



**Real Attorneys
Professional Defenders**

ASSIGNED COUNSEL PROGRAM

Michelle Parker, Executive Director

The Brisbane Building
403 Main Street, Suite 215
Buffalo, NY 14203

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

Officers 2024-2025

Joseph Terranova
President

Anne Joynt
Vice President

Pamela Thibodeau
Secretary

Ayoka Tucker
Treasurer

Kevin Stadelmaier
First Deputy Defender
Criminal Division

Yvonne Vertlieb
Second Deputy Administrator
Family Division

Lori A. Hoffman
Deputy for Quality Assurance

David Heraty
Deputy for Litigation Support
And Appellate Bureau

Matthew Powers
Deputy for Legal Education
Director of the
John R. Nuchereno
Center for Legal Excellence

Kevin C. Condon
Deputy for Child Welfare

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 17, 2025

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

Re: Resolution 233 of May 6, 1975

Dear Ms. Owens,

Pursuant to the above-referenced Resolution, I am enclosing a financial report, cash basis, for the period 7/1/24-12/31/24, 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.

Very truly yours,

Michelle Parker
Director/Chief Defender

MP:hpk
Encs.

**ECBA AIP
Assigned Counsel Program**

Report to the Clerk of Erie County Legislature	Period 7/1/2024-12/31/2024
Source of Funds:	
County of Erie	\$10,161,217
NYS: ILS (2021/2022)	\$458
NYS: ILS (2023)	\$0
NYS: ILS (2024)	\$3,381,435
NYS:ATD (2023)	\$0
NYS:ATD (2024)	\$104,484
NYS:DCJS - HATE CRIME GRANT DIRECT PAY TO AGENCY	\$66,442
Niagara County	\$66,941
Redlich Horwitz Foundation - Restricted Funds	\$75,000
Donation - Training Restricted	\$12,525
Donation - Attorney Recognition Event	\$0
Interest Revenue - Collateral Account	\$145,421
LESS 2023 UNUSED FUNDS - payback to Erie County	-\$3,260,301
Total Revenue rec'd (Cash Basis):	\$10,753,621
Program Expenditures:	
Attorney Fees	\$10,273,952
Transcripts	\$52,112
Experts	\$173,417
Investigators	\$15,887
Total Program/Atty Fees:	\$10,515,368
Administration:	
Personnel (Wages, Hosp. FICA, Unemploy, Disability, Work, Comp & Pension)	\$2,211,126
Util/Telephone	\$21,987
Space Rental	\$114,947
Office Supplies	\$11,880
Postage	\$6,605
Travel/Conferences	\$8,839
Vehicle Lease (ILS/NYS approved)	\$9,070
Insurance	\$16,651
Legal/accounting (Accountant)	\$10,000
Dues & Assoc. Membership Fees	\$3,274
Office Printing/copying (Reproduction)	\$3,688
Training	\$5,217
Equipment Purchase	\$1,051
Computer Maintenance/Support/Software Licenses	\$151,380
Legal Publications	\$12,482
Temps/Recruitment	\$7,370
Consultants	\$10,458
Payroll Service	\$2,368
Bank Charges	\$1,491
Online Billing Software fees	\$30,561
Intern/Law Student	\$2,000
Attorney Recognition Event	\$384
Misc (Misc & Misc Volunteer Support)	\$3,436
Total Administration:	\$2,646,264
Grand Total Expenses:	\$13,161,632
<i>*Expenses include all expended to Erie County 18b, ILS, ATD, DCJS, Niagara Cty, Redlich Horowitz Fo</i>	

