

OFFICE OF THE PUBLIC DEFENDER

ANNUAL REPORT

2010

INTRODUCTION

2010 was a year of building upon the successes of initiatives began in 2008 and 2009 in the Monroe County Public Defender's Office. However, 2010 was also a year of continued challenges as the City of Rochester maintained its "Zero Tolerance Program". This program has resulted in a significant increase in criminal cases handled by the Office in 2010 compared to 2007 caseloads. Additionally, new changes to New York family law continued to impose greater burdens on the Family Court Bureau.

Despite these challenges, due to the extraordinary dedication of the attorneys and support staff, we were able to continue to provide excellent representation for our clients. Such dedication was exhibited in the enormous amount of <u>unpaid</u> overtime worked by the attorneys in the Office, and the efforts of the support staff. The 60 attorneys in this Office worked almost 8000 hours of unpaid overtime last year, and the support staff expended considerable effort in assisting the attorneys in dealing with the enormous increase in cases.

In 2010 the Office continued its efforts in examining how to improve the representation we provide our clients. In 2010 we completed several initiatives began in 2009, and began several new initiatives, all designed to improve the quality of services we provide, and assist the criminal defense bar in providing quality representation to criminal defendants in the greater Rochester area.

In Part I of this Report, the Office's efforts to improve

client representation, increase contact with the community that we serve, and continue our efforts to recruit highly qualified attorneys to be assistant public defenders. In Part II of this Report, the Office, its staffing, and caseloads will be outlined. Part III of this Report will discuss community involvement and support, and Part IV will discuss future plans for the Office.

PART I: OFFICE INTIATIVES

A. Introduction

The strength of this Office is in the enormously talented and committed people who work here. It is through their efforts that the following improvements and initiatives were undertaken and accomplished in 2010.

B. Hiring Committee

Ensuring that each new hire exemplifies the qualities that make an excellent public defender is the responsibility of the hiring committee. Chaired by Special Assistant Public Defender John Bradley, the committee members (Special Assistant Public Defender Drew DuBrin, Special Assistant Public Defender Julie Cianca, Second Assistant Public Defender Jill Paperno, Assistant Public Defender Silvia Lopez, and Assistant Public Defender Amanda Conner) screen all applicants for open attorney positions, conduct all initial interviews with prospective applicants, and recommend to the Public Defender the top three applicants for each open position.

Based upon their excellent work this past year, the Office has hired ten attorneys, who were well-qualified for the position of assistant public defender and who exhibited a commitment to public

defense. Two of the new hires had previously worked in the in the Monroe County Public Defender's Office, one as a special assistant public defender, and another who previously worked as an assistant public defender. One attorney had previous experience as an assistant federal public defender and criminal defense attorney. Seven attorneys recently graduated from law school with excellent academic credentials and a dedication to public interest law.

C. Continuing Legal Education (CLE) Committee

In order to effectively represent our clients, our attorneys must be provided frequent and regular trainings on changes in the law, and how to improve their trial skills. Additionally, given the enormous amount of legal talent in this Office, staff attorneys routinely conduct CLE programs for the outside defense and family law communities.

The Monroe County Public Defender's Office is an accredited CLE provider. The Office strives to provide staff attorneys and attorneys in the legal community high-quality CLE programs at no cost. It is the responsibility of the CLE Committee to organize continuing legal education programs for staff attorneys and the legal community. In 2010 it was chaired by First Assistant Public Defender Roger Brazill.

In 2010 the CLE committee organized the following CLE programs for the attorneys in the Office, and the private defense bar:

January 14, 2010

Is Insufficient Protest to Insufficient Proof Ineffective Assistance of Counsel?

January 28, 2010

Crime Scene Investigation

February 12 & 19, 2010	Computer Forensics
February 24, 2010	Advanced Immigration Consequences: What Experienced Criminal Defense Attorneys Should Know
March 9, 2010	Sentencing Basics
March 26, 2010	Defective Accusatories
March 29, 2010	Recognizing and Responding to Mental Illness: An Introduction for Judges and Lawyers
April 23, 2010	DWI Basics
May 7, 2010	§710.30 Notices
May 17, 2010	Preliminary Hearing Practice
May 21, 2010	Huntley Hearings
June 4, 2010	Preservation of Issues for Appeal
June 10, 2010	Theory of the Case
June 24, 2010	Child Sex Abuse Accommodation Syndrome& Prosecution Experts
July 8, 2010	Post Summation Issues
July 16, 2010	Basic Trial Preparation
July 22, 2010	Business Records & Confrontation Clause
July 26, 2010	Ignition Interlock Devices: What Criminal Defense Attorneys Should Know (Open Forum)
July 27, 2010	Ignition Interlock Devices: What Criminal Defense Attorneys Should Know
August 19, 2010	Probable Cause Motions
August 20, 2010	Subpoena Practice
September 16, 2010	Bills of Particulars

September 30, 2010

Advanced Voir Dire

October 22, 2010

Appellate Process

November 18, 2010

Sandoval & Molineux Issues

All of the above programs were provided at no cost to the attendees.

Additionally, the Office improved its trial techniques program initially developed in 2009. All new attorneys in the Office will be required to attend a 12 week course of basic trial techniques. (This is in addition to the week-long trial techniques trainer for some Office staff conducted in Troy, New York by the New York State Defenders Association.)

