

44.

By Legislators Dondorfer and Milne

Intro. No. _____

RESOLUTION NO. _____ OF 2022

CONFIRMING REAPPOINTMENT OF CONFLICT DEFENDER

BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. In accordance with the provisions of Article V, Section A, Subdivision 2 of the Monroe County Bar Association Sponsored Plan for Conflict Assignments, the reappointment of Mark Funk as Conflict Defender is hereby confirmed.

Section 2. This resolution shall take effect immediately.

Public Safety Committee; January 25, 2022 - CV: 9-0
File No. 22-0040

ADOPTION: Date: _____ Vote: _____

ACTION BY THE COUNTY EXECUTIVE

APPROVED: _____ VETOED: _____

SIGNATURE: _____ DATE: _____

EFFECTIVE DATE OF RESOLUTION: _____



Office of the County Executive
Monroe County, New York

Adam J. Bello
County Executive

January 7, 2022

OFFICIAL FILE COPY	
No.	<u>220040</u>
Not to be removed from the Office of the Legislature Of Monroe County	
Committee Assignment	
PUBLIC SAFETY	-L

To The Honorable
Monroe County Legislature
407 County Office Building
Rochester, New York 14614

Subject: Confirmation of the Reappointment of the Conflict Defender

Honorable Legislators:

I recommend that Your Honorable Body confirm the reappointment of Mr. Mark Funk as Conflict Defender, pursuant to Article V, Section A, Subdivision 2 of the Monroe County Bar Association Sponsored Plan for Conflict Assignments.

Mr. Funk has served as Conflict Defender since October 2016.

The specific legislative action required is to confirm the reappointment of Mr. Mark Funk as Conflict Defender, pursuant to Article V, Section A, Subdivision 2 of the Monroe County Bar Association Sponsored Plan for Conflict Assignments, effective immediately.

The legislative action requested in this referral is not an "Action," as that term is defined in 6 NYCRR § 617.2 (b), and is not subject to review under the State Environment Quality Review Act.

This confirmation will have no impact on the revenues or expenditures in the current Monroe County budget.

I recommend that this matter be referred to the appropriate committee(s) for favorable action by Your Honorable Body.

Sincerely,

A handwritten signature in blue ink, reading "Adam J. Bello", is written over a large, faint watermark of the Monroe County seal.

Adam J. Bello
Monroe County Executive

AJB:db

Mark D. Funk

Suite 600 16 E. Main Street Rochester, New York 14614 (585) 753-3488

EMPLOYMENT

MONROE COUNTY CONFLICT DEFENDER'S OFFICE

- *Monroe County Conflict Defender; October 2016 – Present*
- *Supervisor of a staff of 25 including 16 Attorneys who handle misdemeanor cases, Family Court cases and appeals for indigent clients (office handled approximately 3,000 cases in 2019).*
- *Manage the Monroe County Assigned Counsel Program-supervised the assignment of approximately 5,000 cases annually to approximately 165 panel attorneys*
- *Department of Public Safety, Diversity, Equity and Inclusion Committee*

2021 Awards and Accolades

- *Rochester Business Journal, Power 30 Law List: A list of local legal professionals who are making sure the legal needs of Rochester's residents are being met.*
- *The Daily Record/RBJ, Legal Excellence-Leaders in Law Award: Recognizing legal professionals who demonstrate professional accomplishment, exceptional character, integrity and ethics, and commitment to clients and community who make our community stronger through both their professional accomplishments and their civic contributions.*

LAW OFFICE OF MARK D. FUNK

- *Private Practice of Law; February 1996 – October 2016.*
- *Criminal Defense, Family Court and Appellate Practice.*

EDUCATION

UNIVERSITY OF DAYTON SCHOOL OF LAW

- *Class of 1995 Rank: Top 18% (24 of 133).*

STATE UNIVERSITY OF NEW YORK COLLEGE AT OSWEGO

- *Magna Cum Laude graduate, 1992.*

CONTINUING LEGAL EDUCATION

- *Speaker at numerous Continuing Legal Education Programs on criminal law and Family Court related topics.*

VOLUNTEER:

