

**Monroe County  
and  
Monroe County  
Bar Association  
Assigned Counsel Program  
2009 Annual Report**

**Maggie Brooks, Monroe County Executive**

**Steven C. Bowman, Director of Public Safety**

**Harold A. Kurland, Esq., President 2009, Monroe County Bar Association**

**Submitted by:  
Kristin F. Splain, Esq., Conflict Defender**

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## **Introduction**

2009 was the eighteenth year the Assigned Counsel Program operated in all courts. It was also the seventh year of operation for the Conflict Defender Office.

The Conflict Defender Office has a staff of eleven attorneys, including a job share position and three support staff. Outside support services such as investigation and service of process are done on a contract basis. The attorneys in the office represent clients in conflict cases in Family Court, Rochester City Court and all of the appellate courts. All cases in Local Criminal Court, all felony cases and all statutorily assigned cases in Superior Court are still assigned to private counsel under the Joint Monroe County/Monroe County Bar Association Plan for Conflict Assignments.

The following statistical information shows the Program's relative success in meeting the goals of the Plan:

"The objectives of this conflict assignments plan are to provide quality representation to eligible indigent defendants or other litigants in those cases where the Public Defender has a conflict of interest; to provide a coordinated and centralized assignment system for conflict cases arising in the courts specified in Article IV herein, to provide a more equitable distribution of conflict assignments among lawyers; to attract more lawyers willing to handle conflict assignments, to maintain uniform and proper billing practices; to ensure cost accountability of services, and to provide increased efficiency for the courts by making qualified attorneys more readily available to handle conflict cases."  
*Monroe County Bar Association Sponsored Plan for Conflict Assignments, ARTICLE II. Plan Objectives*

### **"To Provide Quality Representation"**

The Program received no initial complaints involving alleged questionable or unethical conduct by participating attorneys. This is a decrease from 2007. The Monroe County Bar Association referred no complaints filed by clients. The Program has jurisdiction over open cases only.

Since the CLE requirements of the Assigned Counsel Program overlap with the Mandatory Continuing Legal Education requirements of the State of New York, compliance is near 100%.

2009 saw a significant increase in case assignments to the Conflict Defender Office from Family Court. The Conflict Defender Office has only four attorneys assigned to the same number of parts. There is no way that four attorneys can adequately cover all the parts. Additionally, the Public Defenders Office has two full-time paralegals assigned to Family Court while the Conflict Defender Office has none. Paralegals greatly reduce the amount of office time that attorneys must spend on document preparation giving the attorneys more time for court appearances and client counseling. The demands placed on attorney time by Family Treatment Court and the new Permanency legislation – requiring hearings every six months – continues to pose a coverage problem for the Conflict Defender Office in 2009.

### **"To Provide A Coordinated And Centralized Assignment System For Conflict Cases"**

The Assigned Counsel Program is fully computerized. The Program enters all cases reported to it in a centralized database that tracks the representation from assignment through payment of the voucher. This system avoids duplication of representation by showing all open cases for a particular client thus insuring that there is a continuity of representation if the client is arrested on new charges. This system also promptly closes any case thus clearing any potential conflict of interest that the Public Defender might have in representing the client in future cases.

Assignments referred by the courts continue to be assigned from a rotating list of available attorneys. The Program is very successful in insuring continuity of counsel where a client is re-arrested on new charges even when the arrests span differing jurisdictions. Additionally, the Program continues to track conflict of interest information so that counsel is not unnecessarily assigned when the Public Defender could ethically continue.

The notification of availability program whereby attorneys could advise us of his or her availability for appearance on a particular day greatly assisted in our ability to provide timely assignments. This notification of availability enabled us to provide counsel more expeditiously and to more equitably distribute the cases. We used a combination of fax, telephone, e-mail and web site communication to provide the attorneys with a wide choice of methods to notify us of availability for assignment.

Through this notification system and the cooperation of the panel members, we were able to insure that no clients went without counsel regardless how short a notice of the next appearance our office received.

## **"To Provide A More Equitable Distribution Of Conflict Assignments Among Lawyers"**

While not perfect, the Program does achieve a significant improvement over the previous system of assignment of conflict cases. The Program constantly strives for new and better systems to distribute assignments more equitably among the participating attorneys. In criminal cases, the current system is highly effective. There are still several local criminal courts that do not fully utilize the services of the Program in the assignment of counsel. This sometimes leads to a client having multiple attorneys for different pending charges. This results in increased and unnecessary costs to the taxpayer.

