a budget would be prepared for this first year which would be reviewed with ILS. It is anticipated that the actual spending year will begin by the end of the year. The spending plan will be incorporated into our 2019 County budget request.

There was a general discussion by Board members as to how the money might be spent and what improvements could be made to the Program to include quality improvement, caseload relief, supervision and mentoring, putting investigators and social workers on staff and adding to our

CAFA program. A proposed budget (subject to change) was reviewed with the Board. There is money for an additional full time attorney to assist in Quality Control and supervision of attorneys; money for mentoring attorneys, a training director, sentencing mitigation specialist, a legal writing specialist and a digital evidence and computer technician. In addition, we will have the ability to assign two experienced homicide panel attorneys on every murder case we receive, as well as being able to have second chairs on all serious felony cases. Mr. Convissar also noted that the ILS Office was going to provide funds earmarked to be used for salary parity increases for Indigent Defense program's professional staff throughout the State.

Mr. Convissar again reported briefly 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. ACP is the only organization in the County who has AFC approved attorneys with significant criminal law experience, though Legal Aid continues to scheme to steal these cases from us and get their attorney's involved. This will not be allowed. Mr. Convissar asked for a motion from the Board authorizing him to take whatever steps are necessary to protect the interests of the Program, up to and including, not participating as an organization in the Raise the Age process in the scheduling, etc., of attorneys. The motion was made, seconded and unanimously approved.

The Budget was presented with the proposed 2019 Budget. It was informed that inflation rose 2.9% last year. Under Harrell-Hurring, the Counties are required to maintain the services which were in place before new State funds come in. Though they cannot reduce their spending, I expect the County to resist any large funding increases. The budget presented to the Board is based upon a 2% increase over last year. Mr. Convissar requested that the Board adopt the Budget and authorize him to submit a budget with up to a 4% increase. The motion was made, seconded and unanimously approved.

The Board went into Executive Session to discuss a personnel matter, the hiring of a Deputy Director for the Criminal Division.

The regular meeting resumed.

There was discussion of the DefenderData system, which went live on January 1, 2018. The Board was advised that Hope Keilman, our CFO, has assumed primary responsibility for the system and is working hard to tweak and polish it, plus we are making wholesale changes to make it more user friendly for our panel attorneys. Mr. Convissar reported that a push would be made to reach out to all the Judges to get them active on the system and to get them to approve the vouchers that have been sent to them. We expect to have 100% compliance within a month.

Mr. Convissar advised that our position is that no attorney would be left behind. To that end, we have expanded the assistance that JusticeWorks will give our attorneys who contact their help line. The system is working well and is apparently greatly appreciated by our panel attorneys.

The Professional Standards committee will soon begin conducting panel attorney reviews. Joe Terranova and Bob Convissar will meet to set a schedule for identifying attorneys to be reviewed and for ACP staff to begin assembling the necessary information for the review. The Professional Standards committee will seek volunteers from the Board to do the reviews. It will

be our goal to complete this process over the next three years. The Committee will also make determinations on Panel upgrade requests from our attorneys. The Board was advised that Attorney Kevin Wolf was suspended by the Appellate Division and according is no longer an active member on any Panel. The Board was advised Robert Goldstein was reinstated by the Appellate Division and has been restored to our Panels and our Board. Kevin Kane was approved unanimously by the Board to join our Criminal Defense Misdemeanor panel.

Mr. Convissar advised that the New Attorney Orientation Boot Camp organized by Peter Vasilion will be rerun for all attorneys who have been in practice for less than five years. The original seminar was a great success, with excellent programming and material. The Board was advised of the schedule of CLE's planned through the year, to include one on Plea Bargaining; a Family Court Practice and Procedure CLE series, which is to include 6 sessions of evidentiary foundations and a session on the Addicted Client to be run by Jessica Kulpit.