On December 3rd and 4th 2010, as a result of the hard work of Andre Vitale and Peggy Prescott, the Office co-sponsored a two-day CLE with the New York State Association of Criminal Defense Layers (NYSACDL) on DNA and other forensic evidence. Several attorneys in the Office were faculty at the CLE program. Over 65 attorneys from Western New York attended and the CLE program received very favorable reviews. Ms. Prescott was awarded a NYSACDL President's Commendation for her work in organizing the CLE.

Attorneys in the Office are often asked to present at various CLE programs throughout New York State. In 2010 Office attorneys presented at CLEs sponsored by the Monroe County Bar Association, the New York State Defenders Association, and the New York State Association of Criminal Defense Lawyers.

Because of the work of this committee, and the attorneys in

this Office who donated their time and effort speaking at CLEs, the legal community received valuable instruction in criminal and family law.

D. Investigators Committee

Defense investigation is a specialty in the area of criminal investigations. Our investigators must be up-to-date on innovative investigation techniques and it is the goal of this committee to ensure that is the case. Chaired by Special Assistant Public Defender Erik Teifke, the committee is responsible for organizing trainers for staff investigators. The committee is also responsible for assessing and improving how the investigators and attorneys work together to obtain the best possible result for our clients.

E. Internship Committee and Program

In 2010 the Office continued its expansion of our internship program. In addition to placing college students as interns, the Office expanded the program to place law students, and in select cases, high school students. In 2010 the Office hosted 44 student interns (from law schools, local colleges, and high-schools) throughout the year. All of the student interns obtained valuable experience working in a large law office, and gained additional insight into the criminal justice system.

In 2010 the Office continued its "externship program" with the University of Buffalo's Law School. As a result, in the Spring Semester of 2010, two UB Law students worked with attorneys in the felony sections of the Office to learn about criminal law. These students will receive course credit towards their degree

requirements, but also learn valuable knowledge about our criminal justice system. Additionally, they will assist attorneys in the Office by conducting legal research, drafting motions, and other forms of legal assistance.

Andre Vitale and Assistant Public Defender Don Scalia continue their efforts to place law students as interns in the Public Defender's Office. Law students who are interested in criminal defense volunteer their time learning about the criminal justice system, and gain valuable experience in criminal law, and trial practice. Additionally, they assist staff attorneys in the preparation of motions, briefs, memorandums of law, and research.

In addition to the internship programs offered to local college students throughout the year, in 2010 the Office expanded the program to include select high school students. Kelly Sands, our internship coordinator, works very hard to provide our interns a challenging, positive experience as they work in the criminal justice community. Ms. Sands works with Special Assistant Public Defender Andre Vitale and Assistant Public Defender Don Scalia to place interns with our paralegal bureau, our investigators sections, or individual staff attorneys.

College and high school interns are offered the opportunity to observe the criminal justice system from a unique perspective, and they gain valuable experience. Working with their attorney-supervisors, interns review client files, assist staff during court proceedings, and observe a variety of court proceedings. Our interns also assist the Office, as we ask each intern to volunteer

a few hours per week performing office work, such as filing and copying. We receive very positive reviews from the students who intern in the Office, and have successfully placed students from SUNY Brockport, SUNY Geneseo, the University of Rochester, Nazareth College, the Rochester City School District, and the BOCES 2 "New Visions Justice Professions" Program.

PART II: OFFICE ORGANIZATION

A. Creation of Office and its jurisdiction

In a 1963 landmark decision, the Supreme Court of the United States ruled that all indigent defendants had the right to be represented by counsel in criminal proceedings. In order to comply with the Supreme Court ruling, Article 18-B of the County Law of the State of New York was adopted by the State Legislature in 1965. This law required the various counties throughout the State to adopt a plan for the representation of indigent defendants. In compliance with the state mandate, on May 23, 1968, by virtue of Resolution No. 250 of 1968, the Monroe County Legislature adopted Local Law No. 5 of 1968, thus creating the Office of the MONROE COUNTY PUBLIC DEFENDER.

By law, the Public Defender is required to "represent, without charge, at the request of the defendant, or by order of the court with the consent of the defendant, each indigent defendant who is charged with a crime...in the county...in which such public defender serves."

The Monroe County Public Defender's Office represents individuals in the courts within Monroe County, including the City

of Rochester and the towns and villages within the geographical boundaries of the County. This area has a population of approximately 700,000 people.

The office handles cases in:

- A. Town and Village Justice Courts
- B. Rochester City Court (including Rochester Drug
 Treatment Court)
- C. County Court (including Mental Health Court, Veterans Court, and Judicial Diversion Program Court)
 - D. Supreme Court
 - E. Family Court
- F. Appellate Division, Fourth Department and Court of Appeals
 - G. United States Supreme Court (when required)

The Public Defender represents the indigent accused at every stage of the criminal proceeding from the arraignment through final disposition, including, when appropriate, appeals from adverse judgments and decisions.

Our goal is to provide to the poor who are accused of a crime, or who are entitled to representation in family court, truly competent legal representation which is at least equal to that which they would expect to obtain from privately retained counsel. An individual's constitutional rights must be protected regardless of his or her financial circumstances.

