

By Legislators Long and Maffucci

Intro. No. _____

RESOLUTION NO. _____ OF 2024

REAPPOINTMENT OF JULIE A. CIANCA AS PUBLIC DEFENDER

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

Section 1. In accordance with the provisions of Section C7-5 of the Monroe County Charter, Julie A. Cianca is hereby reappointed as Public Defender, for a two-year term, effective January 1, 2024 and expiring December 31, 2025.

Section 2. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Public Safety Committee; January 23, 2024 – CV: 11-0
File No. 24-0004

ADOPTION: Date: _____ Vote: _____

Julie Marini Cianca
 78 Seascapes Drive
 Rochester, NY 14612
 juliecianca@gmail.com

BAR ADMISSIONS

New York State Bar 1992

EDUCATION

State University of New York @Oswego
 1985-1987

University of Notre Dame
 Bachelor of Liberal Arts May 1989
 Major: Philosophy Minor: Art History

Albany Law School of Union University
 Juris Doctorate, May 1992
 Internships-Prisoner's Legal Services, Albany County District Attorney's Office

LEGAL EXPERIENCE

Intern, Monroe County District Attorney's Office
 1993-1994- conducted legal research for Major Felony Bureau

Attorney, Monroe County Public Defender's Office
 1994-2001 represented individuals charged with misdemeanor, felony, violent felony, homicides and parole violations in town, city, division of parole, and County and Supreme Courts

Attorney, Ernstrom and Drete, Brighton New York
 2001 – civil practice with emphasis on contracts and construction law.

Attorney and Supervisor, Office of the Conflict Defender, Rochester, New York
 2002-2003 – responsible for implementation and training in newly formed criminal defense office, represented individuals charged with misdemeanors in Rochester City Court

Special Assistant Public Defender, Monroe County Public Defender's Office
 2003 to 2022 – represented individuals charged with felony, violent felony, homicides and parole violations.

Supervisor of non -violent felony bureau 2005 to 2008, 2021 to March, 2022

Supervisor of Town Court bureau 2008 to 2016

Supervisor of Parole Bureau 2017

Supervisor and Administrator of Continuing Legal Education 2017 to 2021

Acting First Assistant Public Defender, Monroe County Public Defender's Office
 March, 2022 to November, 2022

Public Defender, Monroe County Public Defender's Office
 November, 2022 to present

COMMUNITY EXPERIENCE

Law Explorers Advisor – Greece Olympia

Penfield High School Moot Court Team Advisor
University of Rochester Moot Court Team Advisor
RMAPI – Rochester-Monroe Anti-Poverty Initiative

LEGAL COMMUNITY

Member – CDANY – Chief Defender's Association of New York
Member – NYSDA – New York State Defender's Association
Member – JPC – Judicial Process Committee
Member – PCAJ – Presidents Committee on Access to Justice (Monroe County Bar Association)
Member – MCCCIP – Monroe County Criminal Case Diversion Implementation Project
Member – CJC – 7th Judicial District Community Justice Council

AWARDS

Jeff Jacobs Award for Excellence in Trial Advocacy, 2017



OFFICE OF THE PUBLIC DEFENDER

ANNUAL REPORT

2022

INTRODUCTION

This report serves as an overview of the work done by the Monroe County Public Defender's Office ("the Office") office during 2022. The report is divided into five sections:

1. Recruitment, retention, and diversification of staff.
2. Continued improvement of the quality of the legal representation provided to our clients.
3. Staff training and continuing legal education.
4. Staffing and caseloads.
5. Plans for the future.

Creation of Office and its Jurisdiction

As described in the 2020 Annual Report authored by former Public Defender Timothy Donaher, the following is a brief history of the history and structure of the Office of the Monroe County Public Defender:

"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 760,000 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
- G. Court of Appeals
- H. 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 indigent who are accused of a crime, or who are entitled to representation in family court, an exceptional level of legal representation which exceeds 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.

Assistant public defenders are assigned to work in the Local Court, Superior Court, Family Court, or the Appeals Sections and each takes great pride in the quality of the work they provide to our clients. Their dedication and talent ensures that the rights of our clients are protected, and their dignity respected, in a way that promotes true justice in our community.

A challenging 2022

2022 was an unusual and challenging year in the history of the Office. Having declined to seek reappointment at the end of 2021, Tim Donaher left the position after leading the office since 2008. Jill Paperno then briefly served as the Acting Public Defender before Erik Teifke assumed that position for the bulk of 2022. Then, after a protracted selection process, Julie Cianca was sworn in as Public Defender at the end of the year.

PART 1: RECRUITMENT, RETENTION, AND DIVERSIFICATION OF STAFF

The Office continues to value a diverse, equitable, and inclusive work environment. We believe that diversity of all varieties: racial, gender, ability, sexual orientation, age, etc. improves staff experiences and that a staff that feels comfortable and valued is more likely to contribute to positive case outcomes for our clients. We therefore strive to maintain an engaged and dedicated staff by continuing to develop an office culture that is ever mindful of the challenges presented by our work, and seeks to provide deliberate, thoughtful and intentional support to all who serve our common cause.

RECRUITMENT

We recognize the value of recruiting and retaining staff, especially staff that increase the

diversity of the office. To these ends, we have more aggressively and proactively pursued candidates for staff positions than in prior years.

Hiring committee

While we have had a hiring committee for many years, we have recently increased their membership and resources because we are forced to compete with other employers across the country who have at long last recognized the value of a diverse workplace. While this realization is gratifying, it does provide for a very competitive environment and one where our office is forced to compete despite limited resources. We are simply not in a position to outbid most other employers and therefore have had to use creativity, diligence, and passion as we seek out qualified candidates.

The Hiring Committee consists of Acting Second Assistant Public Defender Joshua Stubbe and Assistant Public Defenders Victoria Bahl, Krystian Opalinski, Jane Yoon, and Tracy Sullivan, as well as Chief Investigator Latanya Morse. The following are some of the efforts we have undertaken by our hiring committee in pursuit of staff, especially staff that offer diversity.

- New York University School of Law - Public Interest Job Fair 2022, 2023 (registered)
 - Virtual appearance (only method offered)
 - 2022 job fair program produced 12 interviews with 4 people accepting positions in our September 2022 class of law grads.
- Cornell Law School
 - Work with OADI (Office of Academic Diversity Initiatives)
 - Spoke in 2021 with OADI Students about PD work at MCPD
 - Spoke/lectured in 2022 with OADI students about accusatory instruments and challenges to them, as well as the discovery reforms.
 - Working with OADI to have their students in the Cornell Pro-Bono Scholars Program work at our office during their Spring 2024 semester.
- University of Buffalo School of Law - Public Defender Career Fair
 - Virtual appearance (only method offered)

- Produced 4 applicants who interviewed, 1 accepted for September 2023.
- University of Buffalo School of Law - Career Fair
 - Registered for 2023, in person
- University of Buffalo School of Law On - Campus Interviews
 - Registered for 2023 date, in person
- Albany Law School - Career Fair
 - Registered for February 2023 as virtual option, but are hoping to change to in-person depending on dates/availability
- Albany Law School - On Campus Interviews
 - Registered for 2023, dates not yet confirmed
- Syracuse University College of Law - On Campus Interviews
 - Registered for in-person dates.
- Job Postings with:
 - Greater Rochester Association for Women Attorneys [GRAWA]
 - Western New York Minority Bar Association
 - Women's Bar Association of the State of New York
 - Chief Defender's Association of New York [CDANY]
 - New York State Association of Criminal Defense Lawyers [NYSACDL]
 - New York State Defender's Association
 - Shift Diff (local, black owned, job board)
- Coordination with several other downstate law schools to attend their On-Campus Interview Sessions or participate in job fairs at their schools.

Internship program

Led by Assistant Public Defenders Victoria Bahl and William Weir, the Office has an increasingly robust internship program that offers high school, college, and law school students exposure to not only our office, but the field of indigent criminal defense as well as the criminal justice system. Interns can become involved in a wide array of assignments depending upon their education and experience levels. We strive to make their experience revealing and rewarding by exposing them to many aspects of our work including: client interviews, court appearances, trial preparation, discovery review, jail visits with incarcerated clients, case investigations, and more. Interns accompanied attorneys as they have tried cases to juries, spending many hours both in and out of court serving our clients during these most critical junctures.

Our internship program statistics for 2022 are as follows:

Total interns: 29	Gender: 16 female, 13 male, 1 non-binary
Law School students: 12	Race: 4 identified as Black, Asian, or Hispanic.
Undergraduate students: 17	

It is our hope that by exposing interns to these experiences and inspiring them with the importance of our work, that this program will continue to serve as a pipeline that produces attorney candidates in the future. In just this past year, this program had produced two additions to our attorney staff and one addition to our support staff and we anticipate more to come. Several undergraduate interns have applied to law schools, presumably inspired by their experience with the Office. The intern experiences the Office now offers have prompted the following testimonials from participants:

- "You made me passionate about public defense, and I'm looking forward to a future career as a public defender."
- "Thank you for taking me under your wing. I learned so much and know being a public defender is for me."
- "I saw a version of myself that was fearless and confident in a courtroom. Talking with you and watching you in the courtroom, among so many other things, was a huge part in my decision to go to law school after graduation. You have truly inspired me and I could never thank you enough."
- "Because of this experience, the office, and especially you, I feel I have finally found what I'm meant to do and have direction in my life."

The expectation is that this program and the investment we make in our student-interns will serve as a pipeline for staff recruitment going forward and serve as a vital supplement to our other recruitment efforts.

Unadmitted attorney positions

The need to increase staff prompted the Office to become more flexible and creative in our hiring practices in 2022. In the past, the Office would only hire offer attorney positions to

those who had passed the bar examination and been admitted to the bar. In 2022, for the first time, the Office hired several law school graduates in September who had taken the bar examination in July but not yet received their results. While only permitted to represent clients on certain offenses and under immediate supervision, this “class” of unadmitted attorneys was exposed to the work gradually over several months as they: attended attorney trainers, observed court appearances, attended client and witness interviews, performed legal research, accompanied attorneys during jail visits, hearings, and trial. Historically, new attorneys would start representing clients immediately and then receive training while doing so, this new arrangement also allows the Office to train them for several months before they are admitted and assume responsibility for their own caseload. This has proven to be a tremendous benefit to our unadmitted attorneys whose introduction to the work has been very gradual unlike that of their predecessors.

This program also allows the Office to better compete with other employers that will not extend employment offers until an attorney is admitted to the bar. The Office expects to accept a class of unadmitted attorneys each September and is already building the 2023 class.

RETENTION

Given the staff retention challenges facing all employers both within and without the legal profession, the Office has increasingly focused on not only attracting but also retaining our staff. We recognize that staff turnover is inevitable, especially in an office as large as ours, and that there are forces at work we cannot control: improved career mobility, shifting perspectives on the work-life balance, changing economic conditions, etc. We are however, mindful that it is very much in the interest of our staff, and by extension, our clients, that we retain employees that we

have invested in. Especially given our increasingly robust training efforts, the loss of a staff member early in their tenure could be viewed as a net loss of resources as we may never have experienced a return on that intense and time-consuming early investment. And while nearly every new staff member lacks experience at first, they become increasingly valuable to the office and their clients as they gain experience. We therefore have placed significant emphasis on improving the experiences of our staff and maintaining office morale given the relationship between these factors and staff retention.

Among the measures undertaken in 2022 to address retention are the following:

- **A supervisory restructure of the Criminal Trial Courts section.** This largest section in the Office had previously been divided into sections based exclusively upon the varieties of cases to which an attorney was assigned: Town Court, City Court, Non-Violent Felonies [NVFOs], Violent Felonies [VFOs]. This resulted in attorneys interacting almost exclusively with their immediate peers instead of those with different experience levels. It also resulted in attorneys occasionally being unable to handle different and more serious cases as they waited for someone more experienced to leave the office so they could advance into a “higher” section. This would result in career stagnation and contributed to some attorneys exploring other career options. Attorneys handling felony cases are now assigned to one of four Superior Court Groups [A – D] comprised of attorneys handling either non-violent felony cases [NVFOs], violent felony cases [VFOs], or a mix of NVFOs and VFOs [Hybrid]. Attorneys handling non-felony [misdemeanor and violation] cases are assigned to one of four Local Court Practice Groups [A – D].

Each Group is supervised by either the Second Assistant or a Special Assistant. Each Group

Supervisor is responsible to both the First Assistant and the Public Defender.

- **Hybrid caseloads.** To keep attorneys engaged, accelerate their development, and keep them from becoming overwhelmed, we now offer caseloads with a mix of different level offenses. These “Hybrid” positions not only offer Superior Court attorneys a more gradual transition from NVFO to VFO cases but also allow them to handle VFO cases earlier in their careers. Likewise, our Local Court attorneys are offered the opportunity to handle felony cases earlier in their careers than in the past. These attorneys are provided with significant oversight of their supervisors on their felony cases. This potential for early exposure to felony cases has been an asset to the both our recruitment and retention efforts.
- **Career start in Rochester City Court.** Attorneys new to the office now begin their careers representing clients in Rochester City Court [RCC] instead of the town courts. This shift offers several advantages: early exposure to a more diverse client population, earlier familiarity with a wider range of offenses, increased opportunities to litigate search and seizure issues, exposure to more experienced prosecutors and judges that are all attorneys, etc. Another advantage to this arrangement is the proximity of the office to Rochester City Court in that the supervisor of our RCC attorneys is a mere block away and can far more easily observe, supervise, and respond to any urgent matters.
- **Enhanced supervision and support.** The supervisor to supervisee ratio has been increased, providing attorneys with more support and oversight. The Groups meet regularly and discuss cases, legal issues, and other developments. Supervisors are expected to review attorney written work product and observe them in court. Supervisors

are evaluated on how well they supervise their Groups.