Assigned Counsel Panel

Active

As of December 31, 2024

JEFFREY	ABATE	CONNOR	DOUGHERTY
ANTHONY	ABBARNO	DANIEL	DUBOIS
JESTOWO	ADENIJI	THEARTHUR	DUNCAN
SAMUAL	ALBA	WINTER	EATON
FLORINA	ALTSHIER	ANDREW	EMBORSKY
FRANCIS	AMENDOLA	JASON	EVANS
ELENA	ANCONA	LEE	FABIATOS
RYAN	ANDERSON	ELIAS	FARAH
HEATHER	ANDERSON	BETH	FARRELL
JOHN	ANGE	M. KREAG	FERULLO
SARA LEE	ANTHIS	GREGORY	FINA
JAMES	AURICCHIO	ROBERT	FLYNN
TIBOR	BARANSKI	CHRISTOPHER	FRANGIONE
ARIEL	BAUERLE	LUCAS	FROMAN
JEFFREY	BAUMANN	JOYCE	FUNDA
WILLIAM	BECK	MATTHEW	GABALSKI
JOHN	BEDASKA	TIMOTHY	GALLAGHER
DEBRA	BENDER	TYLER	GATELY
CARLA	BENZ	GIOVANNI	GENOVESE
CATHERINE	BERCHOU	KENNETH	GIBBONS
PETER	BERGENSTOCK	KEVIN	GIBBONS
SCOTT	BERNARD	BRENDAN	GILBERT
CATHERINE	BILLANTI	MICHAEL	GIOIA
ASHLEY	BLAHOWICZ	REBECCA	GIOIA
FRANK	BOGULSKI	ROBERT	GOLDSTEIN
ADAM	BOJAK	CHARLES	GREENBERG
DANIEL	BRADY	ALVIN	GREENE
WILLIAM	BRODERICK JR	SHANE	GREENE
MATTHEW	BROOKS	JOHN	GRENNELL
TIMOTHY	BROOKS	DANIEL	GRIEBEL
ANGELO	BUFFOMANTE	DAVID	GUTOWSKI
DANIEL	CAFFERY	LYLE	HADJU
IAN	CANTERBURY	SHAWN	HENNESSY
CATHERINE	CAREY	TIMOTHY	HENNESSY
RYAN	CARNEY	THOMAS	HEUBUSCH
JAKE	CERCONE	KAITLYN	HOERNER
ANTHONY	CHABALA	ALAN	HOFFMAN
MARY	CHAN	STEPHEN	HUGHES
ALEXANDRIA	CHIARELLI	FRANK	IERACI
REBECCA	CIARROCCA	JUSTIN	JABLONSKI
MICHAEL	CIMASI	JOSEPH	JARZEMBEK
JAMES	CIMINELLI	ROBERT	JOHNSON
KEVIN	COAD	DEONNA	JONES
RICHARD W.	COLE	KEVIN	KANE
CAITLIN	CONNELLY	KELLY	KAPPERMAN
MICHAEL	CONROY	SUSAN	KARALUS
CHRISTY	COOPER	SEAN	KELLY
CINDY	COOPER	MICHAEL	KOBIOLKA
WILLIAM	CURTIN	MARK	KOTNIS
ROBERT	CUTTING	JEFFREY	KRAJEWSKI
PAUL G.	DELL	JESSICA	KULPIT
JAMES	DEMATTEO	JOHN	LADUCA
LAWRENCE	DESIDERIO	DILLON	LAURINCELLA
EDWARD	DINKI	EVAN	LEFFLER
BARRY	DOLGOFF	CLAYTON	LENHARDT
ANTHONY	DOMENICO	DEAN	LILAC
ALAN	DONATELLI	FRANK	LONGO
CECILE	DORLIAE	KATRINA	LOSS

Assigned Counsel Panel

Active

As of December 31, 2024

BRIAN	MACDONALD	BRIAN	RUFFINO
PARKER	MACKAY	LISSETTE	RUOTOLO
KEVIN	MAHONEY	KARIN	RUPP
JAMES	MALONEY	MARK	SACHA
CORINNE	MANFREDI	STEVEN	SALCEDO
ALIXANDRA	MARINERO	BRENT	SALEVSKY
MINDY	MARRANCA	SALVATORE	SANFILIPPO
RACHEL	MARRERO	SABBY	SANTARPIA
ALEXANDER	MARTIN	JEFFREY	SANTORO
EDWARD	MARTINSHIN	DAVID	SARKOVICS
WILLIAM	MATHEWSON	DANIEL	SCHAUS
STEPHEN	MCCANN	JEFFREY	SCHERER
PETER	MCGRATH	LAWRENCE	SCHWEGLER
JAMES	MCIVER	SETH	SEEGERT
PATRICK	MCLAUGHLIN	JOSEPH	SCINTA
PAUL	MICHALEK JR	MARC	SHATKIN
TARA	MIDLIK	ADELA	SMEHLIK
MICHAEL	MINGO	JENNIFER	SMITH
SAMUEL	MISERENDINO	MICHAEL	STACHOWSKI
CORY	MISSELL	JOSEPH	STADLER
MICHELLE	MONCHER	JONATHAN	STAEHR
RICHARD	MORRISROE	PATRICK	STAFFORD
JOSEPH	MUSCATO	ANDREW	STEINHAUS
LOUIS	MUSSARI	ROBERT	STEINHAUS
ABRAHAM	NASSAR	DOUGLAS	STILLER
TERENCE	NEWCOMB	LISA	STRAND
ANN	NICHOLS	MATTHEW	SWERDLIN
KATE	NOWADLY	CELIA	SZCZUR
OJEME	OSEMUDIAMEN	ANDREW	TABASHNECK
TYLER	O'NEILL	DANIEL	TARANTINO
EVELYNE	O'SULLIVAN	FRANCIS	TESSEYMAN JR
MAYADA	OSMAN	NICHOLAS	TEXIDO
MARK	OVERALL	THOMAS	THEOPOILIS
DAVID	PAJAK	PAMELA	THIBODEAU
BRIAN	PARKER	DELREASE	TOTA-NEAL
VINCENT	PARLATO	BRIAN	TOWEY
KIM	PAUL	EMILY	TROTT
TIMOTHY	PAWARSKI	LANA	TUPCHIK
ANTHONY	PENDERGRASS	JOSEPH	TURNER
BRITTANY LEE	PENBERTHY	GINA	VALLONE-BACON
MARY	PENN	JAMES	VANDETTE
CORTNEY	PETERKIN	RADHIKA	VARAVENKATARAMAN
FREDRICK	PETERSEN	PETER	VASILION
KATHLEEN	PLATZER	CATHARINE	VENZON
MICHAEL	PORETTA	JESSICA	VESPER
MATTHEW	POTENZA	LOUIS	VIOLANTI
TODD	POTTER	JEFFREY	VOELKL
AMBER	POULUS	DANIEL	WARD
BECKY	POWELL	PIETER	WEINRIEB
PATRICK	QUINLIVAN	DANIEL	WHORLEY
ANDREW	RADACK	WALLACE	WIENS
RJAMES	REMMES	DAVID	WILSON
CRYSTAL	REPKA	THOMAS	WOJTAN
LINWOOD	ROBERTS	LISA	YAEGER
NORA	ROBSHAW	ROBERT	ZISKE
WALTER	ROOTH III	MICHAEL	ZOSH
MARIA	ROSCIGLIONE		
WILLIAM	ROSSI		