The next scheduled Board Meeting is November 14, 2018

The Board scheduled future Board meetings as follows:

February 13, 2019

There being no further business, the meeting was adjourned at approximately 2:05 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.**  
**November 14, 2018**

Present: Hon. John J. Aman; Richard Barnes; Robert Convissar; James DeMarco III; Robert Feldman; Robert Goldstein; Peter Kooshoian; Terence Newcomb; Nicholas Rossi; Hon. Jennifer Stergion; Douglas Stiller; Joseph Terranova, Emily Trott; Peter Vasilion and Mark Worrell.

President Joseph Terranova convened the meeting at approximately 12:30 p.m.

The Board unanimously approved the minutes of the Board meeting of August 15, 2018.

The Administrator's Report was given.

The Board was presented a Financial Report for the month ending September 30, 2018. The statement shows that we were below our budget spending by a total of \$59,686 due to substantial savings on our Administrative Expenses, notably personnel and health costs. Mr. Convissar reported that we are not facing any fiscal issues or financial threats to the Program and that we are in great fiscal shape. He further advised that this under-budget amount will ultimately get spent during the final quarter of the year as Program Costs increase due to year end billing. We should come in just slightly under budget as we always do.

Mr. Convissar reviewed the New York State ILS 2018 budget with the Board. The Board was provided with a copy of the Combined 2019 budget, along with the justification and budget summary that was used by Mr. Convissar to lobby for funding.

ILS told us that we would receive a total of \$2,316,000 for fiscal year 2018, to be followed by even more money in each of the following 4 years. The Board was most appreciative of this news, especially when advised that Legal Aid was only getting \$900,000.

The money will be paid by way of a five-year contract with the County, which will be reimbursed by the State. This is a process identical to the current grant program from which we also receive additional State money.

Mr. Convissar presented a budget for the first year. It is anticipated that the actual spending year will begin on January 1, 2019. The spending plan will be incorporated into our 2019 County budget request. In summary it provides: \$2,142,622 for caseload improvement which breaks down as \$750,000 for anticipated increased attorney billing and our new full felony second chair program. There is \$125,000 for our Attorney of the Day Program and counsel at first appearance program. We will add a position of Deputy of Quality Assurance at the sum of \$100,000 plus benefits and a Legal Research and Writing Specialist at \$75,000 plus benefits. We will add 3 investigators, two social workers and 3 administrative assistants to our staff.

This budget also provides for the services of our most senior attorneys to serve as mentors to our younger attorneys. This program will be funded in the sum of \$175,000. We will engage the services of three part time stipend attorneys: a director of CLE/Training; a mitigation/sentencing specialist and a Digital Evidence and Computer Technician specialist, each paid \$50,000.

In addition there is more funding for experts and transcripts, plus additional funding for office equipment, furniture, computers etc.

Mr. Convissar advised that in 2015 our total budget was \$8,681,837. In the now four years of dealing with the County and lobbying with the ILS for grants and extra funding, we have grown our budget over 40% and it now totals 12,084,043, an increase of \$3,402,206 in funding. This budget increases the staff of the ACP an additional 10 employees from 18 to 28, and 13 additional stipend positions to be paid to our panel attorneys to better compensate them.

Discussion of the budget and its adoption by the Board was tabled until later in the meeting.

Mr. Convissar again reported briefly 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. Our Program is providing attorneys at all arraignments, both in the Youth Part and during off-hours. Though the total number of cases is still small, the process is working well and our panel attorneys are performing well.

Mr. Convissar reported to the Board on our Lease status. The lease expires on January 31, 2020. With this new ILS funding, we will need a significant increase in space. Accordingly we have begun the process to find a suitable location, preferably on a single floor plan. At the suggestion of Mr. Feldman, we will consider engaging the services of a broker familiar with the Downtown business area.

With regard to staffing, the Board discussed the methods that should be utilized in the search process for applicants for these soon to be created positions at the Assigned Counsel Program. There was unanimous agreement that we should make an effort to reach a maximum amount of potential applicants, and to go beyond just advising our Panel members. Mr. Convissar intends to have these positions listed in the BAEC Friday job listing email they sent out to all members of the Bar Association. We will also reach out to the Minority Bar Association and both Women's Bar Associations, along with postings at the Law School and to our Panel members.