- **Work From Home [WFH] policy.** Implemented in 2022, this policy was a significant departure from the past where staff was expected to perform work hours either in the office or the field [court, jail, off-site meetings, investigations, etc.]. The policy allows for each employee, attorney and support staff, to work from home for 16 hours per pay period. This policy has ameliorated the stress of staff with various conflicting responsibilities including child care and has noticeably enhanced morale.
- **Second Chair program.** Jury trials have decreased markedly and steadily across the country for decades and Monroe county is no exception. While the vast majority of cases are resolved with dismissals or negotiated agreements, the right to a jury trial is a powerful protection, so it is critical our attorneys are ready, willing and able to try a case with skill, passion and confidence. To do our part to ensure our entire staff remains well-equipped to represent our clients at jury trials, we continue to seek feedback and encourage communication to expand our training and supervision programs. We have also instituted a program where we pair attorneys for as many jury trials as possible. This has the dual benefit of exposing more attorneys to jury trials and of providing many of our clients with a team of attorneys for their trial. We also frequently devote support staff to trials for these same reasons.
- **Continuing and Continuing Legal Education.** Having earned status as an accredited Continuing Legal Education [CLE] provider several years ago, the Office continues to offer our staff regular, no-cost CLE opportunities. We not only create and deliver these programs but we also generate the certificates of completion for those that attend. This

makes our office more attractive to both prospective and current staff and contributes to our retention efforts. Office training and CLE efforts will be discussed more fully below.

- **Office Committees.** As office morale is vital to staff retention, we have several committees designed to foster inclusiveness and comradery. These include but are not limited to our Welcoming, Community Outreach, and Recreation Committees and are designed to build and maintain staff morale by enhancing the workplace experiences of the staff and the inclusivity of our work environment.

DIVERSIFICATION

While the Office is mindful of the value of many varieties of diversity and features a staff that is majority female, a special emphasis has been placed on increasing racial diversity in the Office. The Office serves the residents of Monroe County, the population of which is approximately 15% Black or African American.¹ By the end of 2022 the Office achieved the highest level of racial diversity in its history.

<u>Attorney staff</u>	<u>Overall staff</u>	<u>Management</u>
8% Black	13 % Black	13% Black
12% Persons of Color	22% Persons of Color	57% Women

Achieving an attorney staff that is 8% Black is especially gratifying given that only 5% of all attorneys in the United States are Black. The Office is therefore currently more racially diverse than the attorney population of the Country as a whole. This is especially noteworthy given the encouraging trend of increasing competition among employers for Black attorneys at present.

¹ <https://www.newyork-demographics.com/monroe-county-demographics>

DEI Working Group

While proud of our efforts thus far, the Office continues to build upon our 2022 progress in diversification of our staff. To that end, and in addition to the Office's efforts to recruitment and retention efforts, a working group was established in 2022 to create the first titled Diversity, Equity, and Inclusion Officer position in the history of the Office. This working group consists of Project Manager Mike Molinari, Chief Investigator Latanya Morse, Special Assistant Robert Turner, and then Acting Public Defender and First Assistant Erik Teifke.

While in the past an assistant public defender was tasked with the Office's DEI efforts, there had never been a person in an official, titled role until the working group secured approval from the Monroe County Civil Service Commission to create the position of Public Defender DEI Coordinator in 2022. The Office is now one of only two county departments with such a staff position, demonstrating our commitment to fostering a diverse, equitable, and inclusive work place.

The Office is thankful for the guidance of former Monroe County Chief Diversity Officer Dr. Deanna Kimbrel and Equal Employment Opportunity Manager Cheryl Hayward during this process. The position of Public Defender Diversity Coordinator was listed in December of 2022 and we anticipate filling the position early in 2023.

Diversity Action Plan [DAP]

The DEI Working Group is currently developing a Diversity Action Plan in consultation with Equal Employment Opportunity Manager Cheryl Hayward.

Management DEI training

In addition, the Office in 2022 offered management staff the opportunity to earn a

certification in Diversity, Equity, and Inclusion through a program offered by Cornell University. As a result of this initiative, 25% of the management staff has now earned this valuable DEI credential. Involvement in educational opportunities is one way management shows a commitment to a culture of sensitivity to the experiences of all members of the staff and is dedicated to the pursuit and enhancement of diversity, equity and inclusiveness of our work environment. It is the hope that the management interest in personal growth will encourage and inspire all staff and consequently, create a more attractive and welcoming office for all our prospective and current colleagues.

PART 2: CONTINUED IMPROVEMENT OF CLIENT SERVICES

HOLISTIC REPRESENTATION

In 2022, the Office further embraced a holistic model of representation which recognizes that our clients are best served by our applying a multidisciplinary approach to their defense. Our clients come to us having amassed various experiences and facing an array of challenges. While ensuring they are assigned a lawyer with excellent legal skills is vital, we endeavor to address our clients circumstances in the most comprehensive manner possible given our resources. In the past, our attorneys would bring their legal skills to bear and frequently secure favorable legal results for clients only for them to emerge from their experience with the criminal justice system no better off than before their arrest. It was an unfortunate feature of this work that we could not address the circumstances of our clients in a more comprehensive and lasting way. Attorneys would have successes only to see the same client arrested and prosecuted once again weeks later. It was dispiriting for our staff and devastating to our clients. But given our

mandate and our limited resources, we simply were not able to do much more than provide legal services within the context of an individual case.

Recently however, with the additional resources and support from New York State through the office of Indigent Legal Services, we are able to broaden the services we can provide to our clients and thereby help them emerge from the process better equipped to succeed and remain arrest-free- thereby reducing the recidivism that plagues sectors of our community.²

Monroe County Model Parental Representation Bureau Grant

In support of our model of holistic and innovative representation, in July, 2021 the Office was awarded a three (3) year grant from the Office of Indigent Legal Services (ILS) for \$2,610,417 to create the Family Defense Bureau to represent parents in child welfare proceedings using a client-centered and interdisciplinary representation model. This competitive grant, titled the “Monroe County Model Representation Bureau” grant, was approved by the Monroe County Legislature through Resolution 512 of 2021 on December 14, 2021. As only the second such program outside New York City, this grant will enable the Office to engage in innovative, preventative and impactful services to clients that will promote family preservation and reduce

² In 2019 Monroe County received a \$38,233,512 five-year grant to improve indigent defense. This funding was provided pursuant to New York State legislation passed in 2017 requiring the Office of Indigent Legal Services to assess each county's indigent, criminal legal services needs in three areas: (1) caseload reduction to comply with new caseloads caps; (2) providing counsel at first appearance; and (3) improving the quality of indigent defense. This legislation was the result of a class action settlement colloquially known as “Hurrell-Harring”. Statewide it is anticipated that the cost of these improvements will be approximately \$250 million by 2023. Each year since the 2018-2019 NYS fiscal year, it is anticipated that the New York State Legislature will appropriate increasing funds to reimburse the counties for these expenses. \$50 million was appropriated in FY 2018-2019, \$100 million was appropriated in NYS FY 2019-2020; and \$150 million was appropriated in NYS FY 2020-2021. It is anticipated that \$200 million will be appropriated in NYS FY 2021-2022, and \$250 million in NYS FY 2022-2023. Over the five-year period, it is anticipated that Monroe County will receive \$2,548,900 in FY 2018-2019; \$5,097,801 in FY 2019-2020; \$7,646,702 in FY 2020-2021; \$10,195,603 in FY 2021-2022; and \$12,744,504 in FY 2022-2023. This funding will be allocated to the Public Defender's Office, the Mon. Co. Conflict Defender's Office, and the Monroe County Assigned Counsel Panel to improve indigent criminal defense. The Legislature accepted this grant on August 13, 2019.

racial disproportionality in the child welfare system.

As the grant notes, “Using a holistic approach, Bureau staff (four attorneys, four social workers, one parent advocate, and one paralegal) will assess the legal, financial, and social determinants of health needs of each client and their family members, including the needs of the subject children, to develop a strategy that will maximize the likelihood the client’s children are not removed, or if removal cannot be avoided, that the children are reunified with the parent at the earliest possible time. Following the Cornerstone Advocacy model of the Center for Family Representation (CFR), each client will be assisted by a staff attorney, social worker and as needed, a parent advocate who will work together to assess the client's needs and develop a plan to achieve the client’s goal to maintain the integrity of his or her family, and to ensure safety and stability for the children for the long term. The attorneys, social workers, and parent advocate will be part of a collaborative team representing each client.”

The supervising attorney in charge of the unit is Special Assistant Public Defender Robert Turner.

Social Work Bureau

Supervised by Christina Sciortino and Kayla McCrickard, and comprised of Case Managers [Social Workers] and Sentencing Advocates [Mitigation Specialists], this bureau allows the Office to offer more comprehensive support both during and occasionally after the conclusion of their cases.

Case Managers

On select cases, an attorney can now initiate a referral for the assistance of a social worker resulting in a partnership designed to reduce the problems and obstacles faced by clients, both

to attain better results and to improve the likelihood of success during and after the resolution of cases. The case management arm of the Social Work Bureau provides a myriad of services to clients and their families to assist with needs to promote positive resolutions in cases, and also to support healthy living and life management services to prevent recidivism and lift current and former clients out of unfortunate circumstances in any way possible.

The Model Parental Representation Bureau grant also provides for caseworkers as well as a parent advocate, an individual who has experienced the Family Court system as a party within the system, who can understand, empathize, and guide clients through the system.

This bureau provides services including but not limited to: providing resources and referrals (housing, food, clothing, community care management, bus passes, cell phone applications, government benefit application help), linking clients to services (mental health/Substance abuse evaluations, community service resources, medical services, animal welfare services), offerings supportive services (accompaniment to court/appointments, reminder calls, obtain treatment updates to provide to court), record collection/gathering letters of support, etc.

In 2022, staff made 363 casework referrals on behalf of clients.

Sentencing Advocates

The Mitigation and Sentencing Advocacy Bureau at the Monroe County Public Defender's Office is dedicated to improving outcomes for indigent individuals in criminal court proceedings. The staff of this bureau collaborates with attorneys, court involved teens and adults, their families, and various treatment and community providers, to develop holistic and humanizing narratives in hopes of improving long-term outcomes for our clients.

The work of sentencing advocates is described on the website of the National Alliance of Sentencing Advocates and Mitigation Specialists as follows:

Sentencing advocates explore the histories of criminal defendants to create individualized sentencing plans. Their proposals often focus on substance abuse and mental health treatment, victim restitution, community supervision, avoidance of future misconduct, and appropriate and constructive consequences. This approach allows courts to sentence people to community-based programs that address their needs, while reserving expensive prison and jail space only for those who threaten the safety of the community. <https://www.nlada.org/NASAMS>

This bureau provides services for homicide cases; VFO gun cases; VFO cases to include clients facing mandatory persistent sentencing; Felony cases after trial where sentencing is up to the court; Parole and felony probation violation cases; Misdemeanor cases with compelling circumstances. These services include: Record collection and discovery review, comprehensive psychosocial history collection completed via 1:1 interview(s), completion of either comprehensive or abridged mitigation reports, support during litigation, and the referral to the case management program if client is in need of identified services.

In 2022, the staff expanded to staff made a 103 referrals to the Sentencing Advocacy unit, resulting in a record-high number of clients receiving an extra layer of often outcome altering advocacy.

Trial Assistants

While sentencing advocates focus on the result of a plea or trial, trial assistants help in the preparation of a case for hearings and trials. In 2022, the Office filled both Trial Assistant positions. Trial assistants worked with attorneys in gathering information to assist in plea negotiations, hearings, and trials. They assisted with FOIL requests, subpoena preparation, and document review. They helped to transcribe communication obtained on body-worn camera

and interrogation videos. Their work freed up attorney time that had previously been spent on these tasks, so that attorneys could spend more time on attorney/client communications, negotiations, research, writing and hearing and trial preparation.

Next Court Date Reminder Program

In order to assist clients in their obligation to attend court proceedings, the Public Defender's Office implemented a "Next Court Date Reminder Program" in late 2019. Clients are typically issued reminders 7 days, 3 days, and 1 day prior to court appearances and also upon attorney request. In 2022, as a result of this program, a total of 42,963 court date reminders were sent to our 3,613 Rochester City Court and 4,729 Town and Village Court clients.

Failure to Appear Program

Unfortunately, clients do not always make their court appearances. Despite a common belief that this occurs intentionally as the result of a desire to avoid prosecution, the reality is that clients miss court for a variety of reasons unrelated to an intent to avoid prosecution including: lack of transportation (there are courts in Monroe County that are not on a bus line), conflicting work, school, and child care obligations.

Recognizing the reality that people do, at times, struggle to get to court, and miss court for reasons other than intentional disregard for courts' schedules, the New York State Legislature passed legislation (effective January 1, 2020) that required courts to wait 48 hours before issuing a "bench warrant" to allow the defendant time to appear. In 2022, for the third year, the Office issued text notices and letters to clients who failed to appear for court in an effort to have them added back onto the dockets, reduce incarceration on bench warrants, and their lives were not disrupted with warrants.

Counsel at First Appearance [CAFA] program

The arraignment is the first court appearance in a criminal case and one where impactful decisions are made including the custody status of the accused. In 2022, the Office continued to provide 24/7 representation at arraignment in all courts in Monroe County appearing at the arraignments of 4,729 clients. Regardless of the charge, the court, or time of day or night, a Monroe County Public Defender will be present to represent the accused. The involvement of our attorneys at arraignment often results in the dismissal of charges and the release of our clients.

Domestic Violence Survivors Justice Act [DVSJA]

Enacted in 2019, the Domestic Violence Survivors Justice Act [DVSJA] empowers sentencing courts to resentence domestic violence survivors who suffered sexual, psychological or physical abuse that contributed to their conviction if certain specific criteria are met. In 2022, the Office created a unit to enable us to provide excellent representation on these cases.

In 2022, the unit, supervised by Special Assistant Public Defender Jon Griffin and with the invaluable support of intern Courtney Ashraf, represented 29 clients on DVSJA applications.

Public Education

The Office recognizes the relationship between a well-informed community and the fate of those ensnared in the criminal justice system. We as well as anyone understand the critical importance of the recent and long overdue improvements to the bail, discovery, parole, marijuana, and driver's license suspension laws. We see the day to day positive impact that these reforms have had on the lives of countless clients and their families, many of whom are indigent persons of color.