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Regular Meeting of the Board of Directors
Erie County Bar Association Aid to Indigent Prisoners Society, Inc.
June 10, 2024

Board Members Present: Kristin Arcuri, Stephen Earnhart, Giovanni Genovese, Hon. Michael Hudson (ret.), Anne Joynt, Matthew Kibler, Rachel Marrero, Brian Melber, Michelle Parker, Linwood Roberts, Joseph Terranova, Pamela Thibodeau, Delrease Tota-Neal, Ayoka Tucker, Lana Tupchik, Peter Vasilion.

Excused: Catherine Nagel, Todd Potter, Samantha White

Guests: Hope Keilman, CFO; Amy Brown, Supervising Administrative Assistant

1. A quorum being present, ED Michelle Parker called the meeting to order at 12:21 p.m.
2. Approval from the Board Minutes for the meeting from April 17, 2024; motion to approve by Joseph Terranova; seconded by Kristin Arcuri. Passed unanimously.
3. Approval from the Board Minutes for the Executive Session from April 17, 2024; motion to approve by Pamela Thibodeau; seconded by Kristin Arcuri. Passed unanimously.
4. Board Governance
 - a. Conflict of Interest form – for signatures of all Directors
 - b. Audit Committee – name 3 Directors (in the past, chaired by VP)
 - i. Chair: VP Anne Joynt
 1. Kristinn Arcuri
 2. Hon. Michael Hudson (ret.)
 - ii. Whistleblower Policy –Chair of the Audit Committee VP Anne Joynt will be named as the contact person.
5. Old Business
 - a. Recruitment Committee – continues to meet bimonthly.
 - b. Annual Awards Party Committee – Party held on Thursday, 4/18
 - iii. Paid for exclusively by donations.
 - c. Revising the Board Policy re: timeliness of voucher submission pursuant to the request by the County Division of Management & Budget; draft resolution circulated with agenda.
 - i. Peter Vasilion and Rachel Marrero described this will be too burdensome for high-volume Family Court practitioners such as them because they outsource their billing; it would require changes to their office practices.
 - ii. Delrease Tota-Neal noted her preference to exempt currently delinquent vouchers.
 - iii. Joseph Terranova outlined that such a proposal would have to be accompanied by a communication to the panel about the upcoming

voucher changes and a list of FAQs about the changes and the definition of “conclusion of legal work.” ED Parker proposed that the start date be September 1, 2024.

- iv. Motion to terminate discussion by Joseph Terranova; seconded by Giovanni Genovese; Delrease Tota-Neal opposed; motion carried.
- v. Motion to approve the resolution in the form included in the agenda by Joseph Terranova; seconded by Giovanni Genovese; motion did not pass.
- vi. Motion by Joseph Terranova to approve the resolution with an amendment to:
 - 1. add the word “encouraged” to paragraph numbered 1;
 - 2. that the resolution will be posted on the Program’s website in a location where it is available only to the panel members.
 - 3. that communication to the panel about the change will be accompanied by a communication to the panel about the upcoming voucher changes, the reasons why, and the flexibility that will be employed, a list of FAQs about the changes and the definition of “conclusion of legal work.”
 - 4. that the start date will be September 1, 2024.
- vii. Motion seconded by Kristin Arcuri; opposed by Delrease Tota-Neal; motion passed.
- viii. The language of the resolution is as follows:

Whereas the Erie County Bar Association Aid to Indigent Prisoners Society, Inc. (hereinafter referred to as the Society) maintains a practice as to the timeliness of vouchers submitted by the panel attorneys,

Whereby the panel attorneys are to submit their voucher within six (6) months of the conclusion of the file: if the voucher is submitted in excess of six (6) months, then the panel attorney is to provide a written explanation for the late submission; and if the voucher is submitted in excess of eighteen (18) months, then the voucher is deemed abandoned and the panel attorney is instructed as to why the voucher will not be paid.

Whereas the County of Erie is the funding agency for payment of the Society’s vouchers and has requested that the panel attorneys submit their vouchers closer in time to the conclusion of a matter, to maximize the County’s recovery of the State’s 50% reimbursement of the 2023 18-b rate increase, which reimbursement is currently scheduled to conclude at the close of the State’s fiscal year on March 31, 2025,

RESOLVED that the Board of Directors issues this policy:

- 1) That the panel attorneys are encouraged to submit their voucher within seven (7) days of the conclusion of the legal work on the file and no longer than thirty (30) days of the conclusion of the legal work on the file.
- 2) If the voucher is submitted more than thirty (30) days from such conclusion, then the panel attorney is to provide a written explanation in DefenderData7-Notes as to why

the voucher was submitted late. The Chief Defender/Administrator will exercise their judgment as to whether the explanation for the late submission is acceptable and approve payment if that is the finding.