B. Staff

During 2010, our staff included 60 attorneys, 1 confidential

assistant, 6 investigators, 6 investigative assistants, 9 full-time secretaries and 2 receptionists, both of whom are bilingual. The attorneys are precluded from engaging in private practice.

Assistant public defenders are assigned to work in the Town Court Bureau, the City Court Bureau, the Superior Court Bureau (Non-Violent Felony Section and the Violent Felony Section), the Family Court Bureau, or the Appeals Bureau.

C. City Court Bureau

The Rochester City Court has a heavier caseload than any other Criminal Court in Monroe County. All felonies, misdemeanors and violations of the law committed within the geographical boundaries of the City of Rochester are handled by City Court. A City Court judge has preliminary jurisdiction over all felonies and complete jurisdiction over misdemeanors and violations.

The responsibilities of the Assistant Public Defender assigned to City Court include gathering information to assist the court in determining a defendant's eligibility for representation, appearing at arraignment, making bail applications, participating in pretrial conferences, investigating and preparing a defense to the charges, preparation and argument of various types of motions, pretrial hearings, preliminary hearings, trials, social service agency referrals, and sentencing. The City Court Section also has the added responsibility of representing individuals who were charged with violations of their parole, 1 and individuals whose cases have

¹ The Executive Law was amended, effective January 1, 1978, to require that counsel be assigned to alleged parole violators in order to provide legal

been transferred to Rochester Drug Treatment Court, Monroe County
Mental Heath Court, the Integrated Domestic Violence Court, or
Monroe County Veterans Court.

In 2010, all of these responsibilities were carried out by a total of thirteen Assistant Public Defenders and one Special Assistant Public Defender, who is in charge of the City Court Section. The attorneys share the enumerated responsibilities on a rotating basis.

In 2010, this Office was called upon to represent clients in approximately 13,500 cases in the City Court of Rochester. In addition, the attorneys in this section were assigned to represent more than 820 parolees who were charged with violating the conditions of their parole release. That means, on average, each Assistant Public Defender would have been assigned to approximately 1,100 cases during the course of the year. That number of case assignments is almost triple the recommended maximum caseload as established by the National Legal Aid and Defender's Association.

D. Town Court Bureau

The office is required to represent persons accused of crimes in the various town and villages throughout the County. There are seven attorneys (one Special Assistant Public Defender and six Assistant Public Defenders) assigned to cover the Town and Village Justice Courts within the 21 towns and villages of Monroe County.2

representation at their final parole revocation hearings. Counsel may also be assigned to represent parolees at their preliminary parole revocation hearings.

² Although there are 21 Town and Villages in Monroe County with a justice court, almost all of those courts have at least two judges. The attorneys in the Town

The newly hired Assistant Public Defenders are traditionally assigned to the Town Courts. The Town Courts have heavy case loads, erratic court hours and varying local court procedures. The assignment of a Special Assistant Public Defender to the section enables us to provide our new attorneys with the appropriate training and orientation to the local justice court process and essential supervision so as to ensure quality representation for our clients.

In 2010, approximately 4,200 clients were assigned to our Justice Court Staff of six full-time attorneys. Therefore, each of the newly hired attorneys in the section was assigned to an average of approximately 700 cases. In the busier courts, our caseload is compressed due to the fact that the court is only in session once or twice a week. This means that an attorney may be required to represent as many as fifty clients during a single court night.

E. Superior Court Bureau

In 2010, the Superior Court Bureau (divided into the non-violent felony section and the violent felony section) was staffed with 20 attorneys, including the First Assistant Public Defender, the Second Assistant Public Defender, and four Special Assistant Public Defenders.

The attorneys in the Bureau handled felony cases, the most serious charges against the indigent accused. The attorneys appeared in all courts, including: Supreme Court, County Court,

Court section must handle 46 separate courts in the 21 Towns and Villages in Monroe County.

City Court and Town/Justice Courts. The Bureau handled violent and nonviolent felony offenses.

The attorneys in this Bureau handled most aspects of the criminal process, including local court preliminary hearings, local court pleas and sentencing; superior court pleas and sentencing, hearings, motions, and trials. In addition, these attorneys handle probation violation proceedings, parole cases (preliminary hearings, final hearings, and administrative appeals), habeas corpus proceedings, and mental health proceedings under the Criminal Procedure Law.

While our present staffing level does not permit us to provide vertical representation in all felony cases, we do provide this type of representation in violent felony offender and repeat offender cases. Vertical representation was also provided in all homicide cases and to select clients charged with other serious felonies, such as class A and B drug offenses.

This Office remains committed to providing vertical representation whenever possible since it provides the indigent accused the most effective representation possible. Our goal is to provide vertical representation to all those accused of a felony offense.

In 2010, we were assigned to approximately 4,380 felony cases. The felony caseload per attorney ratio is approximately 210 new cases per attorney. That represents a current felony assignment rate which is far above national standards for caseload maximums.

The felony trial staff was involved in 58 trials in 2010. Four

of the 58 trials (7%) ended in mistrials; 54 trials went to verdict. Of those 54 trials, 13 resulted in a complete acquittal (23%), 4 were dismissed on a trial order of dismissal motion (7%), and 5 resulted in an acquittal on the "top count" and a conviction of lesser charges (9%).