The ensuing criticisms of these reforms and the misinformation and fearmongering about them threatens to retard the progress we have witnessed. Our response has been several-fold. We have spent tremendous time and effort educating and training attorneys in our office, our community, and around the state about the changes in these laws to ensure that their clients receive the intended protections offered by these reforms. We dispatch staff to community events, frequently at the invitation of a legislator, community member, or pastor to offer support for these reforms and to counter misinformation designed to shake public support for them. Our evidence based presentations regularly win converts and also buttress the efforts of those fighting to maintain the progress that has been achieved.

PART 3 TRAINING AND CONTINUING LEGAL EDUCATION

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 legal skills. To accomplish the necessary training for staff, the Office creates and delivers both training and CLE programs for staff. Concerned not merely with the quality of work done by our staff, the Office regularly opens no-cost training and CLE programs to the staff of the Conflict Defender and the Assigned Counsel Program. In 2022 alone, as detailed below, the Office provided 33 Continuing Legal Education programs for staff attorneys and attorneys in the legal community.

Overseeing the creation and presentation of the Office's training and CLE efforts is First Assistant Public Defender Erik Teifke. Invaluable support for training and CLE programs is provided by Executive Secretary Kennedy Flanagan with contributions from other support staff including Digital Media Tech – Christina Tsiamouras.

Basic Litigation Skills Training

One of the core training programs is the Basic Litigation Skills [BLS] program that attorneys must complete early in their tenure at the office. This program is designed to serve as an introduction to many of the core skills our attorneys will use in service of their clients and provides the foundation for subsequent training and education.

In this program, attorneys are trained on skills including: the importance of our client-centered philosophy, client interviewing and relationship building, negotiation, and trial skills. This 8 module program consists of lectures followed by exercises which simulate such experiences as arraignment, motion argument, jury selection, direct examination, cross-examination, opening statements, and closing arguments. The exercises are performed under the guidance of experienced attorneys serving as coaches. The 2022 program would not be successful were it not for the time and effort of the following coaches: First Assistant Public Defender Erik Teifke, Special Assistant Public Defender John Bradley, Special Assistant Public Defender [now Public Defender] Julie Cianca, former Senior Assistant Public Defender Matthew Clark, Special Assistant Public Defender Elizabeth Riley, and Acting Second Assistant Public Defender Joshua Stubbe.

Introduction to Felony Practice

Developed in 2022 by First Assistant Public Defender Erik Teifke, this program is designed for attorneys being introduced to felony cases and is intended to make sure they enter felony case practice with a solid foundation so they are well equipped to offer excellent client services immediately. During this 17-hour program, participants are trained on: felony preliminary hearings, grand jury practice, felony sentencing, the use of expert witnesses, superior court

accusatory instruments, and more.

CLE Programming

In addition to the staff training programs described above, the Office continued its development and presentation of CLE programs to attorneys in the Office, the community, and across the state. In 2022, the Office sponsored 33 programs for the attorneys in the Office, and the private defense bar. Hundreds of attorneys from upstate New York attended the Office's CLE programs. All of the programs were **provided at no cost to the attendees.**

The programs offered in 2022 were:

1. Implementing Less is More- 2.18
2. Reentry for Public Defenders: A Holistic Style of Representation- 2.23
3. Reentry for Public Defenders: A Holistic Style of Representation-2.28
4. BLS Spring 1- Life of a Case – Client Centered Representation –The First Interview– Arraignment- 3.1
5. BLS Spring 2- Negotiation & Suppression Hearings-3.15
6. BLS Spring 3- Defense Theory of the Case & Voir Dire Basics-3.29
7. BLS Spring 4-Voir Dire–Part 2-4.12
8. NVFO Training 1- Welcome to NVFO Practice! An overview of felony assignments, investigations, bail, discovery and the preliminary hearing-4.22
9. BLS Spring 5-Opening Statements & What Every Attorney Should Know About the Beginning Stages of Trial-4.26
10. NVFO Training 2-Welcome to NVFO Practice! An overview of Grand Jury and Superior Court Accusatory Instruments, Felony VOP and Fugitive cases and Tour of the Grand Jury Facilities at the Hall of Justice-4.29
11. NVFO Training 3-Welcome to NVFO Practice! An overview of felony sentencing, protecting our client's appellate rights, the judicial diversion program and expert witnesses-5.6
12. BLS Spring 6-Direct Examination & Common Evidentiary Objections-5.10
13. NYS Sentencing-The Basics-5.20
14. BLS Spring 7-Introduction to Cross-Examination, Impeachment with a Prior Inconsistency, and Molineux and Sandoval-5.24
15. BLS Spring 8-Effective Closing Arguments, Prosecutorial Misconduct & Seeking, Using and Opposing Jury Instructions-6.7
16. Bail and Discovery Update-6.10
17. Client Confidentiality & Social Media-6.16
18. So...Your Client is Accused of Taking the Gun (but not necessarily leaving the cannoli)...What Do you Do Now?-6.22
19. Discovery Update, Police Disciplinary Records, 2022 Rollbacks, and Common C.O.C Defects-9.9
20. BLS Fall 1-Life of a Case–Client Centered Representation–the First Interview–Arraignment-9.26
21. BLS Fall 2-Negotiation & Suppression Hearings-10.3

- 22. Criminal Law Update-10.7
- 23. BLS Fall 3-Defense Theory of the Case, Voir Dire basics, & Jury Selection-10.11
- 24. BLS Fall 4-Voir Dire & Jury Selection-Part 2-10.17
- 25. BLS Fall 5-Opening Statements & What Every Attorney Should Know About the Beginning Stages of Trial-10.24
- 26. Bail in New York-10.31
- 27. BLS Fall 6-Direct Examination & Common Evidentiary Objections 11.7
- 28. BLS Fall 7-Introduction to Cross-Examination, Impeachment with a Prior Inconsistency, and Molineux and Sandoval-11.14
- 29. Immigration Issues in Criminal and Family Court Proceedings-11.17
- 30. BLS Fall 8- Effective Closing Arguments, Prosecutorial Misconduct & Seeking, Using and Opposing Jury Instructions-11.21
- 31. Everything You Need to Know About Bail and Bonds-11.18
- 32. Legal Requirements for Accusatory Instruments in New York-12.9
- 33. Youth Part for Dummies-12.9

Attorneys in the Office are often asked to present at various CLE programs throughout New York State. In 2022, Office attorneys presented at CLEs sponsored by the New York State Defenders Association, the Monroe County Bar Association, Syracuse university College of Law, and the New York State Association of Criminal Defense Lawyers. It is a tribute to the knowledge and skills of staff that they are so highly sought after as speakers.

Because of the work of 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.³

PART 4: OFFICE STAFFING AND CASELOADS

Criminal Trial Courts

The criminal trial courts consist of local courts [town courts and Rochester City Court] and

³ As a result of the numerous high-quality CLE programs presented by the Office over the last several years, the Office was awarded the Monroe County Bar Association's Raymond J. Pauley Award in 2016. The Pauley Award recognizes an attorney or organization that has made "exceptional contributions to the furtherance of legal education."

Superior Courts [County or Supreme Court. The office represents clients in all of these courts.

Local Court Section

In 2022, the supervisory distinction between town and city courts was eliminated and the two groups of courts are now considered the responsibility of our Local Courts Section. This change was made for several reasons including the need to reduce staff stratification and improve supervisor to supervisee ratios.

The Local Court Section is comprised of four Groups [A - D], each supervised by a Special Assistant Public Defender. Groups A, B, and D are comprised of attorneys handling cases in the town courts while Group C is comprised of our attorneys handling cases in Rochester City Court. Currently these three supervisors are: Special Assistants Mike Doran [A], Jean Caputo [B], Karine Haselbauer [C], and Acting Special Assistant Robert Bahr [D].

In 2022, the shift of some cases in Rochester City Court from this office to the Office of the Conflict Defender continued. As the Office of the Conflict Defender is also a longstanding county legal services department comprised of experienced criminal defense practitioners, there has predictably been no decrease in the quality of services on these cases. This shift was prudent for many reasons, not the least of which was the need to meet maximum caseload requirements mandated by the *Hurrell-Harring* lawsuit settlement. The alternative to this shift would have been the creation of an additional twenty attorney positions within the office, abruptly swelling the staff well beyond historical levels. One way or another, to maintain our grant funding and therefore not require substantial additional financial contributions from the County, the office had to reduce the number of cases per attorney by reducing the number of incoming cases as a whole.

The reduction in caseloads has benefitted staff and by extension our clients. Attorneys will fewer clients can devote more time and effort to each case. It appears thus far that these changes have facilitated retention of attorneys who have historically been frustrated by the inability to spend more time on each case.

This shift of some Rochester City Court cases to the Conflict Defender's Office will ultimately result in the Monroe County Public Defender's Office assuming representation for defendants facing charges in City Court who have a conflict in representation with attorneys from the Conflict Defender's Office. For example, if two people charged with the same offense are arraigned, one will be assigned to the Conflict Defender's Office and one will be assigned to the Office.

To ensure that all indigent defendants in Rochester City Court receive excellent services, the Office of the Public Defender continues to offer regular, no-cost trainings to the staff of the Conflict Defender's Office as well as members of the Assigned Counsel Panel.

As of January 2023, the Office has 20 attorneys regularly representing clients in local courts. Additionally, each staff attorney in the Town Court Bureau is required to staff one 12 hour arraignment shift (8:00 a.m. to 8:00 p.m.) each week under the Counsel at First Appearance (CAFA)⁴ Program.

Superior Court Section

In 2022, the supervisory distinction between Non Violent and Violent felony attorneys was eliminated and the two groups of courts are now considered the responsibility of our

⁴ The CAFA program ensures that defendants arraigned at any time throughout the county are represented by counsel at arraignment.

Superior Court Section. The Superior Court section consists of four Superior Court Groups [A – D] comprised of attorneys handling either NVFOs, a mix of NVFOs and VFO [Hybrid], or VFOs. Each group is supervised by a Special Assistant Public Defender: Joshua Stubbe [A], John Bradley [B], Emily Rosmus [C], Elizabeth Riley [D].

In 2022, the Superior Court Section was staffed with the full time equivalent of 30 attorneys, including the 1st Assistant Public Defender, the 2nd Assistant Public Defender, and three Special Assistant Public Defenders. Supervising Special Assistant Public Defender have reduced caseloads due to supervisory responsibilities.

The attorneys in the Section handled felony cases, the most serious charges against the indigent accused. The attorneys appeared in all criminal courts, including: Supreme Court, County Court, City Court and Town/Village Courts.

The attorneys in this Section handled all 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.

The Office provides vertical representation in nearly all felony cases with rare exceptions where a determination is made that a client in an increasingly perilous legal situation would be better served with a more experienced attorney. The best interests of the client will always guide decision making. This Office remains committed to providing vertical representation because it provides the indigent accused the most effective representation possible.

In 2022, the Office was assigned to approximately 3,345 felony cases. Due to the increase

in felony staffing accomplished as the Office restructured its City Court staffing in recent years, felony caseloads for attorneys in the Public Defender's Office approximate the ILS caseload maximums.

Parole Representation Unit

In 2022, the Parole Representation Unit represented 397 clients charged with violating the terms of their parole. These clients often have unique challenges, such as drug addiction issues, and face the possibility of having their parole revoked and returning to prison. Due to the increase in the number of parole violations in Monroe County since 2014,⁵ the Office currently devotes two fulltime attorneys to this unit. In 2022, those attorneys were Special Assistant Jon Griffin and Public Defender Krystian Opalinski. In 2023, the unit will consist of two full time attorneys and continue to be supervised by Special Assistant Public Defender Jon Griffin.

Our attorneys had to master the changes in parole law under the "Less is More" statute. The Office has been instrumental in educating the local criminal defense community on the new law so alleged parole violators receive the intended benefits of the statute.

Family Court Section

The Family Court bureau of the Public Defender's Office represents litigants-mostly adults but some teens as well-who have cases pending in Monroe County Family Court. The attorneys handle every type of family law case in which indigent litigants are statutorily entitled to assigned counsel, including custody/visitation cases, family offense cases (both petitioners and

⁵ In 2014 the Office represented 806 persons charged with violating their parole. In 2019 that had increased to over 1,100. In 2020 the Office represented clients in 638 parole cases, and in 2021 the Office represented clients in 473 cases. It is suspected that a combination of the pandemic and the gradual implementation of "Less is More" have led to the reduced number of cases in the last two years.

respondents), child abuse and neglect cases, termination of parental rights cases, paternity and child support willful violation cases, and other miscellaneous cases. Outside of New York City, the Family Court bureau of the Monroe County PD's office has the busiest family law practice of any upstate institutional provider.

The Family Court bureau experienced exciting changes in 2022. In 2021 the Office was awarded a competitive grant through the NY State Office of Indigent Legal Services to establish an upstate model parental representation unit focused on holistic legal representation of parents accused of neglecting or abusing their children. The interdisciplinary model envisions attorneys, social workers and a parent advocate providing legal and social work services to parents, both during CPS investigations and after cases are filed against parents in Court. The goals are to help parents fix the problems that could, if left unaddressed, result in the removal of their children from their care, and to speed up reunification if children are removed through CPS and/or court intervention. The benefits that we hope to realize through the interdisciplinary practice are substantial: higher quality representation of parents in child neglect and abuse cases, maintaining family integrity for families living in poverty who often have frequent and sometimes devastating contact with the CPS system, and reduction of the costs associated with out-of-home placements of children who are the subjects of CPS investigations and court action.

Upon approval of the grant by the Monroe County Legislature in December 2021, the Family Defense unit of the Family Court bureau was established in January 2022. At year end, the program had 3 of 4 attorney positions filled and 4 social worker positions filled. Particularly with the addition of social workers in the latter part of the year, we are already seeing the benefits of the interdisciplinary model in terms of client advocacy both in and out of Court.

At the outset of 2022, the Family Court bureau had 10 attorney positions and 1 supervising attorney position, not all of which were filled. Like many organizations, we experienced some of the so-called “great resignation” and consequent hiring difficulties. However, at year end the Family Court bureau was almost fully staffed with 10 attorneys in the Family Law unit, 3 attorneys in the Family Defense unit, and 2 supervising attorneys, one of which supervises the Family Defense unit. The bureau as a whole opened approximately 2200 new cases in 2022. With the carryover of cases opened in 2021 that were still pending in 2022, the Family Court bureau represented clients in approximately 3800 cases in Monroe County Family Court.