- 3) If the voucher is submitted more than six (6) months from the conclusion of the file, then the voucher will be deemed abandoned and not paid.

d. Convene a Bylaws Committee: tabled to August.

6. New Business

- a. Status of County proposal for an in-house Office of the Public Defender
 - i. Status of Working Group (two proposed members that are known.)
 - ii. ED Parker has volunteered to serve in communications with the County Executive and the County Attorney; CFO Hope Keilman has volunteered to the Minority Chair John Mills (the legislator where she resides.
 - iii. ED Parker discussed a recent meeting with principals from the Bar Association of Erie County regarding the issue.
 - iv. Proceeding on two tracks: the ACP being a 501c(3) not-for-profit, we don't engage in political activity during working hours. ED Parker had copied to the Board her email from her personal account on her personal time with respect to her suggestions to the panel about a political response to this; that will not be discussed at this time because that constitutes political activity.
 - v. Discussion of the differences between Criminal and Family Court. The Monroe County PD is offering a \$1,000 per quarter retention bonus as part of its effort to attract attorneys.

7. Report of Executive Director/Chief Defender

Update as to Operations

A. Erie County Department of Law

Outstanding ILS Contracts

We have followed-up with the County Dep't of Law regarding pending contract items:

CSTWIDEHH14 (1 yr extension), CAFA3 & Dist #11 (extensions)– ILS sent to County with their final signature (11/17/23); awaiting County to fully execute contract with ACP (County is awaiting on Legislature approval)

ILS 2nd Family Court Upstate - This was a competitive grant that we won. ILS sent to County with their final signature (10/25/23); Awaiting County to fully execute contract with ACP.

ILS CAFA4 – ILS approved and sent to County with their final signature (5/21/24)

This distribution is awaiting ILS approval.: **ILS #14** (County sent to ILS on 10/27/23.)

B. Criminal Division –

From April 23rd through May 1st, the April 2024 New/Misdemeanor Attorney Training Program was held. After completion of that training, and 9 mock trials, we added 11 new panel attorneys. They began receiving assignments on June 3rd. In the coming weeks, we will add two (2) additional attorneys following admission (1) and entry into private practice (1). Our Criminal panel now stands at 157 attorneys.

Our outstanding Deputy Staff of Lori Hoffman, Matt Powers and Dave Heraty (collectively “The Brain Trust”) continues to work diligently with our panel attorneys on supporting their outstanding representation. Substantial litigation support was offered in two recent homicide trials by David Heraty. Matt Powers continues to coordinate outstanding trainings including one by renowned Albany Law School Evidence professor Michael Hutter on May 30th, 2024. Lori Hoffman continues to work with our new attorneys through our mentorship program and is responsive to the needs of our more experienced attorneys in accessing our many resources.

On May 6th, we welcomed a new member to the Criminal Division team with the hire of Jennifer Beagle as our Court Liaison/Administrative Assistant. A Mercyhurst University graduate, Jennifer has already been providing outstanding service to our panel and we are extremely happy to have her.

Our LEAD Social Work and Investigator teams continue to offer support to the panel on a wide variety of matters. Sadly, we have said farewell to ACP Investigators Tim McDonald and John Trabert, who retired. We have hired three new investigators:

- Kathy Piotrowski is retired law enforcement from City of Phoenix where she worked the Maryvale district on patrol; as a Detective, she was assigned to various task forces including robbery and kidnapping specializing in digital forensics. Kathy has since worked in the Fresno CA District Attorney’s office and then the last three years as an investigator in the State of Wisconsin Public Defenders Office. Kathy has qualified as an expert in Digital Forensics and is very familiar with Cellebrite Phone extractions and reporting as well as cellphone record mapping. Kathy has experience in federal court as well as various state court systems.
- Matt Gould is retired from 30 years on the Amherst Police Dept. where he retired as a detective. He had assignments to the special victims unit, the general case bureau handling everything from misdemeanors to homicide investigations before taking a DEA task force position for three years and retiring from there. Matt also has federal and state court experience.
- Shannon Petrinec comes to the ACP with a master’s degree from Hilbert College in criminal justice administration and a bachelor’s degree in forensic science / crime scene investigation. Shannon worked in the NYS Department of Corrections System as a Corrections officer and was most recently a Scene Investigator for the Erie County Medical Examiner’s Office.

C. Family Court Division -

The Family Court leaders Yvonne Vertlieb and Kevin Condon just completed the Monday night FC training classes with a two-part Art 10 lecture; there was good attendance/participation and good reviews.

ILS has asked the Erie ACP to be a leader in the planning & execution of an ILS statewide FC training that will take place in 2025.

Yvonne continues to participate in the formulation of statewide written ILS standards for FC. As the result of outreach during a session of the BAEC Family Court P&P (which she co-chairs with Board member Todd Potter), she drew the attention of a Harvard graduate who specializes in appeals to join our FC appeals panel.