F. Family Court Bureau

The role of the Public Defender's Office in Family Court has continually grown. The State Legislature has consistently expanded the right to counsel for indigent persons involved in the Family Court process to include more cases where counsel is required. The State has also passed legislation requiring more court appearances in certain types of family court actions which requires are family court attorneys to devote a significant amount of time to appearing in court.

Our Family Court staff is comprised of one Special Assistant Public Defender and seven Assistant Public Defenders. Each attorney is assigned to the "intake part" on a rotating basis and is responsible for handling the cases assigned to our office through completion.

In 2010, this office was assigned to represent 3,451 new clients, an increase of almost 600 clients over 2009. To put this caseload into a historical perspective, in 1987, there were five attorneys in our Family Court section who were assigned to

³ The Public Defender's jurisdiction in Family Court is specifically set forth in §262 of the Family Court Act which includes representing indigent respondents in child abuse, child neglect, permanent termination of parental rights, family offense, custody, paternity/support and support violation cases.

represent 865 clients. That 1987 caseload was within 10% of management guidelines which suggest that a maximum caseload of approximately 150 cases be assigned to each attorney per year. Currently our eight Family Court attorneys are each required to provide representation to significantly greater number of clients each year. Last year, each family court attorney was asked to represent over 430 clients per year.

This number is far above the recommended caseload for family court attorneys.

The goal of our office is to try and maintain the family unit whenever possible and to assist clients to negotiate the network of court-ordered services and providers thereby holding the state to its statutorily mandated obligation "to help the family with services [in order] to prevent its breakup."

G. Appeals Bureau

A person who is aggrieved by the final determination of a court has the constitutional right to at least one appeal. The Public Defender's Office is assigned by the Appellate Division or the appropriate appellate court to handle such proceedings. The Public Defender is assigned to appeal not only cases of our clients, but also for those defendants who want to appeal, but have exhausted their funds and who, after it is determined by the Court, cannot afford to retain private attorneys for purpose of an appeal.

The preparation and argument of appeals are specialties within

the field of criminal law. Proper appellate practice requires not only a strong background in law, but also strong writing skills and the ability to orally argue the law before an appellate court. The appellate attorney must first familiarize himself with what went on in the court below and then must research the law pertaining to the issues which have been discovered. The appeals attorneys argue cases before the Monroe County Court, Appellate Division (Fourth Department), Court of Appeals and the United States Supreme Court (when required).

In 2010, our authorized appeal staff consisted of the Special Assistant Public Defender in-charge of the section and seven Assistant Public Defenders.

The attorneys in the Appeals Bureau of the Monroe County
Public Defender are primarily responsible for representing persons
appealing felony convictions, and perfecting family court appeals.

Finally, the Bureau has continued to assist in the research, analysis and presentation of trial court cases. This work is instrumental in insuring that our attorneys are able to provide the best possible representation for our clients. This work occurs on a variety of levels. Pretrial motions and written requests for jury charge in felony cases are regularly reviewed and edited by attorneys from this Bureau. Additionally, Bureau attorneys research numerous evidentiary issues, -- sometimes preparing memoranda or motions. Bureau attorneys have also assisted trial attorneys on collateral issues which sometimes arise.

In 2010, the eight attorneys in our Appeals Bureau closed

approximately 192 cases. Included in this number was four cases perfected at the Court of Appeals (New York's highest appellate court). As the Court of Appeals typically considers approximately 60 criminal cases per year for the entire State of New York, this is a very impressive number and a testament to the quality of the work performed by the attorneys in the Bureau.

H. Investigation Bureau

During 2010, the Monroe County Public Defender's Office employed six full-time investigators, one of whom is the Chief Investigator in charge of the section.

The statistics for 2010 are as follows:

	Criminal Trial Parts	Family Court Appeals Court	Total
Investigations/ Interviews	2,978	564	3,542
Subpoenas	505	433	948
Other Misc. Matters	394	110	504

In 2009 more than 4,900 criminal and family court investigation requests were handled by our investigative staff. The work performed by our investigative staff is reflected in our ability to successfully resolve cases for our clients either by disposition or trial.

PART III: COMMUNITY INVOLVEMENT AND SUPPORT

A. The Jeffrey A. Jacobs Award

In 2010 the Office developed an annual award in the memory of former Special Assistant Public Defender Jeffrey A. Jacobs. Jeff Jacobs was a truly outstanding attorney and person. His commitment

to justice for the indigent was unparalleled in our community. Jeff was a fierce advocate, and was justifiably proud of his trying over 100 felony cases. Many of those cases were difficult, complex cases requiring Jeff to become familiar with novel scientific theories, and develop effective trial strategies.

Jeff was also a role-model for younger assistant public defenders. He generously gave his time to assist younger attorneys on their cases and provide encouragement as they handled difficult cases. His dedication to his clients, perseverance despite the circumstances, and commitment to a fair justice system were a source of inspiration for defense attorneys throughout our community.

Jeff tragically passed away in November of 2006 after an eight month courageous battle with brain cancer.

The Jacobs Award recognizes a criminal defense attorney from the greater Monroe County area who exemplifies the above qualities, and who has performed truly outstanding trial work in the preceding year. The award winner is chosen according to the following criteria:

(a) the complexity of the cases tried, which may include the effective use of experts, and/or litigating complex forensic or scientific issues; and/or (b) fearless advocacy exhibited on behalf of the client; and/ or (c) creativity demonstrated in the presentation of the defense.