2023 promises to be another challenging yet exciting year. Caseloads in family offense and custody/visitation matters are expected to rise with implementation of a new court rule expanding financial eligibility for assigned counsel. The Family Defense unit’s representation of clients in CPS investigation matters will be expanding, especially with the new communication protocols being developed between the Public Defender’s Office and Child Protective Services to identify families that would benefit from our representation. Outreach efforts to other community and legal service providers will be established so that the Rochester community is aware of the legal and social work services our office is now able to provide, and so that providers will be able to refer parents involved in CPS investigations to us. There is a plan to establish client referral protocols with local providers having legal or human service expertise (particularly in housing, financial and employment matters) that we are not able to provide. As always, the overarching goal is to provide the best holistic legal representation possible to our clients to help them create healthy, loving and stable homes for their children.

In 2022, the Family Court Section represented 5,175 clients.

Appeals Section

Individuals aggrieved by the final determination of a criminal or family court have the constitutional right to at least one appeal and to the assignment of counsel to represent them on appeal if they cannot afford to hire a counsel for appeal. The Monroe County Public Defender's Office is assigned by the appellate court to handle such appeals of Monroe County judgments. The Public Defender Office's appellate clients include not only individuals it was assigned to represent at the trial level, but also individuals who retained counsel at the trial level but who no longer have the financial means to retain counsel for appeal.

The preparation and argument of appeals are specialties within the fields of criminal and family law. Proper appellate practice requires not only a strong background in the law, but also strong writing skills and the ability to present persuasive oral argument of legal principles before a panel of judges. In preparing an appeal, appellate attorneys must first carefully review the proceedings (by reviewing a transcript of all proceedings, court filed documents, and exhibits) and then must research the law pertaining to any potential argument arising from the proceedings.

The Monroe County Public Defender's appeals bureau handles appeals to the County Court (of misdemeanor convictions); to the Appellate Division, Fourth Department (primarily of felony convictions and of adverse Family Court orders); and to the State's highest Court, the New York Court of Appeals. The appeals bureau also handles other post-conviction matters, such as motions to vacate convictions, motions to vacate sentences, and appeals from the revocation of parole supervision.

As the appeals bureau is a unit within the Public Defender's Office, it serves the

important role of assisting the Office's trial attorneys in their research and analysis of legal issues. This work ensures that the trial attorneys provide the best possible representation for their clients by, for example, making proper motion arguments and requests for jury instructions.

In 2022, the Public Defender's appellate bureau was supervised by Drew Dubrin, and consisted of ten assistant Public Defenders, a paralegal, and an administrative assistant. The Public Defender's Office also contracted with a number of highly experienced private appellate attorneys to handle a portion of its appellate caseload. In addition, the appeals bureau works with attorneys from large law, national law firms who handle public defender appeals pro bono under the appeals bureau's supervision.

The appeals bureau strives to ensure that its clients' appeals are timely heard, for justice delayed is often justice denied. In 2022, the appeals bureau made significant progress in reducing the delay their clients experience. While the appeals bureau was assigned to handle 92 criminal appeals in 2022, it completed work on 155 criminal appeals. In January of 2021, there were 344 appeals that the Public Defender's Office had been assigned to for over one year but had not yet filed. By February of 2022, that number was reduced to 261. And by the end of 2022, that number shrunk to 165.

In 2022, the Public Defender's won relief in approximately 20 appeals, by obtaining dismissal of charges, a new trial, a new hearing, or a reduced sentence.

Investigation Section

Supervised by Chief Investigator Latanya Morse, the Monroe County Public Defender's Office performs case investigations and other associated tasks on behalf of our clients. The Office

regularly conducts our own investigations, not relying solely upon the results of the police investigations as revealed during the discovery process. It is not unusual for our investigators to locate evidence and witnesses that the police did not or could not locate. The investigation results are then provided to the attorney who uses them to the fullest advantage of each client.

The statistics for 2022 are as follows:

INVESTIGATIVE SECTION STATISTICS 2022	CRIMINAL TRIAL SECTION	FAMILY COURT/APPEALS SECTIONS	TOTAL
INVESTIGATION/INTERVIEWS	2058	325	2383
SUBPOENAS	132	144	276
LOCATE/NOTIFY	108	31	139
MISC (Translations, photos, DMV etc.)	321	36	357

In 2022, approximately 3155 criminal and family court investigation requests were handled by our investigative staff. Through their work, our investigative staff makes a strong and clear contribution the Office's ability to successfully resolve cases for our clients either by disposition or trial.

PART 5: THE FUTURE OF THE OFFICE

As we look ahead to 2023, the Office plans to continue to increase and diversify our staff, enhance our attorney training, improve our client services through traditional and innovative means, and enhance our community relationships. The initiatives outlined above will continue, and we will continue looking at how technology may improve Office operations and efficiency. We expect to continue to deliver the excellent results the community has come to expect.

CONCLUSION

The Office of the Public Defender is a very high-functioning and low-maintenance department that was unfortunately thrust into turmoil as a result of the Public Defender selection process during 2022. The Office is deeply appreciative to the Monroe County Legislature, the County Administration, and the community for their support and encouragement during that period. That support, coupled with the dedication of our staff, enabled the Office to continue to deliver traditionally excellent services despite unusually challenging circumstances. We look forward to continuing to serve the citizens of Monroe County in 2023.

Respectfully submitted for
The Public Defender's Office

Julie Cianca
Monroe County Public Defender

CASE INTAKE SUMMARY - 2022

NEW CLIENTS	14,077
FELONY	1883
FELONY [DRUG]	159
FELONY [VFO]	1263
HOMICIDE	40
MISDEMEANOR	4461
VIOLATION [CITY AND TOWN]	854
PROBATION VIOLATION [SUPERIOR]	265
PROBATION VIOLATION [CITY AND TOWN]	184
APPEALS	92
FAMILY COURT	4353
PAROLE	410
FUGITIVE	50
SORA	45
ADVICE	31

TRIAL COURT CASE DISPOSITIONS - 2022

TOTAL cases concluded [dismissal, negotiated settlement, + trial] by MCPD in 2022: 6,033

Cases resolved without a trial: 3,882

- ACD 1,176
- Withdrawn and dismissed 1,023
- Dismissed on motion 266
- Dismissal other 1,417

Cases where a plea was entered to the highest offense charged: 412

- Violation: 17
- Misdemeanor: 275
- Felony: 120

Cases where a plea was entered to less than the highest offense charged: 1,682

- Pleas on felony cases: 509
 - To lesser felony: 86
 - To misdemeanor: 423
- Pleas on misdemeanor cases: 1,173
 - To lesser misdemeanor: 28
 - To violation: 1,145

Cases concluded with a trial: 57

- Felony: 30
- Misdemeanor: 23
- Violation: 4

Trial result:

- Guilty as charged: 13
- Guilty of lesser offense: 2
- Not Guilty: 20
- Trial order of dismissal: 21
- Mistrial: 2

% of cases concluded with a dismissal [ACD, Withdrawn, Dismissed on motion, Dismissal other, TOD, Mistrial]	64.7
% cases with highest charge conviction (Plea to highest charge + GAC after trial)	7
% cases with conviction for any offense [Plea or trial conviction for any crime]	15.9

We are extremely proud of these results; especially given that they were achieved despite what the RASE Commission recently determined to be a "lack of adequate funding for the Public Defender's Office".⁶

6 <https://rocraze.com/files/report-rase.pdf%20>

PUBLIC DEFENDER STAFF

ADMINISTRATION

Public Defender – Julie Cianca
 Confidential Assistant to the Public Defender – Tracey Tronolone
 Project Manager – Michael Molinari
 Executive Secretary – Kennedy Flanagan
 Senior Data Officer – Katheryne Cook
 Confidential Secretary – Lillian Gucciardo
 Secretary to Special Counsel – Jennifer Fish
 Receptionist – Maribel Trott

CRIMINAL COURTS

First Assistant – Erik Teifke
 Acting Second Assistant – Joshua Stubbe
 Special Assistant – John Bradley
 Special Assistant – Michael Doran
 Special Assistant – Elizabeth Riley
 Special Assistant – Jon Griffin
 Special Assistant – Karine Haselbauer
 Special Assistant – Emily Rosmus
 Special Assistant – Jean Caputo
 Acting Special Assistant – Robert Bahr

Assistant Public Defender – Katherine Higgins
 Assistant Public Defender – Campbell Roth
 Assistant Public Defender – Marybeth McCarthy
 Assistant Public Defender – Victoria Bahl
 Assistant Public Defender – Kevin Brach
 Assistant Public Defender – Mark Phillips
 Assistant Public Defender – Tracy Sullivan
 Assistant Public Defender – Krystian Opalinski
 Assistant Public Defender – Courtney Baker
 Assistant Public Defender – James Adam
 Assistant Public Defender – Christopher McClary
 Assistant Public Defender – Adam Zielinski
 Assistant Public Defender – William Weir
 Assistant Public Defender – Marc Infantino
 Assistant Public Defender – Jeremie Mathias
 Assistant Public Defender – Brittney Clark
 Assistant Public Defender – Megan Gokey
 Assistant Public Defender – Michael McNelis
 Assistant Public Defender – Alex Phengsiaroun
 Assistant Public Defender – Jordan Beal
 Assistant Public Defender – Mariefaye Bechrakis

Assistant Public Defender – Justin Reichman
 Assistant Public Defender – Nicholas Piron
 Assistant Public Defender – Latoya Funderburk
 Assistant Public Defender – Haley Werner
 Assistant Public Defender – Manab Goswami
 Assistant Public Defender – Andrew Kij
 Assistant Public Defender – Luke Harned
 Assistant Public Defender – TJ Marletta
 Assistant Public Defender – Rachel Wade
 Assistant Public Defender – Connor Wilson
 Assistant Public Defender – Lindsay Hartley
 Assistant Public Defender – Gabriela Wolfe
 Assistant Public Defender – Griffin Dault
 Assistant Public Defender – Aili Obandja
 Assistant Public Defender – Korica Simon
 Assistant Public Defender – Aaron Friedman
 Assistant Public Defender – Gregory Lebens-Higgins
 Assistant Public Defender – Connor Judd
 Assistant Public Defender – Stephanie Davis
 Legal Secretary – Pamela Loughridge
 Legal Secretary – Ann LaRocca
 Legal Secretary – Lisa Doty

APPEALS

Special Assistant Public Defender – Drew Dubrin
 Senior Assistant Public Defender – Janet Somes
 Senior Assistant Public Defender – David Juergens
 Senior Assistant Public Defender – Timothy Davis
 Assistant Public Defender – Jane Yoon
 Assistant Public Defender – Guy Talia
 Assistant Public Defender – James Hobbs
 Assistant Public Defender – Shirley Gorman
 Assistant Public Defender – Jonathan Garvin
 Assistant Public Defender – Tonya Plank
 Assistant Public Defender – Clea Weiss
 Special Urban Investigative Assistant – Coleen Enright
 Administrative Assistant – Shamika McKnight

FAMILY COURT

Special Assistant Public Defender – Adele Fine
 Special Assistant Public Defender (Family Defense Unit) – Robert Turner
 Asst. Pub. Def. – Seana L. Sartori
 Asst. Pub. Def. – Brian J. Wirley
 Asst. Pub. Def. – Christine F. Redfield

Asst. Pub. Def. – Darcie L. Bahr
 Asst. Pub. Def. – Erin K. Barry
 Asst. Pub. Def. – Lisa M. Bruce
 Asst. Pub. Def. – Erin K. Erturk
 Asst. Pub. Def. – Colton J. Kells
 Asst. Pub. Def. – Louis E. King, Jr.
 Asst. Pub. Def. – William H. King, Jr.
 Asst. Pub. Def. – Darius K. Lind
 Asst. Pub. Def. – Kerandeep A. Mattu
 Asst. Pub. Def. – Laina Arras
 Legal Secretary - Samantha Rodriguez
 Spec. Urban Inv. – Ariella Hutton
 Invest. Asst. – Katie Rimes
 Invest. Asst. – Matthew Scrivens
 Invest. Asst. (Family Defense unit) – vacant
 Parent advocate (Family Defense unit) - vacant
 Senior caseworker – Toneisha Anderson
 Senior caseworker – Lisa Freeman
 Senior caseworker – Bernadette Piccininni
 Senior caseworker – Savannah Spencer

INVESTIGATIONS

Chief Investigator	Latanya Morse
Senior Spec Urban Inv.	Maria Camacho
Spec Urban Inv. Bilingual	Greg Pagan
Spec Urban Inv.	Laurie Zimmer
Spec Urban Inv.	Lisa Dowda
Spec Urban Inv.	Jonan Barut
Spec Urban Inv.	Thomas Kosinski
Spec Urban Inv.	Lauren Del Vecchio
Spec Urban Inv.	Nyesha McKinney

SOCIAL WORK

Chief Mitigation Specialist – Christina Sciortino
 Mitigation Specialist – Andre Fontenette
 Mitigation Specialist – Wayman Harris
 Mitigation Specialist – Shunmia Waters

 Senior Caseworker – Kayla McCrickard
 Caseworker – Zachary Jenkins
 Caseworker – Jalen McGill
 Caseworker – Nadia Abdallah
 Caseworker - Erin Freeman

DIGITAL MEDIA TECH

Digital Media Tech – Christina Tsiamouras

TRIAL ASSISTANTS

Trial Assistant - Pamela Flemming

Trial Assistant - Ruth Seabolt

OFFICE CLERKS

Office Clerk – Zelda Reed

Office Clerk – Eduardo Abud-Sturbaum

Office Clerk – Amy Cason

PARALEGALS

Special Urban Investigator – Dan Behrndt

Investigative Assistant – Jamaris Vargas

Investigative Assistant – Tamra Hagan

Investigative Assistant – Bria Smith

Investigative Assistant – Coren McLaughlin

Investigative Assistant – Natasha Iannitti

Investigative Assistant – Sharon Warner



Monroe County Legislature

YVERSHA M. ROMAN

President

January 8, 2024

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

OFFICIAL FILE COPY	
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Committee Assignment	
PUBLIC SAFETY -L	

Subject: Re-appointment of Julie A. Cianca as Public Defender

Honorable Legislators:

I, Yversha Roman, President of the Monroe County Legislature, do hereby submit to this Honorable Body for your confirmation, the reappointment of Julie A. Cianca as Public Defender, pursuant to Section C7-5 of the Monroe County Charter.