Yvonne will continue her quarterly Appellate Division update as co-chair of the BAEC Family Court P & P; she is advised that, outside NYC, the Erie ACP is the only entity that consistently engages in this practice.

Since Intake Team Leader Taylor Leicht has taken over FC assignments, complaints regarding the wait for attorneys has literally stopped. When she took over, there were 300 matters awaiting an attorney assignment. That is down to 182; there are zero cases without a pending attorney assignment (which means everything is out for assignment and awaiting acceptance.)

Paralegal Kyle Dominiak has been working on the FC portion of the ACP website among many other duties, including setting up & running CLEs with amazing efficiency. Social worker Jessica Wence has transitioned from pre-petition to working with clients at Family court; she has proven very popular with the panel & is very busy serving clients. Social Worker Mary Ieraci is a natural in our pre-petition outreach program, with a bubbly bright personality that engages her audience.

Trial Technique training is in the planning stages for the Fall.

Last: the Family Court leaders are in the process of setting up the annual attorney review sessions.

D. Staff Demographics

At the time of this meeting (6/10/2024)

	Erie <u>County</u>	<u>ACP</u>	3/31/2024 <u>ACP</u>
Female	52%	78%	75%
Male	48%	23%	25%
Born outside USA	10%	2.5%	unchanged

Caucasian	74.9%	77.5%	75%
Black	13.1%	17.5%	19.4%
Native American	0.53%	2.5%	2.5%
Hispanic	4.5%	2.5%	2.5%
Asian	3.81%	0%	unchanged
Native Hawaiian	0.03%	0%	unchanged
Black/Hispanic	0.53%	0%	unchanged
Multi-racial	2.27%	0%	unchanged
Other	0.33%	0%	unchanged

E. Other

- The Erie ACP hosted and led the 2024 Second Quarter meeting of the Chief Defenders for the Eighth Judicial District on Friday, May 17 at Cloverbank Country Club. We continue to make this an opportunity to discuss opportunities for collaboration with the other counties whereby the Erie ACP can provide social worker supervision and investigator support pursuant to contract (all paid by ILS.) There was an opportunity to gain insight on the effort in Orleans County to develop a Centralized Arraignment Part (or “CAP Court”) which is opposed by the town and village courts.
- At the request of the Chief Defenders, the Erie ACP will host the 2024 Third Quarter meeting of the Chief Defenders for the Eighth Judicial District on Friday, August 16 at Cloverbank Country Club.
- Annual Performance Measures Report to ILS – This 50-page narrative report was timely filed with ILS on April 30, 2024. We shared with the Board’s Executive Committee; we also tendered a copy to our usual contacts at the County -- the Deputy County Attorney and Deputy County Budget Director. We wanted to show how the ACP uses ILS funding to contribute to high-quality defense work: avoiding crushing caseloads; providing legal support to the panel members; providing social worker support that “connects the clients with vital social services, mental health resources and rehabilitative programs”; and providing mitigation support to prepare for sentencing with the goal of turning to non-incarceral outcomes or reducing sentencing.

F. Update re: NYS Budget

On April 20, 2024, the State legislature passed the FY 2024-25 budget:

- The enacted budget appropriates \$250 million to ILS to implement the statewide extension of the *Hurrell-Harring* (HH) settlement under Executive Law § 832(4), \$23.97 million for these reforms in the five HH counties, and \$81 million for ILS distributions and grants. This funding is essentially the same as in FY 2023-24

and **does not** include the 3% COLA increases ILS had requested for these programs.

- The budget includes \$19.5 million to ILS for improvements in the quality of legal representation provided to parents in Family Court matters, which is a \$5 million increase over FY 2023-24. It is \$30.5 million less than the \$50 million ILS requested, and \$130.5 short of the \$150 million that ILS estimates is needed to address the crisis in Family Court through compliance with the ILS caseload standards for parent representation.
- Like last year, this year’s budget includes an appropriation of \$92 million to reimburse counties for 50% of their expenditures for the increased assigned counsel representation rates that were enacted last year.
- The final budget authorizes the State to transfer \$234 million from the Indigent Legal Services Fund (ILSF) to the General Fund which is contrary to the statutory purpose – improved quality mandated representation. [Note: according to the ILS Board meeting minutes for 4/05/2024, “the fund currently has close to \$1 billion, but a lot of the money is needed to cover expenditures counties and New York City have made to implement the settlement and its expansion statewide but have not yet claimed....[S]everal counties and New York City are behind in claiming.”
 - We note that Erie County is not one of these counties.

8. Report of CFO

- e. April 2024 Preliminary Financials (pre-audit); under budget by \$640,000; the program expenses were under budget by \$643,000 and administrative expenses are under by \$6,600.
 - f. Upgrades to DefenderData7 – there is now a mobile app; plus, a feature was added to speed up assignment, with an automatic rejection if the attorney has not responded. Criminal: 24 hours; Family Court: 48 hours.
 - g. Status of the Evans Bank line of credit: \$0
2. Executive Session – motion to go into Executive session at 1:49 p.m. by Joseph Terranova; seconded by Pamela Thibodeau; passed unanimously.
3. Adjourned at 1:53 p.m.
- a) Next meeting: Wednesday, August 14, 2024, at 12:15 pm (not the third Wednesday as usual, due to Amy Brown’s vacation schedule.)
 - b) Thereafter: Third Wednesdays: November 20 (the week before Thanksgiving); February 19, 2025 (the week of the primary/secondary school Mid-Winter recess); April 16, 2025 (the week of the primary/secondary school Spring recess and the Good Friday holiday.)