Attached is an article detailing the creation of the Jacobs Award.

B. Defense Community Dinner

On December 3, 2010 the Office hosted the 1st Annual Defense Community Dinner at Brockport, New York (in conjunction with the CLE program discussed above). Over 100 attorneys and judges attended and celebrated the excellent work done in our local community by our criminal defense and family law practitioners. Attached is an article from the New York Daily Record about the dinner.

The Honorable Richard C. Wesley, Judge of the US 2nd Circuit Court of Appeals, was the keynote speaker and gave a memorable speech remembering Jeff Jacobs, and awarding the Jacobs Award to the 2010 recipient, Jill Paperno, 2nd Assistant Monroe County Public Defender.



(Judge Wesley presents the 2010 Jacobs Award to Jill Paperno)

C. Staff Awards

In 2010, Assistant Public Defender Pam Bayer (Ret.) received both local and state-wide recognition. On June 15, 2010 Ms. Bayer received the New York State Bar Association 2010 Denison Ray Civil Legal Services Award for her work representing indigent family law clients. "Pamela Bayer's dedication to justice and deep concern for her clients have undoubtedly saved the lives of women and children in Monroe County. Often faced with limited resources, Pamela works tirelessly and effectively to ensure that her clients have access to the justice system, regardless of their economic status," said State Bar President Stephen P. Younger of New York (Patterson Belknap Webb & Tyler LLP). "The State Bar is proud to honor Pamela Bayer for her extraordinary advocacy on behalf of our State's most vulnerable citizens."

Ms. Bayer joins Special Assistant Public Defender Drew DuBrin (2000) and Special Assistant Public Defender Andre Vitale (2009) as Denison Ray Award winners.

On June 22, 2010 Ms. Bayer received the Charles F. Crimi Memorial Award, which recognizes a local attorney who exemplifies Mr. Crimi's fearless and unselfish dedication to the principle that the poor and disadvantaged are entitled to equal treatment under the law. Ms. Bayer received the award at the Monroe County Bar Association Installation Dinner.



(Harold Bayer, who has been practicing law for some 60 years, and daughter Pamela J. Bayer, the 2010 Charles F. Crimi Memorial Award recipient)

D. Community Service and Participation

Not only are the staff of this Office committed to the service of the indigent accused, but we also want to make a contribution to our community and to agencies or groups who are concerned about those in need. This commitment is reflected in the fact that many members of this office are active members, volunteers, and/or board members in more than numerous agencies and organizations within the community.

The Office is also proud that members of the community are interested in and take an active role in this Office. Numerous community organizations are part of the Public Defender Advisory Committee. The individuals on this committee have been of valuable assistance to me in planning to meet the needs of our community.

The members of this committee represent the following agencies or organizations: Action for a Better Community; Ibero-American Action League; Jail Ministry; Judicial Process Commission; League of Women Voters; Monroe County Bar Association; and the Urban League of Rochester.

PART IV: THE FUTURE OF THE OFFICE

2011 will be a challenging year for the Office. It is anticipated that caseloads will remain at their very high levels, and that there will be increasing pressure on the Office to provide excellent representation to our clients, while maintaining costs. As such, the Office will continue its efforts at improving efficiencies in each Bureau, ever mindful that our number one priority is our clients. We are confident that given the enormously talented and committed staff at this Office we will meet those challenges.

As we look ahead to 2011 the Office plans to continue its efforts to improve our representation to our clients, continue our discourse with the community we serve, and improve the diversity of our staff.

The initiatives outlined above will continue as well. We will continue looking at how technology may improve Office operations.

Working with the New York State Defenders Association, we hope to implement State-wide trainers for family law practitioners, and conduct another state-wide trainer for defense investigators (the Office hosted the first such trainer in 2008).

We also plan to expand our outreach to local law schools in

the hope of attracting highly qualified young attorneys to this Office, and improving Office diversity. Working with a local law school we also hope to create a law school criminal law clinic and immigration law clinic in this Office.

And the in the Fall of 2011, the Monroe County Public Defender's Office will be a pilot site for a new nationwide initiative known as the Public Defender Corps (PDC). PDC is a new, three year fellowship program for recent law graduates interested in pursuing a career in indigent defense. The fellowship will provide a means for top graduates to engage in indigent defense within a strong training and support structure. Fellows will undergo a rigorous application and selection program. Once selected, they will receive outstanding advocacy training and mentoring, and be integrated into a community of defenders to help them develop the skills needed to provide the highest quality of representation to clients and imbue them with a commitment to indigent defense reform.

PDC is a joint initiative of Equal Justice Works and The Southern Public Defender Training Center (SPDTC). Equal Justice Works leads the largest Fellowship program in the nation for law students and law school graduates. It places its Fellows in public interest organizations and builds leadership capacity to maximize its Fellows effectiveness. SPDTC is building a community of public defenders -- bound by a common set of values fundamental to public defender excellence -- using recruitment, training, and mentoring

to develop its lawyers into great advocates and future leaders in the field. Together, these two organizations are building Public Defender Corps, an initiative that promises to spread this growing community of dedicated public defenders nationally through its fellowship model with an eye towards raising the standard of practice immediately and populating the field with future leaders.

Due to its excellent reputation as a public defender office, and the fact it is staffed with dedicated public defenders, the Monroe County Public Defender's Office has been selected as one of only five pilot sites in the nation to host the first class of PDC fellows.