Ms. Cianca resides at 78 Seascape Drive, Rochester, New York 14612. Attached is the Office of the Public Defender 2022 Annual Report and a copy of Ms. Cianca's resume.

The specific legislative action required is to appoint Ms. Cianca as Public Defender, for a two-year term, effective January 1, 2024 and expiring December 31, 2025.

This resolution will have no fiscal impact on Monroe County's Budget.

Sincerely,

Yversha Román
President

By Legislator Roman

Intro. No.

RESOLUTION NO. _____ OF 2024

REAPPOINTMENT OF JULIE A. CIANCA AS PUBLIC DEFENDER

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

Section 1. In accordance with the provisions of Section C7-5 of the Monroe County Charter, Julie A. Cianca is hereby reappointed as Public Defender, for a two-year term, effective January 1, 2024 and expiring December 31, 2025.

Section 2. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Matter of Urgency
File No. 24-_____

ADOPTION: Date: _____ Vote: _____



OFFICE OF THE PUBLIC DEFENDER

ANNUAL REPORT

2022

INTRODUCTION

This report serves as an overview of the work done by the Monroe County Public Defender's Office ("the Office") office during 2022. The report is divided into five sections:

1. Recruitment, retention, and diversification of staff.
2. Continued improvement of the quality of the legal representation provided to our clients.
3. Staff training and continuing legal education.
4. Staffing and caseloads.
5. Plans for the future.

Creation of Office and its Jurisdiction

As described in the 2020 Annual Report authored by former Public Defender Timothy Donaher, the following is a brief history of the history and structure of the Office of the Monroe County Public Defender:

"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 760,000 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
- G. Court of Appeals
- H. 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 indigent who are accused of a crime, or who are entitled to representation in family court, an exceptional level of legal representation which exceeds 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.

Assistant public defenders are assigned to work in the Local Court, Superior Court, Family Court, or the Appeals Sections and each takes great pride in the quality of the work they provide to our clients. Their dedication and talent ensures that the rights of our clients are protected, and their dignity respected, in a way that promotes true justice in our community.

A challenging 2022

2022 was an unusual and challenging year in the history of the Office. Having declined to seek reappointment at the end of 2021, Tim Donaher left the position after leading the office since 2008. Jill Paperno then briefly served as the Acting Public Defender before Erik Teifke assumed that position for the bulk of 2022. Then, after a protracted selection process, Julie Cianca was sworn in as Public Defender at the end of the year.

PART 1: RECRUITMENT, RETENTION, AND DIVERSIFICATION OF STAFF

The Office continues to value a diverse, equitable, and inclusive work environment. We believe that diversity of all varieties: racial, gender, ability, sexual orientation, age, etc. improves staff experiences and that a staff that feels comfortable and valued is more likely to contribute to positive case outcomes for our clients. We therefore strive to maintain an engaged and dedicated staff by continuing to develop an office culture that is ever mindful of the challenges presented by our work, and seeks to provide deliberate, thoughtful and intentional support to all who serve our common cause.

RECRUITMENT

We recognize the value of recruiting and retaining staff, especially staff that increase the

diversity of the office. To these ends, we have more aggressively and proactively pursued candidates for staff positions than in prior years.

Hiring committee

While we have had a hiring committee for many years, we have recently increased their membership and resources because we are forced to compete with other employers across the country who have at long last recognized the value of a diverse workplace. While this realization is gratifying, it does provide for a very competitive environment and one where our office is forced to compete despite limited resources. We are simply not in a position to outbid most other employers and therefore have had to use creativity, diligence, and passion as we seek out qualified candidates.

The Hiring Committee consists of Acting Second Assistant Public Defender Joshua Stubbe and Assistant Public Defenders Victoria Bahl, Krystian Opalinski, Jane Yoon, and Tracy Sullivan, as well as Chief Investigator Latanya Morse. The following are some of the efforts we have undertaken by our hiring committee in pursuit of staff, especially staff that offer diversity.

- New York University School of Law - Public Interest Job Fair 2022, 2023 (registered)
 - Virtual appearance (only method offered)
 - 2022 job fair program produced 12 interviews with 4 people accepting positions in our September 2022 class of law grads.
- Cornell Law School
 - Work with OADI (Office of Academic Diversity Initiatives)
 - Spoke in 2021 with OADI Students about PD work at MCPD
 - Spoke/lectured in 2022 with OADI students about accusatory instruments and challenges to them, as well as the discovery reforms.
 - Working with OADI to have their students in the Cornell Pro-Bono Scholars Program work at our office during their Spring 2024 semester.
- University of Buffalo School of Law - Public Defender Career Fair
 - Virtual appearance (only method offered)

- Produced 4 applicants who interviewed, 1 accepted for September 2023.
- University of Buffalo School of Law - Career Fair
 - Registered for 2023, in person
- University of Buffalo School of Law On - Campus Interviews
 - Registered for 2023 date, in person
- Albany Law School - Career Fair
 - Registered for February 2023 as virtual option, but are hoping to change to in-person depending on dates/availability
- Albany Law School - On Campus Interviews
 - Registered for 2023, dates not yet confirmed
- Syracuse University College of Law - On Campus Interviews
 - Registered for in-person dates.
- Job Postings with:
 - Greater Rochester Association for Women Attorneys [GRAWA]
 - Western New York Minority Bar Association
 - Women's Bar Association of the State of New York
 - Chief Defender's Association of New York [CDANY]
 - New York State Association of Criminal Defense Lawyers [NYSACDL]
 - New York State Defender's Association
 - Shift Diff (local, black owned, job board)
- Coordination with several other downstate law schools to attend their On-Campus Interview Sessions or participate in job fairs at their schools.

Internship program

Led by Assistant Public Defenders Victoria Bahl and William Weir, the Office has an increasingly robust internship program that offers high school, college, and law school students exposure to not only our office, but the field of indigent criminal defense as well as the criminal justice system. Interns can become involved in a wide array of assignments depending upon their education and experience levels. We strive to make their experience revealing and rewarding by exposing them to many aspects of our work including: client interviews, court appearances, trial preparation, discovery review, jail visits with incarcerated clients, case investigations, and more. Interns accompanied attorneys as they have tried cases to juries, spending many hours both in and out of court serving our clients during these most critical junctures.

Our internship program statistics for 2022 are as follows:

Total interns: 29

Gender: 16 female, 13 male, 1 non-binary

Law School students: 12

Race: 4 identified as Black, Asian, or Hispanic.

Undergraduate students: 17

It is our hope that by exposing interns to these experiences and inspiring them with the importance of our work, that this program will continue to serve as a pipeline that produces attorney candidates in the future. In just this past year, this program had produced two additions to our attorney staff and one addition to our support staff and we anticipate more to come. Several undergraduate interns have applied to law schools, presumably inspired by their experience with the Office. The intern experiences the Office now offers have prompted the following testimonials from participants:

- “You made me passionate about public defense, and I’m looking forward to a future career as a public defender.”
- “Thank you for taking me under your wing. I learned so much and know being a public defender is for me.”
- “I saw a version of myself that was fearless and confident in a courtroom. Talking with you and watching you in the courtroom, among so many other things, was a huge part in my decision to go to law school after graduation. You have truly inspired me and I could never thank you enough.”
- “Because of this experience, the office, and especially you, I feel I have finally found what I’m meant to do and have direction in my life.”

The expectation is that this program and the investment we make in our student-interns will serve as a pipeline for staff recruitment going forward and serve as a vital supplement to our other recruitment efforts.

Unadmitted attorney positions

The need to increase staff prompted the Office to become more flexible and creative in our hiring practices in 2022. In the past, the Office would only hire offer attorney positions to

those who had passed the bar examination and been admitted to the bar. In 2022, for the first time, the Office hired several law school graduates in September who had taken the bar examination in July but not yet received their results. While only permitted to represent clients on certain offenses and under immediate supervision, this “class” of unadmitted attorneys was exposed to the work gradually over several months as they: attended attorney trainers, observed court appearances, attended client and witness interviews, performed legal research, accompanied attorneys during jail visits, hearings, and trial. Historically, new attorneys would start representing clients immediately and then receive training while doing so, this new arrangement also allows the Office to train them for several months before they are admitted and assume responsibility for their own caseload. This has proven to be a tremendous benefit to our unadmitted attorneys whose introduction to the work has been very gradual unlike that of their predecessors.

This program also allows the Office to better compete with other employers that will not extend employment offers until an attorney is admitted to the bar. The Office expects to accept a class of unadmitted attorneys each September and is already building the 2023 class.

RETENTION

Given the staff retention challenges facing all employers both within and without the legal profession, the Office has increasingly focused on not only attracting but also retaining our staff. We recognize that staff turnover is inevitable, especially in an office as large as ours, and that there are forces at work we cannot control: improved career mobility, shifting perspectives on the work-life balance, changing economic conditions, etc. We are however, mindful that it is very much in the interest of our staff, and by extension, our clients, that we retain employees that we

have invested in. Especially given our increasingly robust training efforts, the loss of a staff member early in their tenure could be viewed as a net loss of resources as we may never have experienced a return on that intense and time-consuming early investment. And while nearly every new staff member lacks experience at first, they become increasingly valuable to the office and their clients as they gain experience. We therefore have placed significant emphasis on improving the experiences of our staff and maintaining office morale given the relationship between these factors and staff retention.

Among the measures undertaken in 2022 to address retention are the following:

- **A supervisory restructure of the Criminal Trial Courts section.** This largest section in the Office had previously been divided into sections based exclusively upon the varieties of cases to which an attorney was assigned: Town Court, City Court, Non-Violent Felonies [NVFOs], Violent Felonies [VFOs]. This resulted in attorneys interacting almost exclusively with their immediate peers instead of those with different experience levels. It also resulted in attorneys occasionally being unable to handle different and more serious cases as they waited for someone more experienced to leave the office so they could advance into a “higher” section. This would result in career stagnation and contributed to some attorneys exploring other career options. Attorneys handling felony cases are now assigned to one of four Superior Court Groups [A – D] comprised of attorneys handling either non-violent felony cases [NVFOs], violent felony cases [VFOs], or a mix of NVFOs and VFOs [Hybrid]. Attorneys handling non-felony [misdemeanor and violation] cases are assigned to one of four Local Court Practice Groups [A – D].

Each Group is supervised by either the Second Assistant or a Special Assistant. Each Group

Supervisor is responsible to both the First Assistant and the Public Defender.

- **Hybrid caseloads.** To keep attorneys engaged, accelerate their development, and keep them from becoming overwhelmed, we now offer caseloads with a mix of different level offenses. These “Hybrid” positions not only offer Superior Court attorneys a more gradual transition from NVFO to VFO cases but also allow them to handle VFO cases earlier in their careers. Likewise, our Local Court attorneys are offered the opportunity to handle felony cases earlier in their careers than in the past. These attorneys are provided with significant oversight of their supervisors on their felony cases. This potential for early exposure to felony cases has been an asset to the both our recruitment and retention efforts.
- **Career start in Rochester City Court.** Attorneys new to the office now begin their careers representing clients in Rochester City Court [RCC] instead of the town courts. This shift offers several advantages: early exposure to a more diverse client population, earlier familiarity with a wider range of offenses, increased opportunities to litigate search and seizure issues, exposure to more experienced prosecutors and judges that are all attorneys, etc. Another advantage to this arrangement is the proximity of the office to Rochester City Court in that the supervisor of our RCC attorneys is a mere block away and can far more easily observe, supervise, and respond to any urgent matters.
- **Enhanced supervision and support.** The supervisor to supervisee ratio has been increased, providing attorneys with more support and oversight. The Groups meet regularly and discuss cases, legal issues, and other developments. Supervisors are expected to review attorney written work product and observe them in court. Supervisors

are evaluated on how well they supervise their Groups.

- **Work From Home [WFH] policy.** Implemented in 2022, this policy was a significant departure from the past where staff was expected to perform work hours either in the office or in the field [court, jail, off-site meetings, investigations, etc.]. The policy allows for each employee, attorney and support staff, to work from home for 16 hours per pay period. This policy has ameliorated the stress of staff with various conflicting responsibilities including child care and has noticeably enhanced morale.
- **Second Chair program.** Jury trials have decreased markedly and steadily across the country for decades and Monroe county is no exception. While the vast majority of cases are resolved with dismissals or negotiated agreements, the right to a jury trial is a powerful protection, so it is critical our attorneys are ready, willing and able to try a case with skill, passion and confidence. To do our part to ensure our entire staff remains well-equipped to represent our clients at jury trials, we continue to seek feedback and encourage communication to expand our training and supervision programs. We have also instituted a program where we pair attorneys for as many jury trials as possible. This has the dual benefit of exposing more attorneys to jury trials and of providing many of our clients with a team of attorneys for their trial. We also frequently devote support staff to trials for these same reasons.
- **Continuing and Continuing Legal Education.** Having earned status as an accredited Continuing Legal Education [CLE] provider several years ago, the Office continues to offer our staff regular, no-cost CLE opportunities. We not only create and deliver these programs but we also generate the certificates of completion for those that attend. This

makes our office more attractive to both prospective and current staff and contributes to our retention efforts. Office training and CLE efforts will be discussed more fully below.

- **Office Committees.** As office morale is vital to staff retention, we have several committees designed to foster inclusiveness and comradery. These include but are not limited to our Welcoming, Community Outreach, and Recreation Committees and are designed to build and maintain staff morale by enhancing the workplace experiences of the staff and the inclusivity of our work environment.

DIVERSIFICATION

While the Office is mindful of the value of many varieties of diversity and features a staff that is majority female, a special emphasis has been placed on increasing racial diversity in the Office. The Office serves the residents of Monroe County, the population of which is approximately 15% Black or African American.¹ By the end of 2022 the Office achieved the highest level of racial diversity in its history.

<u>Attorney staff</u>	<u>Overall staff</u>	<u>Management</u>
8% Black	13 % Black	13% Black
12% Persons of Color	22% Persons of Color	57% Women

Achieving an attorney staff that is 8% Black is especially gratifying given that only 5% of all attorneys in the United States are Black. The Office is therefore currently more racially diverse than the attorney population of the Country as a whole. This is especially noteworthy given the encouraging trend of increasing competition among employers for Black attorneys at present.