**Regular Meeting of the Board of Directors
Erie County Bar Association Aid to Indigent Prisoners Society Inc.
November 20, 2024 DRAFT**

12:15 p.m., Virtual and 403 Main Street, Suite 215

Board Members Present: Stephen Earnhart, Giovanni Genovese, Anne Joynt, Hon. Keith Kibler, Matthew Kibler, Rachel Marrero, Hon. Suzanne Maxwell Barnes, Michelle Parker, Todd Potter, Jr., Linwood Roberts, Nora Robshaw, Joseph Terranova, Pamela Thibodeau, Delrease Tota-Neal, Lana Tupchik, Peter Vasilion.

Excused: Hon. Michael Hudson (ret.), Ayoka Tucker

Guests: Hope Keilman, CFO; Amy Brown, Supervising Administrative Assistant

1. A quorum being present, ED Michelle Parker called the meeting to order at 12:21 p.m.
2. Approval from the Board minutes from August 14, 2024; motion to approve by Joseph Terranova; seconded by Rachel Marrero. Passed unanimously.
3. Approval from the Board minutes for the Executive session from August 14, 2024; motion to approve by Todd Potter; seconded by Stephen Earnhart. Passed unanimously.
4. Board Governance
 - a. Conflict of Interest Form-There are a few forms that need to be submitted by Board members, ED Michelle Parker will continue to follow-up.
5. Old Business
 - a. Status of County Proposal for an in-house Office of the Public Defender
 - i. The Program leadership and Board President Joseph Terranova attended a meeting with members of the Task Force on August 27, 2024.
 - ii. The Program leadership and Board President Joseph Terranova attended a meeting with a Task Force subcommittee on October 22, 2024; thereafter we memorialized our responses to the inquiries by a lengthy letter.
 - iii. On November 19, 2024, we responded to the Task Force's 2nd request for further information.
 - iv. There has been local media coverage; our responses are all memorialized. We submitted an article in response to the last Buffalo News article interviewing LABB's David Schopp how his program could take over a large town court.
 - b. Recruitment Committee-Adjourned to Friday, November 22, 2024.
 - c. Bylaws Committee-Met on October 8, 2024, discussed the 2021 proposed changes; a copy of Onondaga County ACP Bylaws was circulated with the Committee. The next meeting is scheduled for November 25, 2024.

6. New Business-No new business to report.
7. Report of Executive Director/Chief Defender:

Update as to Operations

<u>CASE TYPE BREAKDOWN %'s (ANNUAL/2024)</u>			<u>2023</u>
Criminal cases	17,329 (69%)	\$13,855,704 (62%)	69%# / 62%\$
Family cases	7,841 (31%)	\$ 8,357,103 (38%)	31% #/38%\$
Cost per voucher average		\$879	\$652

An update to the Panel Attorney Handbook was issued to the panel attorneys on October 18, 2024.

A. Erie County Department of Law

ILS Contracts - Completed

ILS 2nd Family Court Upstate - This was a competitive grant that we won. The contract between ILS and the County was fully executed and finalized in October. The funding is for a Family Court Deputy for Litigation Support for 3 years for 2023, 2024, and 2025 (i.e., akin to Dave Heraty's position on the Criminal side.) Pending: confirmation with ILS that it will be for 3 years going forward (i.e., 2025, 2026, 2027; not just 1 year – 2025.)

Outstanding ILS Contracts

We continue to followed-up with the County Dept. of Law regarding pending contract items:

CSTWIDEHH14 (1 yr extension), CAFA3 & Dist #11 (extensions)– ILS sent final contract to County (11/14/24); awaiting County to fully execute contract with ACP.

ILS CAFA4 – ILS approved and sent to County with their final signature (5/21/24.)

ILS #14 – ILS approved and sent to County for their final signature (8/9/24)

CSTWIDE214 Hurrell-Haring – years 6-8 – ILS approved and sent to County for their signature (9/9/24)

B. Criminal Division –

The Criminal Division held a CLE on *DeBour* (street and traffic stops) on September 17, a Criminal Immigration update on October 15, and an update on SORA on November 12.

The Criminal Division conducted the “New/Misdemeanor Attorney Training Program” in October of 2024. Thirteen attorneys attended; so far, 12 have successfully completed their mock trial with 1 to go.

Deputy- QA Lori Hoffman completed the biannual attorney billing audits which were reviewed by First Deputy Kevin Stadelmaier and ED/Chief Defender Parker. There were in-person conferences held with attorneys to review their billing practices.

First Deputy Defender Kevin Stadelmaier had previously convened a “Centralized Arraignment Part” Task Force with the goal of creating a CAP in Erie County. Stakeholders from the Erie County DA’s Office, Buffalo City Court Judiciary, Office of Court Administration, NYS Office of Indigent Legal Services, Legal Aid Buffalo and the Erie County Sheriff have met on two occasions already. Currently there is not another meeting scheduled as NYS OCA has to work out some issues with the representatives from the 8th JD and Buffalo City Court.