COACH/JUDGE; NYSBA Mock Trial Competition, 1996-present

PAST MENTOR, School #29; MCBA's Lawyers for Learning Program

BAR ASSOCIATION/PROFESSIONAL ORGANIZATIONS/COMMITTEES:

****Monroe County Bar Association***

- Past Secretary/Board of Trustees Member
- Past Chair, Criminal Justice Section
- Council Member (current), Family/Matrimonial Section
- Current Chair, Awards Committee
- Member (current), Access to Justice Committee
- Member (current), Solo/Small Committee
- Member (current), Diversity Committee
- Past Secretary, Lawyers for Learning Committee

****New York State Bar Association***

- Mandated Representation Committee
 - Assigned Counsel Sub-committee
 - Family Court Sub-Committee

****Chief Defender's Association of New York***

- President-Elect/Board of Trustees
- Chair, Family Court Committee
- Legislative Committee
- Membership Committee
- Assigned Counsel Committee

****Other Committees:***

- Court Improvement Project Committee
 - Race Equity Sub-committee
- Domestic Violence/Intensive Domestic Violence Committee
- Family Court Planning Committee
- Family Treatment Court Committee
- National Adoption Day Committee
- Family Court Custody Part Operations Committee
- Criminal Case Diversion Implementation Project Committee
- Veterans Court Committee
- Human Trafficking Court Committee
- Office of Indigent Legal Services Criminal Defense Advisory Committee
- Seventh Judicial District Chiefs Committee
- Seventh Judicial District Assigned Counsel Administrators Committee
- Monroe County Policy Equity Academy Grant Committee

POWER

30

Law

MARK FUNK

MONROE COUNTY CONFLICT DEFENDER
MONROE COUNTY CONFLICT DEFENDER'S OFFICE



Years in current role: 4

What do you enjoy most about your role?

I get to help a lot of people. The Conflict Defender's Office, and the attorneys of the Assigned Counsel Program, represent thousands of clients in criminal, Family Court and appellate matters each year. We represent the most vulnerable populations in our society during the worst times in their lives. I am filled with pride every time one of our attorneys helps a client get their children returned to them, gets evidence suppressed or overturns a conviction on appeal.

What do you see as the biggest changes in the legal industry in the next 3-5 years?

It is an interesting and exciting time to be a criminal defense attorney! Recent legislation amending New York's system of bail, criminal discovery procedures and the age of criminal responsibility have fundamentally altered defense representation. An additional piece of legislation, requiring New York State to fulfill its constitutional obligation to provide quality representation to indigent defendants, will have an even more profound effect. Numerous initiatives will be implemented over the next few years to ensure that our most vulnerable populations are receiving quality representation.

LEGAL EXCELLENCE AWARDS

ROCHESTER BUSINESS JOURNAL WESTERN NEW YORK THE DAILY RECORD

LEADERS IN LAW

MARK FUNK

Conflict Defender

Monroe County Conflict Defender's Office

Over the last 18 months as the world has been upended, many businesses have depended on a handful of people to ensure things run as smoothly as possible.

For the local legal community, Monroe County Conflict Defender Mark Funk is one of those people, 'a beacon for the legal community' as Jeanne Colombo of Colombo Law Firm says in her nomination letter.

"Mark made sure that the legal community received every executive order, judicial order and information to keep our practices functional," Colombo says. "He took the time to send out all necessary information, and did it consistently."

She notes that he kept lawyers abreast of what was allowed in the Hall of Justice and Federal Building for clients' sake, "an incredible amount of work."

"He took that extra step each time, often letting the lawyers know what was going on before any other group," she remembers. "He would even send case law and statutory changes, just to make us better attorneys."

Funk notes that the county defense bar has a group mentality, sharing information and mentoring each other.

"(It's) one of the best parts of my current position," he notes.

That desire to be a mentor led to his involvement in the region's mock trial program.

"I have been involved with this program as a coach and a judge for the past 25 years," he says, noting that some of the stu-

dents have gone on to be practicing attorneys. "Teaching kids about our court system and trial practice is both rewarding and enjoyable."