¹ <https://www.newyork-demographics.com/monroe-county-demographics>

DEI Working Group

While proud of our efforts thus far, the Office continues to build upon our 2022 progress in diversification of our staff. To that end, and in addition to the Office's efforts to recruitment and retention efforts, a working group was established in 2022 to create the first titled Diversity, Equity, and Inclusion Officer position in the history of the Office. This working group consists of Project Manager Mike Molinari, Chief Investigator Latanya Morse, Special Assistant Robert Turner, and then Acting Public Defender and First Assistant Erik Teifke.

While in the past an assistant public defender was tasked with the Office's DEI efforts, there had never been a person in an official, titled role until the working group secured approval from the Monroe County Civil Service Commission to create the position of Public Defender DEI Coordinator in 2022. The Office is now one of only two county departments with such a staff position, demonstrating our commitment to fostering a diverse, equitable, and inclusive work place.

The Office is thankful for the guidance of former Monroe County Chief Diversity Officer Dr. Deanna Kimbrel and Equal Employment Opportunity Manager Cheryl Hayward during this process. The position of Public Defender Diversity Coordinator was listed in December of 2022 and we anticipate filling the position early in 2023.

Diversity Action Plan [DAP]

The DEI Working Group is currently developing a Diversity Action Plan in consultation with Equal Employment Opportunity Manager Cheryl Hayward.

Management DEI training

In addition, the Office in 2022 offered management staff the opportunity to earn a

certification in Diversity, Equity, and Inclusion through a program offered by Cornell University. As a result of this initiative, 25% of the management staff has now earned this valuable DEI credential. Involvement in educational opportunities is one way management shows a commitment to a culture of sensitivity to the experiences of all members of the staff and is dedicated to the pursuit and enhancement of diversity, equity and inclusiveness of our work environment. It is the hope that the management interest in personal growth will encourage and inspire all staff and consequently, create a more attractive and welcoming office for all our prospective and current colleagues.

PART 2: CONTINUED IMPROVEMENT OF CLIENT SERVICES

HOLISTIC REPRESENTATION

In 2022, the Office further embraced a holistic model of representation which recognizes that our clients are best served by our applying a multidisciplinary approach to their defense. Our clients come to us having amassed various experiences and facing an array of challenges. While ensuring they are assigned a lawyer with excellent legal skills is vital, we endeavor to address our clients circumstances in the most comprehensive manner possible given our resources. In the past, our attorneys would bring their legal skills to bear and frequently secure favorable legal results for clients only for them to emerge from their experience with the criminal justice system no better off than before their arrest. It was an unfortunate feature of this work that we could not address the circumstances of our clients in a more comprehensive and lasting way. Attorneys would have successes only to see the same client arrested and prosecuted once again weeks later. It was dispiriting for our staff and devastating to our clients. But given our

mandate and our limited resources, we simply were not able to do much more than provide legal services within the context of an individual case.

Recently however, with the additional resources and support from New York State through the office of Indigent Legal Services, we are able to broaden the services we can provide to our clients and thereby help them emerge from the process better equipped to succeed and remain arrest-free- thereby reducing the recidivism that plagues sectors of our community.²

Monroe County Model Parental Representation Bureau Grant

In support of our model of holistic and innovative representation, in July, 2021 the Office was awarded a three (3) year grant from the Office of Indigent Legal Services (ILS) for \$2,610,417 to create the Family Defense Bureau to represent parents in child welfare proceedings using a client-centered and interdisciplinary representation model. This competitive grant, titled the “Monroe County Model Representation Bureau” grant, was approved by the Monroe County Legislature through Resolution 512 of 2021 on December 14, 2021. As only the second such program outside New York City, this grant will enable the Office to engage in innovative, preventative and impactful services to clients that will promote family preservation and reduce

² In 2019 Monroe County received a \$38,233,512 five-year grant to improve indigent defense. This funding was provided pursuant to New York State legislation passed in 2017 requiring the Office of Indigent Legal Services to assess each county's indigent, criminal legal services needs in three areas: (1) caseload reduction to comply with new caseload caps; (2) providing counsel at first appearance; and (3) improving the quality of indigent defense. This legislation was the result of a class action settlement colloquially known as “Hurrell-Harring”. Statewide it is anticipated that the cost of these improvements will be approximately \$250 million by 2023. Each year since the 2018-2019 NYS fiscal year, it is anticipated that the New York State Legislature will appropriate increasing funds to reimburse the counties for these expenses. \$50 million was appropriated in FY 2018-2019, \$100 million was appropriated in NYS FY 2019-2020; and \$150 million was appropriated in NYS FY 2020-2021. It is anticipated that \$200 million will be appropriated in NYS FY 2021-2022, and \$250 million in NYS FY 2022-2023. Over the five-year period, it is anticipated that Monroe County will receive \$2,548,900 in FY 2018-2019; \$5,097,801 in FY 2019-2020; \$7,646,702 in FY 2020-2021; \$10,195,603 in FY 2021-2022; and \$12,744,504 in FY 2022-2023. This funding will be allocated to the Public Defender's Office, the Mon. Co. Conflict Defender's Office, and the Monroe County Assigned Counsel Panel to improve indigent criminal defense. The Legislature accepted this grant on August 13, 2019.

racial disproportionality in the child welfare system.

As the grant notes, "Using a holistic approach, Bureau staff (four attorneys, four social workers, one parent advocate, and one paralegal) will assess the legal, financial, and social determinants of health needs of each client and their family members, including the needs of the subject children, to develop a strategy that will maximize the likelihood the client's children are not removed, or if removal cannot be avoided, that the children are reunified with the parent at the earliest possible time. Following the Cornerstone Advocacy model of the Center for Family Representation (CFR), each client will be assisted by a staff attorney, social worker and as needed, a parent advocate who will work together to assess the client's needs and develop a plan to achieve the client's goal to maintain the integrity of his or her family, and to ensure safety and stability for the children for the long term. The attorneys, social workers, and parent advocate will be part of a collaborative team representing each client."

The supervising attorney in charge of the unit is Special Assistant Public Defender Robert Turner.

Social Work Bureau

Supervised by Christina Sciortino and Kayla McCrickard, and comprised of Case Managers [Social Workers] and Sentencing Advocates [Mitigation Specialists], this bureau allows the Office to offer more comprehensive support both during and occasionally after the conclusion of their cases.

Case Managers

On select cases, an attorney can now initiate a referral for the assistance of a social worker resulting in a partnership designed to reduce the problems and obstacles faced by clients, both

to attain better results and to improve the likelihood of success during and after the resolution of cases. The case management arm of the Social Work Bureau provides a myriad of services to clients and their families to assist with needs to promote positive resolutions in cases, and also to support healthy living and life management services to prevent recidivism and lift current and former clients out of unfortunate circumstances in any way possible.

The Model Parental Representation Bureau grant also provides for caseworkers as well as a parent advocate, an individual who has experienced the Family Court system as a party within the system, who can understand, empathize, and guide clients through the system.

This bureau provides services including but not limited to: providing resources and referrals (housing, food, clothing, community care management, bus passes, cell phone applications, government benefit application help), linking clients to services (mental health/Substance abuse evaluations, community service resources, medical services, animal welfare services), offerings supportive services (accompaniment to court/appointments, reminder calls, obtain treatment updates to provide to court), record collection/gathering letters of support, etc.

In 2022, staff made 363 casework referrals on behalf of clients.

Sentencing Advocates

The Mitigation and Sentencing Advocacy Bureau at the Monroe County Public Defender's Office is dedicated to improving outcomes for indigent individuals in criminal court proceedings. The staff of this bureau collaborates with attorneys, court involved teens and adults, their families, and various treatment and community providers, to develop holistic and humanizing narratives in hopes of improving long-term outcomes for our clients.

The work of sentencing advocates is described on the website of the National Alliance of Sentencing Advocates and Mitigation Specialists as follows:

Sentencing advocates explore the histories of criminal defendants to create individualized sentencing plans. Their proposals often focus on substance abuse and mental health treatment, victim restitution, community supervision, avoidance of future misconduct, and appropriate and constructive consequences. This approach allows courts to sentence people to community-based programs that address their needs, while reserving expensive prison and jail space only for those who threaten the safety of the community. <https://www.nlada.org/NASAMS>

This bureau provides services for homicide cases; VFO gun cases; VFO cases to include clients facing mandatory persistent sentencing; Felony cases after trial where sentencing is up to the court; Parole and felony probation violation cases; Misdemeanor cases with compelling circumstances. These services include: Record collection and discovery review, comprehensive psychosocial history collection completed via 1:1 interview(s), completion of either comprehensive or abridged mitigation reports, support during litigation, and the referral to the case management program if client is in need of identified services.

In 2022, the staff expanded to staff made a 103 referrals to the Sentencing Advocacy unit, resulting in a record-high number of clients receiving an extra layer of often outcome altering advocacy.

Trial Assistants

While sentencing advocates focus on the result of a plea or trial, trial assistants help in the preparation of a case for hearings and trials. In 2022, the Office filled both Trial Assistant positions. Trial assistants worked with attorneys in gathering information to assist in plea negotiations, hearings, and trials. They assisted with FOIL requests, subpoena preparation, and document review. They helped to transcribe communication obtained on body-worn camera

and interrogation videos. Their work freed up attorney time that had previously been spent on these tasks, so that attorneys could spend more time on attorney/client communications, negotiations, research, writing and hearing and trial preparation.

Next Court Date Reminder Program

In order to assist clients in their obligation to attend court proceedings, the Public Defender's Office implemented a "Next Court Date Reminder Program" in late 2019. Clients are typically issued reminders 7 days, 3 days, and 1 day prior to court appearances and also upon attorney request. In 2022, as a result of this program, a total of 42,963 court date reminders were sent to our 3,613 Rochester City Court and 4,729 Town and Village Court clients.

Failure to Appear Program

Unfortunately, clients do not always make their court appearances. Despite a common belief that this occurs intentionally as the result of a desire to avoid prosecution, the reality is that clients miss court for a variety of reasons unrelated to an intent to avoid prosecution including: lack of transportation (there are courts in Monroe County that are not on a bus line), conflicting work, school, and child care obligations.

Recognizing the reality that people do, at times, struggle to get to court, and miss court for reasons other than intentional disregard for courts' schedules, the New York State Legislature passed legislation (effective January 1, 2020) that required courts to wait 48 hours before issuing a "bench warrant" to allow the defendant time to appear. In 2022, for the third year, the Office issued text notices and letters to clients who failed to appear for court in an effort to have them added back onto the dockets, reduce incarceration on bench warrants, and their lives were not disrupted with warrants.

Counsel at First Appearance [CAFA] program

The arraignment is the first court appearance in a criminal case and one where impactful decisions are made including the custody status of the accused. In 2022, the Office continued to provide 24/7 representation at arraignment in all courts in Monroe County appearing at the arraignments of 4,729 clients. Regardless of the charge, the court, or time of day or night, a Monroe County Public Defender will be present to represent the accused. The involvement of our attorneys at arraignment often results in the dismissal of charges and the release of our clients.

Domestic Violence Survivors Justice Act [DVSJA]

Enacted in 2019, the Domestic Violence Survivors Justice Act [DVSJA] empowers sentencing courts to resentence domestic violence survivors who suffered sexual, psychological or physical abuse that contributed to their conviction if certain specific criteria are met. In 2022, the Office created a unit to enable us to provide excellent representation on these cases.

In 2022, the unit, supervised by Special Assistant Public Defender Jon Griffin and with the invaluable support of intern Courtney Ashraf, represented 29 clients on DVSJA applications.

Public Education

The Office recognizes the relationship between a well-informed community and the fate of those ensnared in the criminal justice system. We as well as anyone understand the critical importance of the recent and long overdue improvements to the bail, discovery, parole, marijuana, and driver's license suspension laws. We see the day to day positive impact that these reforms have had on the lives of countless clients and their families, many of whom are indigent persons of color.

The ensuing criticisms of these reforms and the misinformation and fearmongering about them threatens to retard the progress we have witnessed. Our response has been several-fold. We have spent tremendous time and effort educating and training attorneys in our office, our community, and around the state about the changes in these laws to ensure that their clients receive the intended protections offered by these reforms. We dispatch staff to community events, frequently at the invitation of a legislator, community member, or pastor to offer support for these reforms and to counter misinformation designed to shake public support for them. Our evidence based presentations regularly win converts and also buttress the efforts of those fighting to maintain the progress that has been achieved.

PART 3 TRAINING AND CONTINUING LEGAL EDUCATION

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 legal skills. To accomplish the necessary training for staff, the Office creates and delivers both training and CLE programs for staff. Concerned not merely with the quality of work done by our staff, the Office regularly opens no-cost training and CLE programs to the staff of the Conflict Defender and the Assigned Counsel Program. In 2022 alone, as detailed below, the Office provided 33 Continuing Legal Education programs for staff attorneys and attorneys in the legal community.

Overseeing the creation and presentation of the Office's training and CLE efforts is First Assistant Public Defender Erik Teifke. Invaluable support for training and CLE programs is provided by Executive Secretary Kennedy Flanagan with contributions from other support staff including Digital Media Tech – Christina Tsiamouras.

Basic Litigation Skills Training

One of the core training programs is the Basic Litigation Skills [BLS] program that attorneys must complete early in their tenure at the office. This program is designed to serve as an introduction to many of the core skills our attorneys will use in service of their clients and provides the foundation for subsequent training and education.

In this program, attorneys are trained on skills including: the importance of our client-centered philosophy, client interviewing and relationship building, negotiation, and trial skills. This 8 module program consists of lectures followed by exercises which simulate such experiences as arraignment, motion argument, jury selection, direct examination, cross-examination, opening statements, and closing arguments. The exercises are performed under the guidance of experienced attorneys serving as coaches. The 2022 program would not be successful were it not for the time and effort of the following coaches: First Assistant Public Defender Erik Teifke, Special Assistant Public Defender John Bradley, Special Assistant Public Defender [now Public Defender] Julie Cianca, former Senior Assistant Public Defender Matthew Clark, Special Assistant Public Defender Elizabeth Riley, and Acting Second Assistant Public Defender Joshua Stubbe.