The Criminal Division kicked off Beta testing of our “Electronic Discovery Review” for incarcerated clients on 7/1. This was rolled out for use by the Felony panel. We are looking to expand to the Misdemeanor Panel by January 2025.

Our LEAD Social Work and Investigator teams continue to offer support to the panel on a wide variety of matters: Program Director Holly Edwards LMSW has done an incredible job moving our Social Work Program forward by identifying core functions and focusing on resource coordination. Supervising Investigator Dave Kubiak continues to provide high level investigatory services on extremely short turnarounds with excellent results for our attorneys and their clients. He has been named to an ILS Investigation Work Group that is going to develop a written Investigation Standards in the next few months and then participate in a statewide meeting held in Albany in March to review. Mitigation Supervisor Tara Evans, Esq., continues to supervise her mitigation writing team in producing outstanding materials invaluable to the defense.

Deputy for QA Lori Hoffman completed and posted on the ACP website a form for any client who contacts us with feedback, questions, a complaint or other communication with the Program: <https://www.assigned.org/client-information-and-complaint-form/>

C. Family Court Division -

Yvonne Vertlieb succeeded in obtaining a 3-year extension to the Redlich Horowitz Foundation grant which funds the Deputy for Child Welfare position held by Kevin Condon.

ILS invited Yvonne and Social Work Program Director Holly Edwards, LMSW, to present at the in-person Second Annual ILS Family Defense Grantee Consortium held in Albany in September.

Yvonne and Kevin are amid the annual FC training session; there are 7 news attorneys attending. Attendance is between 10-20 since current panel attorneys sometimes attend as well.

Yvonne co-presented with FC mentor Frank Ieraci a CLE on Appellate Updates at the October meeting of the BAEC FC P & P Meeting. This presentation is held 3 times per year and covers all Appellate Departments; this is the only program outside NYC to do so.

The Family Court Case lunchtime virtual case conferences continue to be held on the 4th Tuesday of the month; since the last meeting, it was held on 8/27, 9/24 and 10/22. Coming up: it is scheduled for 11/26, there is no date in December, and for 1/28/25.

NYSDA invited Yvonne and Social Work Program Director Holly Edwards, LMSW to present at their conference on 12/6 to discuss how the Erie ACP FC Division created their pre-petition program.

Yvonne succeeded in her efforts directed to DSS to get immediate notification when a Petition is to be filed so that we can work with the family to get immediate meaningful representation to the family. This is the first time that we are getting any pre-petition information from DSS. We receive 3-4 a day that are directed to Kevin Condon, who reviews and directs to the AODs.

Yvonne participated in the working group to plan the ILS statewide ‘Families Matter’ seminar for 2025 which will take place in Albany over 2 days next Spring as part of the ILS Annual FC Convening.

D. Staff Demographics

End of third quarter (9/30/2024):

	Erie <u>County</u>	<u>ACP</u>	6/30/2024 <u>ACP</u>
Female	52%	79%	52/78
Male	48%	21%	48/23
Born outside USA	10%	0%	unchanged
Caucasian	74.9%	76.92%	77.5%
Black	13.1%	15.38%	17.5%
Native American	0.53%	2.56%	change .06%
Hispanic	4.5%	2.56%	change .06%
MENA		2.56%	
Asian	3.81%	0%	unchanged
Native Hawaiian	0.03%	0%	unchanged
Black/Hispanic	0.53%	0%	unchanged
Multi-racial	2.27%	0%	unchanged
Other	0.33%	0%	unchanged

MENA – Starting April 2024, a new EEOC race and ethnic category for a person of Middle Eastern or North African descent.

E. Other

- The Erie ACP hosted and led the 2024 Third Quarter meeting of the Chief Defenders for the Eighth Judicial District on Friday, August 16 at Cloverbank Country Club. We arranged for a speaker from Erie County (Mindy Czechowski, Chief of Classification & Compensation) on “*Public Employers: How To Navigate NYS Civil Service*”, a topic which emerged as an item of interest to the County-based institutional defenders who discussed their various hiring roadblocks during the Second Quarter meeting. Those problems are not an issue for a not-for-profit 501-c(3) like the Erie ACP which is not subject to the Civil Service Law. We continued to discuss opportunities for collaboration with the other counties whereby the Erie ACP can provide support as to ILS-funded resources.
- We timely filed the 2025 Erie County Indigent Defense Funding Application to the County’s Division of Budget & Management on August 30; this was shared with the Executive Committee.
- On September 9, we reported to Treasurer Tucker and CFO Keilman about the merger talks between the Program’s bank, Evans Bank, and another institution, NTS Bancorp. There have been no changes to our banking since the announcement.
- ED Parker appeared by invitation before the Franklin H. Williams Judicial Commission’s Jury Initiatives Committee on September 24 to testify at a hearing on the need to obtain the Governor’s signature on the “Jury of Our Peers” bill. In advance, a letter was submitted to the Commission outlining our position.
- On October 30, we timely submitted to ILS the Semi-annual Performance Measures Progress Report, outlining to ILS the Program’s use of ILS-funded resources for April – September FY 24-25. This report was shared with the Board, the County Department of Law, and the County Division of Budget & Management.
- The Erie ACP leaders attended the first meeting of 7th and 8th JD ACPs on October 25 at the Batavia Downs’ Kane Boardroom. This was convened by Genesee Co. ACP Ben Bonarigo. Discussed recruitment and retention, method of assignments, vouchering, budgets, services, case management systems, and attorney training.
 - The Erie ACP will host a DD7 training for Chief Defenders of ACPs in the 7th and 8th Judicial Districts on Tuesday, December 3 at 2 pm. The smaller ACP programs are still relying upon paper vouchers. So far, these counties have confirmed their attendance: Genesee, Ontario, Yates.
- CFO Hope Keilman and ED Parker met with Kathleen Kugler, the Niagara County Conflict Defender and ACP Administrator on October 30, to discuss the DefenderData vouchering system and how Niagara Co. could fund an MOU to obtain vouchering support from the Erie ACP.
- The Erie ACP hosted and led the 2024 Fourth Quarter meeting of the Chief Defenders for the Eighth Judicial District on Friday, November 10 at Cloverbank Country Club.