PART V: CONCLUSION

Each and every member of the Public Defender's Office is proud of the amount of work done in the past year, but each individual takes a great deal more pride in the quality of the services we provide. We continue to stress respect for the judicial process and absolute integrity in the handling of all cases assigned to this Office.

I would like to note that in 2010 two respected attorneys retired from the Office. Special Assistant Public Defender Tammy Guglin retired after thirty years of service. Assistant Public Defender Pam Bayer retired from the Office after twenty-two years of service.

Both will be sorely missed.



(Tammy Guglin receives recognition at the Defense Community Dinner)

It is important to note that the success this Office has achieved is due in part to the support given to us by the Monroe County Legislature and the Administration. Both the Legislature and the Administration take seriously the obligation of government to ensure justice for all. We would like to take this opportunity to express our thanks for that support, and we look forward to their support in the future.

In concluding, I would like to note that this Office's excellent reputation is the result of the dedication, commitment, and talent of the attorneys and the support staff of this Office. I am enormously proud of their efforts and the results they achieve for our clients.

PUBLIC DEFENDERS

 Charles L. Willis
 Jul., 1968 - Dec., 1969

 Nicholas P. Varlan
 Jan., 1970 - Dec., 1973

 Peter L. Yellin
 Apr., 1974 - Jan., 1977

 Edward J. Nowak
 Apr., 1977 - Dec., 2007

 Timothy P. Donaher
 Feb., 2008 - Present

Respectfully submitted for The Public Defender's Office

TIMOTHY P. DONAHER
Monroe County Public Defender

COURT ACTIVITY SUMMARY 2009

<u>NEW CLIENTS</u> 30,382	PLEAS TO LESSER (Con't)
FELONY 2,465	MISDEMEANORS
FELONY (Drug A and B) 570	To Lesser Misd 298
FELONY (VFO)	To Violation 2,343
MISDEMEANOR12,791	OLOGED OAGEG. [OHITED]
VIOLATION	<u>CLOSED CASES</u> : [OTHER]: A.C.D
PROBATION VIOLATION 508 (Superior)	PRIVATE ATTY
PROBATION VIOLATION 891 (City and Towns)	
APPEALS 206	TRIALS185
FAMILY COURT 5,468	FELONY
PAROLE 820	VIOLATION
FUGITIVES87	VIOLATION 45
SORA 54	FINDING AFTER TRIAL
PLEAS AS CHARGED	GUILTY AS CHARGED (or to part of indict.
FELONY	when highest court) 49
MISDEMEANOR	GUILTY TO LESSER (or to part of indict.
VIOLATION	when lesser court)
PLEAS TO LESSER	NOT GUILTY 61
FELONIES1,243	TRIAL ORDER OF DISMISSAL 15
To Lesser Felony 179	MISTRIAL 4
To Misdemeanor 1,064	

PUBLIC DEFENDER STAFF (as of 3/1/11)

Administration

Donaher, T. Public Defender Brazill, R. 1st Asst. Pub. Def.

Tronolone, T. Conf. Asst. to the Public Defender Prescott, M. Exec. Secretary to the Public Defender

Colon, M. Receptionist-Bilingual Rivera, N. Receptionist-Bilingual

Superior Court

Paperno, J. Vitale, A. Doran, M. Teifke, E.	2 nd Asst. Pub. Def. Spec. Asst. (Non-VFO) Spec. Asst. (Drug) Spec. Asst. (VFO)		
Lopez, M.	Spec. Asst. (Parole)		
Cook, K.	Secretary		
Brach, K.	Asst. Pub. Def.		
Clark, M.	Asst. Pub. Def.		
Conner, A.	Asst. Pub. Def.		Appeals
Griffin, J.	Asst. Pub. Def.		
Harned, L.	Asst. Pub. Def.	DuBrin, D.	Spec. Asst. (Appeals)
Karnyski, K.	Asst. Pub. Def.	Amiger, S.	Secretary
Oren, A.	Asst. Pub. Def.	DeMonte, J.C.	Secretary
Riley, E.	Asst. Pub. Def.	Abbatoy, D.	Asst. Pub. Def.
Rosmus, E.	Asst. Pub. Def.	Davis, T.	Asst. Pub. Def.
Scalia, D.	Asst. Pub. Def.	Duguay, K.	Asst. Pub. Def.
Stubbe, J.	Asst. Pub. Def.	Eckert, J.	Sen. Asst. Pub. Def.
Van Hooft, B.	Asst. Pub. Def.	Juergens, D.,	Asst. Pub. Def.
Winward, T.	Asst. Pub. Def.	Somes, J.	Asst. Pub. Def.
Yoon, J.	Asst. Pub. Def.	(Vacant)	Asst. Pub. Def.
Zoghlin, S.	Asst. Pub. Def.		•

City Court

Bradley, J.	Special Assistant		
Lamb, P.	Secretary		
Morley, L.	Secretary		
Graim, M.	Secretary		
Sands, K.	Invest. Asst.		
(Vacant)	Invest. Asst.		
Afoh-Manin, J.	Asst. Pub. Def.		
Bahr, R.	Asst. Pub. Def.		
Caputo, J.	Asst. Pub. Def.		
Conner, M.	Asst. Pub. Def.		
Daniele, A.	Asst. Pub. Def.		
Fusco, E.	Asst. Pub. Def.		
Hagen, M.	Asst. Pub. Def.		
Harnsberger, D.	Asst. Pub. Def.		
Lopez, S.	Asst. Pub. Def.		
Lugbill, R.	Asst. Pub. Def.		
Newman, E.	Asst. Pub. Def.		
Rissew, A.	Asst. Pub. Def.		
Stare, S.,	Asst. Pub. Def.		