Introduction to Felony Practice

Developed in 2022 by First Assistant Public Defender Erik Teifke, this program is designed for attorneys being introduced to felony cases and is intended to make sure they enter felony case practice with a solid foundation so they are well equipped to offer excellent client services immediately. During this 17-hour program, participants are trained on: felony preliminary hearings, grand jury practice, felony sentencing, the use of expert witnesses, superior court

accusatory instruments, and more.

CLE Programming

In addition to the staff training programs described above, the Office continued its development and presentation of CLE programs to attorneys in the Office, the community, and across the state. In 2022, the Office sponsored 33 programs for the attorneys in the Office, and the private defense bar. Hundreds of attorneys from upstate New York attended the Office's CLE programs. All of the programs were **provided at no cost to the attendees**.

The programs offered in 2022 were:

1. Implementing Less is More- 2.18
2. Reentry for Public Defenders: A Holistic Style of Representation- 2.23
3. Reentry for Public Defenders: A Holistic Style of Representation-2.28
4. BLS Spring 1- Life of a Case – Client Centered Representation –The First Interview– Arraignment- 3.1
5. BLS Spring 2- Negotiation & Suppression Hearings-3.15
6. BLS Spring 3- Defense Theory of the Case & Voir Dire Basics-3.29
7. BLS Spring 4-Voir Dire–Part 2-4.12
8. NVFO Training 1- Welcome to NVFO Practice! An overview of felony assignments, investigations, bail, discovery and the preliminary hearing-4.22
9. BLS Spring 5-Opening Statements & What Every Attorney Should Know About the Beginning Stages of Trial-4.26
10. NVFO Training 2-Welcome to NVFO Practice! An overview of Grand Jury and Superior Court Accusatory Instruments, Felony VOP and Fugitive cases and Tour of the Grand Jury Facilities at the Hall of Justice-4.29
11. NVFO Training 3-Welcome to NVFO Practice! An overview of felony sentencing, protecting our client's appellate rights, the judicial diversion program and expert witnesses-5.6
12. BLS Spring 6-Direct Examination & Common Evidentiary Objections-5.10
13. NYS Sentencing-The Basics-5.20
14. BLS Spring 7-Introduction to Cross-Examination, Impeachment with a Prior Inconsistency, and Molineux and Sandoval-5.24
15. BLS Spring 8-Effective Closing Arguments, Prosecutorial Misconduct & Seeking, Using and Opposing Jury Instructions-6.7
16. Bail and Discovery Update-6.10
17. Client Confidentiality & Social Media-6.16
18. So...Your Client is Accused of Taking the Gun (but not necessarily leaving the cannoli)...What Do you Do Now?-6.22
19. Discovery Update, Police Disciplinary Records, 2022 Rollbacks, and Common C.O.C Defects-9.9
20. BLS Fall 1-Life of a Case–Client Centered Representation–the First Interview–Arraignment-9.26
21. BLS Fall 2-Negotiation & Suppression Hearings-10.3

22. Criminal Law Update-10.7
23. BLS Fall 3-Defense Theory of the Case, Voir Dire basics, & Jury Selection-10.11
24. BLS Fall 4-Voir Dire & Jury Selection–Part 2-10.17
25. BLS Fall 5-Opening Statements & What Every Attorney Should Know About the Beginning Stages of Trial-10.24
26. Bail in New York-10.31
27. BLS Fall 6-Direct Examination & Common Evidentiary Objections-11.7
28. BLS Fall 7-Introduction to Cross-Examination, Impeachment with a Prior Inconsistency, and Molineux and Sandoval-11.14
29. Immigration Issues in Criminal and Family Court Proceedings-11.17
30. BLS Fall 8- Effective Closing Arguments, Prosecutorial Misconduct & Seeking, Using and Opposing Jury Instructions-11.21
31. Everything You Need to Know About Bail and Bonds-11.18
32. Legal Requirements for Accusatory Instruments in New York-12.9
33. Youth Part for Dummies-12.9

Attorneys in the Office are often asked to present at various CLE programs throughout New York State. In 2022, Office attorneys presented at CLEs sponsored by the New York State Defenders Association, the Monroe County Bar Association, Syracuse university College of Law, and the New York State Association of Criminal Defense Lawyers. It is a tribute to the knowledge and skills of staff that they are so highly sought after as speakers.

Because of the work of 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.³

PART 4: OFFICE STAFFING AND CASELOADS

Criminal Trial Courts

The criminal trial courts consist of local courts [town courts and Rochester City Court] and

³ As a result of the numerous high-quality CLE programs presented by the Office over the last several years, the Office was awarded the Monroe County Bar Association's Raymond J. Pauley Award in 2016. The Pauley Award recognizes an attorney or organization that has made "exceptional contributions to the furtherance of legal education."

Superior Courts [County or Supreme Court. The office represents clients in all of these courts.

Local Court Section

In 2022, the supervisory distinction between town and city courts was eliminated and the two groups of courts are now considered the responsibility of our Local Courts Section. This change was made for several reasons including the need to reduce staff stratification and improve supervisor to supervisee ratios.

The Local Court Section is comprised of four Groups [A - D], each supervised by a Special Assistant Public Defender. Groups A, B, and D are comprised of attorneys handling cases in the town courts while Group C is comprised of our attorneys handling cases in Rochester City Court. Currently these three supervisors are: Special Assistants Mike Doran [A], Jean Caputo [B], Karine Haselbauer [C], and Acting Special Assistant Robert Bahr [D].

In 2022, the shift of some cases in Rochester City Court from this office to the Office of the Conflict Defender continued. As the Office of the Conflict Defender is also a longstanding county legal services department comprised of experienced criminal defense practitioners, there has predictably been no decrease in the quality of services on these cases. This shift was prudent for many reasons, not the least of which was the need to meet maximum caseload requirements mandated by the *Hurrell-Harring* lawsuit settlement. The alternative to this shift would have been the creation of an additional twenty attorney positions within the office, abruptly swelling the staff well beyond historical levels. One way or another, to maintain our grant funding and therefore not require substantial additional financial contributions from the County, the office had to reduce the number of cases per attorney by reducing the number of incoming cases as a whole.

The reduction in caseloads has benefitted staff and by extension our clients. Attorneys will have fewer clients and can devote more time and effort to each case. It appears thus far that these changes have facilitated retention of attorneys who have historically been frustrated by the inability to spend more time on each case.

This shift of some Rochester City Court cases to the Conflict Defender's Office will ultimately result in the Monroe County Public Defender's Office assuming representation for defendants facing charges in City Court who have a conflict in representation with attorneys from the Conflict Defender's Office. For example, if two people charged with the same offense are arraigned, one will be assigned to the Conflict Defender's Office and one will be assigned to the Office.

To ensure that all indigent defendants in Rochester City Court receive excellent services, the Office of the Public Defender continues to offer regular, no-cost trainings to the staff of the Conflict Defender's Office as well as members of the Assigned Counsel Panel.

As of January 2023, the Office has 20 attorneys regularly representing clients in local courts. Additionally, each staff attorney in the Town Court Bureau is required to staff one 12 hour arraignment shift (8:00 a.m. to 8:00 p.m.) each week under the Counsel at First Appearance (CAFA)⁴ Program.

Superior Court Section

In 2022, the supervisory distinction between Non Violent and Violent felony attorneys was eliminated and the two groups of courts are now considered the responsibility of our

⁴ The CAFA program ensures that defendants arraigned at any time throughout the county are represented by counsel at arraignment.

Superior Court Section. The Superior Court section consists of four Superior Court Groups [A – D] comprised of attorneys handling either NVFOs, a mix of NVFOs and VFO [Hybrid], or VFOs. Each group is supervised by a Special Assistant Public Defender: Joshua Stubbe [A], John Bradley [B], Emily Rosmus [C], Elizabeth Riley [D].

In 2022, the Superior Court Section was staffed with the full time equivalent of 30 attorneys, including the 1st Assistant Public Defender, the 2nd Assistant Public Defender, and three Special Assistant Public Defenders. Supervising Special Assistant Public Defender have reduced caseloads due to supervisory responsibilities.

The attorneys in the Section handled felony cases, the most serious charges against the indigent accused. The attorneys appeared in all criminal courts, including: Supreme Court, County Court, City Court and Town/Village Courts.

The attorneys in this Section handled all 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.

The Office provides vertical representation in nearly all felony cases with rare exceptions where a determination is made that a client in an increasingly perilous legal situation would be better served with a more experienced attorney. The best interests of the client will always guide decision making. This Office remains committed to providing vertical representation because it provides the indigent accused the most effective representation possible.

In 2022, the Office was assigned to approximately 3,345 felony cases. Due to the increase

in felony staffing accomplished as the Office restructured its City Court staffing in recent years, felony caseloads for attorneys in the Public Defender's Office approximate the ILS caseload maximums.

Parole Representation Unit

In 2022, the Parole Representation Unit represented 397 clients charged with violating the terms of their parole. These clients often have unique challenges, such as drug addiction issues, and face the possibility of having their parole revoked and returning to prison. Due to the increase in the number of parole violations in Monroe County since 2014,⁵ the Office currently devotes two fulltime attorneys to this unit. In 2022, those attorneys were Special Assistant Jon Griffin and Public Defender Krystian Opalinski. In 2023, the unit will consist of two full time attorneys and continue to be supervised by Special Assistant Public Defender Jon Griffin.

Our attorneys had to master the changes in parole law under the "Less is More" statute. The Office has been instrumental in educating the local criminal defense community on the new law so alleged parole violators receive the intended benefits of the statute.

Family Court Section

The Family Court bureau of the Public Defender's Office represents litigants-mostly adults but some teens as well-who have cases pending in Monroe County Family Court. The attorneys handle every type of family law case in which indigent litigants are statutorily entitled to assigned counsel, including custody/visitation cases, family offense cases (both petitioners and

⁵ In 2014 the Office represented 806 persons charged with violating their parole. In 2019 that had increased to over 1,100. In 2020 the Office represented clients in 638 parole cases, and in 2021 the Office represented clients in 473 cases. It is suspected that a combination of the pandemic and the gradual implementation of "Less is More" have led to the reduced number of cases in the last two years.

respondents), child abuse and neglect cases, termination of parental rights cases, paternity and child support willful violation cases, and other miscellaneous cases. Outside of New York City, the Family Court bureau of the Monroe County PD's office has the busiest family law practice of any upstate institutional provider.

The Family Court bureau experienced exciting changes in 2022. In 2021 the Office was awarded a competitive grant through the NY State Office of Indigent Legal Services to establish an upstate model parental representation unit focused on holistic legal representation of parents accused of neglecting or abusing their children. The interdisciplinary model envisions attorneys, social workers and a parent advocate providing legal and social work services to parents, both during CPS investigations and after cases are filed against parents in Court. The goals are to help parents fix the problems that could, if left unaddressed, result in the removal of their children from their care, and to speed up reunification if children are removed through CPS and/or court intervention. The benefits that we hope to realize through the interdisciplinary practice are substantial: higher quality representation of parents in child neglect and abuse cases, maintaining family integrity for families living in poverty who often have frequent and sometimes devastating contact with the CPS system, and reduction of the costs associated with out-of-home placements of children who are the subjects of CPS investigations and court action.

Upon approval of the grant by the Monroe County Legislature in December 2021, the Family Defense unit of the Family Court bureau was established in January 2022. At year end, the program had 3 of 4 attorney positions filled and 4 social worker positions filled. Particularly with the addition of social workers in the latter part of the year, we are already seeing the benefits of the interdisciplinary model in terms of client advocacy both in and out of Court.

At the outset of 2022, the Family Court bureau had 10 attorney positions and 1 supervising attorney position, not all of which were filled. Like many organizations, we experienced some of the so-called “great resignation” and consequent hiring difficulties. However, at year end the Family Court bureau was almost fully staffed with 10 attorneys in the Family Law unit, 3 attorneys in the Family Defense unit, and 2 supervising attorneys, one of which supervises the Family Defense unit. The bureau as a whole opened approximately 2200 new cases in 2022. With the carryover of cases opened in 2021 that were still pending in 2022, the Family Court bureau represented clients in approximately 3800 cases in Monroe County Family Court.

2023 promises to be another challenging yet exciting year. Caseloads in family offense and custody/visitation matters are expected to rise with implementation of a new court rule expanding financial eligibility for assigned counsel. The Family Defense unit’s representation of clients in CPS investigation matters will be expanding, especially with the new communication protocols being developed between the Public Defender’s Office and Child Protective Services to identify families that would benefit from our representation. Outreach efforts to other community and legal service providers will be established so that the Rochester community is aware of the legal and social work services our office is now able to provide, and so that providers will be able to refer parents involved in CPS investigations to us. There is a plan to establish client referral protocols with local providers having legal or human service expertise (particularly in housing, financial and employment matters) that we are not able to provide. As always, the overarching goal is to provide the best holistic legal representation possible to our clients to help them create healthy, loving and stable homes for their children.

In 2022, the Family Court Section represented 5,175 clients.

Appeals Section

Individuals aggrieved by the final determination of a criminal or family court have the constitutional right to at least one appeal and to the assignment of counsel to represent them on appeal if they cannot afford to hire a counsel for appeal. The Monroe County Public Defender's Office is assigned by the appellate court to handle such appeals of Monroe County judgments. The Public Defender Office's appellate clients include not only individuals it was assigned to represent at the trial level, but also individuals who retained counsel at the trial level but who no longer have the financial means to retain counsel for appeal.

The preparation and argument of appeals are specialties within the fields of criminal and family law. Proper appellate practice requires not only a strong background in the law, but also strong writing skills and the ability to present persuasive oral argument of legal principles before a panel of judges. In preparing an appeal, appellate attorneys must first carefully review the proceedings (by reviewing a transcript of all proceedings, court filed documents, and exhibits) and then must research the law pertaining to any potential argument arising from the proceedings.

The Monroe County Public Defender's appeals bureau handles appeals to the County Court (of misdemeanor convictions); to the Appellate Division, Fourth Department (primarily of felony convictions and of adverse Family Court orders); and to the State's highest Court, the New York Court of Appeals. The appeals bureau also handles other post-conviction matters, such as motions to vacate convictions, motions to vacate sentences, and appeals from the revocation of parole supervision.