There were presentations by Erie ACP Social Work Program Director Holly Edwards, LMSW, and Supervising Investigator David Kubiak regarding how the Erie ACP collaborates with the other counties to support as to ILS-funded resources. NYSDA's new Director of Public Defense Recruitment and Retention Isabella Ramos also spoke; as well as Wedade Abdallah, Managing Attorney for the WNYRIAC at the LABB.

- The Erie ACP will host and lead the 2025 First Quarter meeting of the Chief Defenders for the Eighth Judicial District on Friday, February 21, 2025, at Cloverbank Country Club.
- ED Parker and CFO Keilman did a virtual training session for the local judges/support magistrates on DefenderData (DD7, the ACP's Case Management System) on November 18. Another session is scheduled for January 21 and will continue to be scheduled for each January going forward.
- ED Parker presented to the sole member of the Erie County Bar Association's Aid To Indigent Prisoners Society, Inc., the Bar Association of Erie County's Board of Directors, on November 19. This is an annual visit arising from the submission of the report of the annual audit of the ACP's operations.
- ILS held its third quarter meeting on Friday, September 20 at the Association of the Bar of the City of New York. Director Patricia Warth noted that the State DOB requested that state agencies keep their budget requests to no more than what was appropriated in FY 24-25.
 - As to Aid To Localities, ILS is seeking a 6% COLA increase since this has remained flat since FY 13-14. ILS also seeks to combine both the *Hurrell-Harring* settlement program with the statewide implementation for all counties, since the *H-H* settlement period is concluded. ILS is not seeking an increase but reached an agreement with DOB to use unspent reappropriated funding to increase the current statement and settlement implementation contracts.
 - The FY 2023-24 budget amended County Law § 722-b to increase the assigned counsel hourly rates and included an appropriation of \$92M for ILS to reimburse 50% of the new expenditure to the increase. This continued by budget language in FY 24-25. Going forward, ILS is looking to reimburse counties via a certification rather than a contract. ILS will continue to collect data on the rate increase for a future discussion on whether the state should pay for the full increase, which ILS has historically supported.
 - Ian Harrington, the attorney in charge of the WNY Regional Support Center (Region H - 8th JD plus Livingston County of the 7th JD) discussed that his office is working on strategies to use ILS funding to build these

important infrastructures, including strategies for regional Assigned Counsel Programs. Harrington discussed relying upon one of the counties to serve as an anchor for support; that the Erie County ACP has a very large and robust program with a sophisticated case management system which could serve to provide back-office support to the smaller ACP programs.

8. Report of CFO-

- a. September 2024 Preliminary Financials (pre-audit)-Under budget by \$1.9M; \$71,000 under budget for administrative expenses. Business and liability insurance is up about \$4,000. Fringe benefits and wages are down, and cash flow is in a good spot.
- b. 2025 Erie County Budget – Our proposal was adopted by the County Executive.
- c. Status of cybersecurity testing pursuant to DCJS Grant - Avalon did penetration testing on our server and website; they looked to identify common security misconfigurations and vulnerabilities within our network. Avalon also conducted an adversarial simulation of an attack on our system. For our server and network, they did a dark web search which turned out favorable results. There were a few weaknesses that were found in our network which were rectified, and password policies will need to change (employees will need to change their passwords more often) and there will be staff training on phishing emails. No vulnerabilities were found on the Website.
- d. Status of Evans Bank Line of Credit-\$0

9. Motion to go into Executive session at 1:19 p.m., by Joseph Terranova; seconded by Todd Potter. Passed unanimously.

10. Hope Keilman, CFO and Amy Brown, Supervising Administrative Assistant, left the meeting.

11. Adjourned at 2:05 p.m.

- a. Next meeting: Wednesday, February 5, 2025, at 12:15 p.m. (changed from third Wednesday due to a Program CLE scheduled for February 12, 2025).
- b. Thereafter: Wednesday, April 9, 2025 (changed from third Wednesday due to school holiday schedules.)