The Board reviewed the results of the surveys sent out to the Board of Directors and to all our Panel members. The 8 responses from our Board members were provided to all in attendance. 32 responses were received from Panel members and will be available for review by all Board members. Mr. Convissar advised that the overwhelming response was positive with regard to all areas of our operation. There were only 3 negative reviews, and they were highly negative and all from Family Court Panel members.

There was overwhelming support for the creation of a mentoring system. The surveys provided a number of suggestions which have great merit. There is large support of Town Hall type meetings/Group chats and Happy Hours and there was a request for a staff directory with direct

phone numbers. Mr. Convissar indicated that these will be done. There were many suggestions for CLE topics which will be considered. There were a few repeated requests for Direct Deposit of checks and the creation of a group 401k plan and we will investigate the legality and feasibility of that.

There was a concern by many regarding the timeliness in processing vouchers. Mr. Convissar reported that this remains something we are addressing every day. He reported that there is no delay in paying paper vouchers, we are current to the month. The focus is now on DefenderData and we are committing additional resources to moving those vouchers along to get them current.

An update was given on DefenderData, which was overwhelmingly approved by our Panel members in the survey. All judges are actively participating and we have created an email notification system to advise every judge when they have vouchers awaiting approval. This has tremendously sped up judicial approvals. We continue to monitor the system and are in the process of simplifying the penal law charge menus to eliminate the overwhelming clutter that has been there from inception.

Joe Terranova advised the Board that the Professional Standard Committee is beginning work on conducting performance reviews of approximately one-quarter of our panel members in 2019. He asked for volunteers from the Board to update and fill out the committee. Any so interested should contact Joe directly. ACP staff will begin to randomly create the list of attorneys to be reviewed and start the process of asking for and accumulating the information needed by the Committee to conduct their review. To that end, we have updated our Panel lists and current levels of approvals for each attorney on all our Panels.

The Board returned to the issue of the ILS funds and the approval of the joint 2019 Budget.

Mr. Convissar also noted that, as part of the budget, the New York State Office of Indigent Legal Services is proposing that an effort begin with this distribution to move toward parity with the Office of the District Attorney and the salaries that are paid to their top supervisory personnel in the counties of the State. Hiring and retaining superior criminal defense attorneys to assume leadership positions in our Program is a daunting task. Successful private criminal practitioners cannot afford the lower salaries our positions provide. We are left to choose from a pool of less successful attorneys, or, like the current Chief, old guys ready to retire who will do this job out of a sense of devotion to the cause of indigent defense, but without long term tenure.

Parity will never be obtained in Erie County. The District Attorney makes the salary of a Supreme Court Judge, currently \$203,000 with their robing allowance. His Senior Deputies are the highest paid attorneys in the County. In terms of parity, our cap would appear to be set with relation to the Erie County Attorney's Office. This budget proposal is for the Chief Defender/Administrator to be paid fairly comparable but still much less than the County Attorney and for the Deputy Administrators to be paid fairly comparable to the top senior attorneys in that office.

At 1:40, the Board went into Executive Session to discuss this issue. With the consent of Mr. Convissar, both he and Dan Grasso left the room to allow for a full and fair discussion of any issues that the Board might have.

The regular meeting resumed at 2:00 pm. Upon returning to the room, it was suggested that more time was needed to address the issue of the budget. Accordingly, the Board meeting was adjourned and will recommence on December 6, 2018 at 5:00 pm in the Conference Room at 170 Franklin Street, Suite 400. The principal topic will be the adoption of our 2019 combined ILS/Erie County budget, plus any old or new business.

The next regularly scheduled Board meeting is on February 13, 2019

The Board scheduled future Board meetings as follows:

February 13, 2019  
April 3, 2019 (Annual Meeting)  
June 12, 2019  
August 14, 2019 (Budget Meeting)  
November 13, 2019  
February 12, 2020

There being no further business, the meeting was recessed at approximately 2:02 p.m.

Respectfully submitted,  
Robert N. Convissar  
Acting Secretary