As the appeals bureau is a unit within the Public Defender's Office, it serves the

important role of assisting the Office's trial attorneys in their research and analysis of legal issues. This work ensures that the trial attorneys provide the best possible representation for their clients by, for example, making proper motion arguments and requests for jury instructions.

In 2022, the Public Defender's appellate bureau was supervised by Drew Dubrin, and consisted of ten assistant Public Defenders, a paralegal, and an administrative assistant. The Public Defender's Office also contracted with a number of highly experienced private appellate attorneys to handle a portion of its appellate caseload. In addition, the appeals bureau works with attorneys from large law, national law firms who handle public defender appeals pro bono under the appeals bureau's supervision.

The appeals bureau strives to ensure that its clients' appeals are timely heard, for justice delayed is often justice denied. In 2022, the appeals bureau made significant progress in reducing the delay their clients experience. While the appeals bureau was assigned to handle 92 criminal appeals in 2022, it completed work on 155 criminal appeals. In January of 2021, there were 344 appeals that the Public Defender's Office had been assigned to for over one year but had not yet filed. By February of 2022, that number was reduced to 261. And by the end of 2022, that number shrunk to 165.

In 2022, the Public Defender's won relief in approximately 20 appeals, by obtaining dismissal of charges, a new trial, a new hearing, or a reduced sentence.

Investigation Section

Supervised by Chief Investigator Latanya Morse, the Monroe County Public Defender's Office performs case investigations and other associated tasks on behalf of our clients. The Office

regularly conducts our own investigations, not relying solely upon the results of the police investigations as revealed during the discovery process. It is not unusual for our investigators to locate evidence and witnesses that the police did not or could not locate. The investigation results are then provided to the attorney who uses them to the fullest advantage of each client.

The statistics for 2022 are as follows:

INVESTIGATIVE SECTION STATISTICS 2022	CRIMINAL TRIAL SECTION	FAMILY COURT/APPEALS SECTIONS	TOTAL
INVESTIGATION/INTERVIEWS	2058	325	2383
SUBPOENAS	132	144	276
LOCATE/NOTIFY	108	31	139
MISC (Translations, photos, DMV etc.)	321	36	357

In 2022, approximately 3155 criminal and family court investigation requests were handled by our investigative staff. Through their work, our investigative staff makes a strong and clear contribution the Office's ability to successfully resolve cases for our clients either by disposition or trial.

PART 5: THE FUTURE OF THE OFFICE

As we look ahead to 2023, the Office plans to continue to increase and diversify our staff, enhance our attorney training, improve our client services through traditional and innovative means, and enhance our community relationships. The initiatives outlined above will continue, and we will continue looking at how technology may improve Office operations and efficiency. We expect to continue to deliver the excellent results the community has come to expect.

CONCLUSION

The Office of the Public Defender is a very high-functioning and low-maintenance department that was unfortunately thrust into turmoil as a result of the Public Defender selection process during 2022. The Office is deeply appreciative to the Monroe County Legislature, the County Administration, and the community for their support and encouragement during that period. That support, coupled with the dedication of our staff, enabled the Office to continue to deliver traditionally excellent services despite unusually challenging circumstances. We look forward to continuing to serve the citizens of Monroe County in 2023.

Respectfully submitted for
The Public Defender's Office

Julie Cianca
Monroe County Public Defender

CASE INTAKE SUMMARY - 2022

NEW CLIENTS	14,077
FELONY	1883
FELONY [DRUG]	159
FELONY [VFO]	1263
HOMICIDE	40
MISDEMEANOR	4461
VIOLATION [CITY AND TOWN]	854
PROBATION VIOLATION [SUPERIOR]	265
PROBATION VIOLATION [CITY AND TOWN]	184
APPEALS	92
FAMILY COURT	4353
PAROLE	410
FUGITIVE	50
SORA	45
ADVICE	31

TRIAL COURT CASE DISPOSITIONS - 2022

TOTAL cases concluded [dismissal, negotiated settlement, + trial] by MCPD in 2022: 6,033

Cases resolved without a trial: 3,882

- ACD 1,176
- Withdrawn and dismissed 1,023
- Dismissed on motion 266
- Dismissal other 1,417

Cases where a plea was entered to the highest offense charged: 412

- Violation: 17
- Misdemeanor: 275
- Felony: 120

Cases where a plea was entered to less than the highest offense charged: 1,682

- Pleas on felony cases: 509
 - To lesser felony: 86
 - To misdemeanor: 423
- Pleas on misdemeanor cases: 1,173
 - To lesser misdemeanor: 28
 - To violation: 1,145

Cases concluded with a trial: 57

- Felony: 30
- Misdemeanor: 23
- Violation: 4

Trial result:

- Guilty as charged: 13
- Guilty of lesser offense: 2
- Not Guilty: 20
- Trial order of dismissal: 21
- Mistrial: 2

% of cases concluded with a dismissal [ACD, Withdrawn, Dismissed on motion, Dismissal other, TOD, Mistrial]	64.7
% cases with highest charge conviction [Plea to highest charge + GAC after trial]	7
% cases with conviction for any offense [Plea or trial conviction for any crime]	15.9

We are extremely proud of these results; especially given that they were achieved despite what the RASE Commission recently determined to be a “lack of adequate funding for the Public Defender’s Office”.⁶

⁶ <https://rocrase.com/files/report-rase.pdf%20>

PUBLIC DEFENDER STAFF

ADMINISTRATION

Public Defender – Julie Cianca
Confidential Assistant to the Public Defender – Tracey Tronolone
Project Manager – Michael Molinari
Executive Secretary – Kennedy Flanagan
Senior Data Officer – Katheryne Cook
Confidential Secretary – Lillian Gucciardo
Secretary to Special Counsel – Jennifer Fish
Receptionist – Maribel Trott

CRIMINAL COURTS

First Assistant – Erik Teifke
Acting Second Assistant – Joshua Stubbe
Special Assistant – John Bradley
Special Assistant – Michael Doran
Special Assistant – Elizabeth Riley
Special Assistant – Jon Griffin
Special Assistant – Karine Haselbauer
Special Assistant – Emily Rosmus
Special Assistant – Jean Caputo
Acting Special Assistant – Robert Bahr

Assistant Public Defender – Katherine Higgins
Assistant Public Defender – Campbell Roth
Assistant Public Defender – Marybeth McCarthy
Assistant Public Defender – Victoria Bahl
Assistant Public Defender – Kevin Brach
Assistant Public Defender – Mark Phillips
Assistant Public Defender – Tracy Sullivan
Assistant Public Defender – Krystian Opalinski
Assistant Public Defender – Courtney Baker
Assistant Public Defender – James Adam
Assistant Public Defender – Christopher McClary
Assistant Public Defender – Adam Zielinski
Assistant Public Defender – William Weir
Assistant Public Defender – Marc Infantino
Assistant Public Defender – Jeremie Mathias
Assistant Public Defender – Brittney Clark
Assistant Public Defender – Megan Gokey
Assistant Public Defender – Michael McNelis
Assistant Public Defender – Alex Phengsiaroun
Assistant Public Defender – Jordan Beal
Assistant Public Defender – Mariefaye Bechrakis

Assistant Public Defender – Justin Reichman
Assistant Public Defender – Nicholas Piron
Assistant Public Defender – Latoya Funderburk
Assistant Public Defender – Haley Werner
Assistant Public Defender – Manab Goswami
Assistant Public Defender – Andrew Kij
Assistant Public Defender – Luke Harned
Assistant Public Defender – TJ Marletta
Assistant Public Defender – Rachel Wade
Assistant Public Defender – Connor Wilson
Assistant Public Defender – Lindsay Hartley
Assistant Public Defender – Gabriela Wolfe
Assistant Public Defender – Griffin Dault
Assistant Public Defender – Aili Obandja
Assistant Public Defender – Korica Simon
Assistant Public Defender – Aaron Friedman
Assistant Public Defender – Gregory Lebens-Higgins
Assistant Public Defender – Connor Judd
Assistant Public Defender – Stephanie Davis
Legal Secretary – Pamela Loughridge
Legal Secretary – Ann LaRocca
Legal Secretary – Lisa Doty

APPEALS

Special Assistant Public Defender – Drew Dubrin
Senior Assistant Public Defender – Janet Somes
Senior Assistant Public Defender – David Juergens
Senior Assistant Public Defender – Timothy Davis
Assistant Public Defender – Jane Yoon
Assistant Public Defender – Guy Talia
Assistant Public Defender – James Hobbs
Assistant Public Defender – Shirley Gorman
Assistant Public Defender – Jonathan Garvin
Assistant Public Defender – Tonya Plank
Assistant Public Defender – Clea Weiss
Special Urban Investigative Assistant – Coleen Enright
Administrative Assistant – Shamika McKnight

FAMILY COURT

Special Assistant Public Defender – Adele Fine
Special Assistant Public Defender (Family Defense Unit) – Robert Turner
Asst. Pub. Def. – Seana L. Sartori
Asst. Pub. Def. – Brian J. Wirley
Asst. Pub. Def. – Christine F. Redfield

Asst. Pub. Def. – Darcie L. Bahr
 Asst. Pub. Def. – Erin K. Barry
 Asst. Pub. Def. – Lisa M. Bruce
 Asst. Pub. Def. – Erin K. Erturk
 Asst. Pub. Def. – Colton J. Kells
 Asst. Pub. Def. – Louis E. King, Jr.
 Asst. Pub. Def. – William H. King, Jr.
 Asst. Pub. Def. – Darius K. Lind
 Asst. Pub. Def. – Kerandeep A. Mattu
 Asst. Pub. Def. – Laina Arras
 Legal Secretary - Samantha Rodriguez
 Spec. Urban Inv. – Ariella Hutton
 Invest. Asst. – Katie Rimes
 Invest. Asst. – Matthew Scrivens
 Invest. Asst. (Family Defense unit) – vacant
 Parent advocate (Family Defense unit) - vacant
 Senior caseworker – Toneisha Anderson
 Senior caseworker – Lisa Freeman
 Senior caseworker – Bernadette Piccininni
 Senior caseworker – Savannah Spencer

INVESTIGATIONS

Chief Investigator	Latanya Morse
Senior Spec Urban Inv.	Maria Camacho
Spec Urban Inv. Bilingual	Greg Pagan
Spec Urban Inv.	Laurie Zimmer
Spec Urban Inv.	Lisa Dowda
Spec Urban Inv.	Jonan Barut
Spec Urban Inv.	Thomas Kosinski
Spec Urban Inv.	Lauren Del Vecchio
Spec Urban Inv.	Nyesha McKinney

SOCIAL WORK

Chief Mitigation Specialist – Christina Sciortino
 Mitigation Specialist – Andre Fontenette
 Mitigation Specialist – Wayman Harris
 Mitigation Specialist – Shunmia Waters

Senior Caseworker – Kayla McCrickard
 Caseworker – Zachary Jenkins
 Caseworker – Jalen McGill
 Caseworker – Nadia Abdallah
 Caseworker - Erin Freeman

DIGITAL MEDIA TECH

Digital Media Tech – Christina Tsiamouras

TRIAL ASSISTANTS

Trial Assistant - Pamela Flemming

Trial Assistant - Ruth Seabolt

OFFICE CLERKS

Office Clerk – Zelda Reed

Office Clerk – Eduardo Abud-Sturbaum

Office Clerk – Amy Cason

PARALEGALS

Special Urban Investigator – Dan Behrndt

Investigative Assistant – Jamaris Vargas

Investigative Assistant – Tamra Hagan

Investigative Assistant – Bria Smith

Investigative Assistant – Coren McLaughlin

Investigative Assistant – Natasha Iannitti

Investigative Assistant – Sharon Warner

Julie Marini Cianca
78 Seascap Drive
Rochester, NY 14612
juliecianca@gmail.com

BAR ADMISSIONS

New York State Bar 1992

EDUCATION

State University of New York @Oswego
1985-1987

University of Notre Dame
Bachelor of Liberal Arts May 1989
Major: Philosophy Minor: Art History

Albany Law School of Union University
Juris Doctorate, May 1992
Internships-Prisoner's Legal Services, Albany County District Attorney's Office

LEGAL EXPERIENCE

Intern, Monroe County District Attorney's Office
1993-1994- conducted legal research for Major Felony Bureau

Attorney, Monroe County Public Defender's Office
1994-2001 represented individuals charged with misdemeanor, felony, violent felony, homicides and parole violations in town, city, division of parole, and County and Supreme Courts

Attorney, Ernstom and Drete, Brighton New York
2001 – civil practice with emphasis on contracts and construction law.

Attorney and Supervisor, Office of the Conflict Defender, Rochester, New York
2002-2003 – responsible for implementation and training in newly formed criminal defense office, represented individuals charged with misdemeanors in Rochester City Court

Special Assistant Public Defender, Monroe County Public Defender's Office
2003 to 2022 – represented individuals charged with felony, violent felony, homicides and parole violations.

Supervisor of non -violent felony bureau 2005 to 2008, 2021 to March, 2022
Supervisor of Town Court bureau 2008 to 2016
Supervisor of Parole Bureau 2017
Supervisor and Administrator of Continuing Legal Education 2017 to 2021

Acting First Assistant Public Defender, Monroe County Public Defender's Office
March, 2022 to November, 2022

Public Defender, Monroe County Public Defender's Office
November, 2022 to present

COMMUNITY EXPERIENCE

Law Explorers Advisor – Greece Olympia

Penfield High School Moot Court Team Advisor
University of Rochester Moot Court Team Advisor
RMAPI –Rochester-Monroe Anti-Poverty Initiative

LEGAL COMMUNITY

Member – CDANY – Chief Defender’s Association of New York
Member – NYSDA – New York State Defender’s Association
Member – JPC – Judicial Process Committee
Member – PCAJ – Presidents Committee on Access to Justice (Monroe County Bar Association)
Member – MCCCDIP – Monroe County Criminal Case Diversion Implementation Project
Member – CJC – 7th Judicial District Community Justice Council

AWARDS

Jeff Jacobs Award for Excellence in Trial Advocacy, 2017