Justice Court

Cianca, J.	Special Assistant
McKie, M.	Secretary
Vargas, J	Invest. Asst.
Claiborne, K.	Invest. Asst.
Foti, M.	Asst. Pub. Def.
Mazzarella, J.	Asst. Pub. Def.
Morgan, J.	Asst. Pub. Def.
Murajda, R.	Asst. Pub. Def.
Myers, G.	Asst. Pub. Def.
Naclerio, J.	Asst. Pub. Def.
Santacroce, F.	Asst. Pub. Def.

Family Court

Fine, A.	Special Assistant		
Adams, S.	Secretary		
Ciaccia, C.	Paralegal		
	(Job Share)		
Enright, C.	Paralegal		
	(Job Share)		
Abdallah, W.	Asst. Pub. Def.		
Altman, J.	Asst. Pub. Def.		
Buitrago, M.	Asst. Pub. Def.		
Haselbauer, K.	Asst. Pub. Def.		
Ponticello, C.	Asst. Pub. Def.		
Sartori, S.	Asst. Pub. Def.		
Wirley, B.	Asst. Pub. Def.		

Investigations

DuMont T.	Chief	Invest	tigator
Brugnoni, J.	Spec.	Urban	Inv.
Camacho, M.	Spec.	Urban	Inv.
Johnson, J.	Spec.	Urban	Inv.
Pagan, G.	Spec.	Urban	Inv.
Morse, L.	Spec.	Urban	Inv.

Defenders Establish Tacobs Mound



Remembered for his tenacity, fearlessness, creativity and his passion for advocating for the poor.

Jeffrey A. Jacobs, who served in the Monroe County Public Defender's Office for more than 20 years, died nearly four years ago following an eight-month battle with brain cancer. He was 50.

"I worked with Jeff for a number of years and I always considered him a source of inspiration," said Tim Donaher, the county's current public defender. "He was the penultimate criminal defense attorney in my mind. He was always fighting for his clients."

Jacobs will be memorialized through the creation of a new award by the Monroe County Public Defender's Office, Donaher announced recently.

The award is the result of some discussions among senior staff in the office, and will recognize a criminal defense attorney, not necessarily a public defender, who has performed outstanding work and exemplifies Jacobs's qualities, which Donaher said include fierce advocacy and dedication to clients, a commitment to justice and service as a role model for younger attorneys.

"We want to recognize a trial attorney," said Donaher. "It's just for criminal defense attorneys. It could be federal, private, public defenders — anyone in the greater Rochester area."

A PASSION FOR THE JOB

Jacobs was a 1981 graduate of Boston College Law School and worked in the Monroe County Public Defender's Office from 1982 to 1986, when he returned to Boston so his wife, Andrea, could pursue her post-graduate studies at Harvard.

The couple arrived back in Rochester in 1988, and Jacobs returned to the public defender's office, where he rose to special assistant public defender, a senior staff position. He worked there until his death in November 2006.

Former Public Defender Edward Nowak was happy to welcome Jacobs back, he said.

"What stood out about Jeff, to me, was his passion for the job," Nowak said.
"He was truly passionate and believed in what he was doing. He believed that the most important aspect of the criminal justice system was competent defense counsel because without that, a poor person could not get a fair trial."

Monroe County Court Judge Richard A. Keenan, who serves on the new Jacobs awards committee, was an assistant district attorney when he first met Jacobs. The two were courtroom adversaries on a number of cases in the 1980s and 1990s.

"He certainly was a vigorous opponent from the defense side," Keenan said. "He handled a number of high-profile cases."

Keenan also remembered Jacobs as an involved father, coaching his sons in soccer and basketball, and as a huge New York Knicks fan. Even though he wasn't much of a basketball fan, Keenan often brought up the Knicks in conversations during the trials they covered.

"I think it's a wonderful idea to recognize advocacy on the public attorney level," Keenan said. "I think it is important to the legal community to recognize attorneys who have devoted their career to public advocacy at a high level, serving as assigned counsel or public defenders."

Dianne C. Russell, another awards committee member, worked with Jacobs for 17 years in the public defender's office. Now in private practice, she was a law clerk when she applied for the job.

"He was very encouraging," she said of Jacobs. "What he said to me was 'Now, you can be an advocate.' That was very important to him. He valued that ability to advocate for individuals."

"The younger attorneys really have looked up to him quite a bit," Russell said.
"I think he would be surprised to find out how other people saw him as an incredible mentor and teacher. He probably wouldn't have described himself that way, but he was always available."

Karen Bailey Turner, an attorney at Brown & Hutchinson, said Jacobs was an institution at the public defender's office where she worked for 10 years.

"He was a great mentor and an unapologetic representative of those accused of crimes, particularly the indigent," she said. "The man was fearless and he taught us to be fearless, too. The term 'afraid' and Jeff were not synonymous. I think as the cases get more difficult, the allegations get more heinous, I think it's difficult for an attorney to go to court."

She said she misses the expert advice she would receive from Jacobs and the group talks the attorneys would have about cases.

Even though Jacobs and his wife were not from Rochester, they fell in love with the community, Andrea said. They raised two children here: Justin, a Hofstra University graduate who is an attorney working with the U.S. Court of Appeals for the Second Circuit; and Jarrett, a Peace Corps volunteer working as a natural resources manager in a remote African village.

"My husband was a very analytical person," Andrea said. "His undergraduate degree was in biology so he's been trained as a scientist, which I think was a really interesting combination with a law degree."

She believes his science background was beneficial when Jacobs was assigned Monroe County's first case involving DNA evidence. The trial transcripts were requested by O.J. Simpson's defense team in generating their own cross examination of witnesses in the late 1990s. (The case involved the defense of Willis Knight, 47, now serving 37-and-a-half years to life for second-degree murder and first-degree rape of 18-year-old Jennifer Koon in 1993, the daughter of state Assemblyman David Koon of Perinton. Housed in the Great Meadow Correctional Facility in Washington County, Willis is not eligible for parole consideration until 2031.)

A FAMILY MAN

Andrea said her husband loved fishing, hiking, camping, cooking, wine, golf and his family, teaching his sons many things.

"It was really fun around the dinner table," she said. "He challenged his sons and me to think about things very carefully. He gave a lot of insight into how to think about problems and understand there's always a different perspective, which I think is consistent with his being a defense attorney." Andrea said her husband would be pleased about the award.

"It's fantastic," she said. "It's an honor and it really speaks volumes to how well respected Jeff was in the legal community."

Andrew MacGowan, a school administrator in the Rochester City

School District, knew Jacobs as a friend. MacGowan said Jacobs was like everybody's big brother. Regardless of how old they were, Jacobs was the older, wiser, benevolent brother.

"You had to get to know him to know this," he said. "He was humble and didn't have the need to advertise his array of astonishing virtues."

Jacobs was a big Grateful Dead fan, MacGowan also recalled. He sometimes arranged his vacations around the band's tour schedule, from March 1973 until June 1995, six weeks before singer Jerry Garcia's death.

After graduating from law school, Jeff worked for a year as an associate of A. Vincent Buzard before starting his career at the Monroe County Public Defender's Office in December of 1982.

As a public defender, Jeff tried more than 100 felony cases in his career. Donaher said there are few attorneys in the region who have tried more felony cases than Jacobs and obtained the results he achieved for his clients.

The first Jeffrey A. Jacobs Memorial Award will be presented Dec. 3 at the Defense Community Dinner, aptly following a CLE, "Defending Against DNA & Scientific Evidence," presented by the New York State Association of Criminal Defense Lawyers and the Monroe County Public Defender's Office at SUNY Brockport.

For more information on the seminar, see www.nysacdl.com Details on the dinner will be announced later.

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First Jacobs award goes to Jill L. Paperno

by Daily Record Staff

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Jill L. Papemo accepts the Jeffrey A. Jacobs Memorial Award from the Hon. Richard C. Wesley, Judge of the U.S. 2nd Circuit Court of Appeals.

Jill L. Paperno is the first recipient of the newly created Jeffrey A. Jacobs Memorial Award.

She is second assistant public defender in the Monroe County Public Defender's Office where Jacobs had worked for more than 20 years until his death in November 2006.

The honor was handed out Friday by Judge Richard C. Wesley of the U.S. Court of Appeals for the Second Circuit at the defense community dinner at SUNY Brockport.

Paperno has worked for the public defender's office since 1987. As city court supervisor, she trained and supervised staff assigned to city court and parole sections for 10 years and has supervised felony staff since 2009. She has tried numerous felony cases, including homicides and sex offences.

Paperno has also assisted in developing the training program for attorneys in the public defender's office and presented continuing legal education courses programs on numerous topics over the years. She is a 1981 graduate of SUNY University at Albany and a 1984 graduate of the University at Buffalo Law School.

The award recognizes a criminal defense attorney who exemplifies fierce advocacy, dedication to clients, perseverance and a commitment to fair justice — qualities Jacobs epitomized. Other nominees were Julie Cianca, Joseph S. Damelio, William T. Easton, Lawrence L. Kasperek, James A. Napier and Donald M. Scalia.

The dinner was part of a two-day "Defending Against DNA and Scientific Evidence" seminar, sponsored by the New York State Association of Criminal Defense Lawyers and the Monroe County Public Defender's Office.



The Hon. Richard C. Wesley, Judge of the U.S. 2nd Circuit Court of Appeals, and his daughter, Sarah Wesley.



Jill L. Papemo shows her Jeffrey A. Jacobs Memorial Award to Les Scinta at the SUNY College at Brockport campus on Friday during the Defense Community Dinner.



Steven Barnes, who was exonerated in 2009 after spending 20 years in jail for the 1985 rape and murder of high school student Kimberly Simon.



The Hon. Frank P. Geraci





Tamara Guglin receives a plaque from Timothy Donaher honoring her 30 years of service with the Monroe County Public Defenders Office.

Complete URL: http://nydailyrecord.com/blog/2010/12/06/first-jacobs-award-goes-to-jill-l-paperno/