The District Attorney's policy change regarding felony hearings causes a situation that skews the assignment distribution toward those attorneys who were most available for assignments. Since we need attorneys very quickly, those available when called got a disproportionate number of assignments. We are working on development of systems designed to alleviate this problem. Attorneys may notify us of availability on certain dates and at certain times so we may contact them when an assignment opportunity occurs on that date and time. Notice can be emailed, telephoned or faxed to our office. In addition, the first page of our web site contains a form that can be filled out and sent to us.

Equitable distribution of cases remained low in those Family Court cases not represented by the Conflict Defender staff. A mechanism must be found to address the inequities in Family Court assignments. The fact that a very few attorneys receive the bulk of the assignments places an undue burden on those attorneys and can impact directly on the quality of representation. More training through the appropriate committee of the Bar Association is necessary to familiarize the panel attorneys with local Family Court practice. The panel requirements should be reviewed with the Family Court judges to see if they are stringent enough. Lack of confidence in the quality of representation is a possible factor in the Judges' reluctance to use the full services offered by the Assigned Counsel Program. A Family Court component of a Trial Institute might alleviate the concern of the Family Court judges regarding the training of assigned counsel.

## **"To Attract More Lawyers Willing To Handle Conflict Assignments"**

Included in this report is a list of new panel members added during 2009. The Program takes every opportunity to remind the current panel members to apply for the more restrictive panels once they achieve the requisite qualifications. 2009 saw an increase in the number of qualified felony attorneys. This increase is probably the result of the rate increase effective January 1, 2004. The requirements for inclusion on a felony panel include having conducted a misdemeanor jury trial or participated in jury selection in such a case coupled with conduct of a bench trial. Since so few misdemeanor trials are held each year, it is difficult for an attorney to meet this requirement.

## **"To Maintain Uniform And Proper Billing Practices And To Ensure Cost Accountability Of Services"**

The Administrator reviews each voucher before processing to insure compliance with the voucher regulations and notifies each attorney of any noncompliance to educate the attorney on proper procedures. The review and notification help maintain proper and uniform billing practices among the participating attorneys.

The District Attorney's policy regarding felony hearings negatively affected the overall cost of the Assigned Counsel Program. Attorneys were forced to spend more time in court and more time attempting to obtain information previously obtained before or during the felony hearing. Additionally, more cases that would have been screened by the felony hearing process were indicted leading to increased time spent in hearings and trials.

## **"To Provide Increased Efficiency For The Courts"**

Courts fully utilizing the services of the Assigned Counsel Program report a positive impact on the efficiency in obtaining assigned counsel in conflict cases. They report a significant decrease in the burden on the court staff in finding attorneys willing to accept assignments, a decrease in the number of phone calls necessary to contact an attorney for assignment, a decrease in the voucher processing time since the vouchers are now clearly labeled as to the matter and already reviewed with comments by the

Administrator, and a prompt response from the Assigned Counsel Program in obtaining assigned counsel.

## New Attorneys in 2009<sup>1</sup>

Attorney	Panel				Appellate	Grand Total
	ABC Felony	DE Felony	Misdemeanor	Family Court		
Barraco, Ted A.		1	1	1		3
Bourtis, Eftihia				1		1
Cirando, John A.					1	1
Dollinger, Alison				1		1
Hinckley, Kim A.			1	1		2
Housel, Jason M.	1	1	1			3
Hummell, Chad M.		1		1		2
Jones, Rhian Dudson			1	1	1	3
Kehoe, Jennifer				1	1	2
Kennedy, Christian J.	1					1
Lamb III, Robert G.			1	1	1	3
Marianetti, Brian E.			1			1
McCarthy, Martin Patrick II	1	1				2
McKain, Kevin	1					1
Rinckey, Greg					1	1
Rodeman, Christopher K.	1	1	1			3
Ruby, William S.			1	1	1	3
Rumi, Fares A.	1				1	2
Russell, Dianne C.			1			1
Shiffrin, Brian					1	1

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<sup>1</sup> Panel for which the attorney was approved in 2009. Attorney may have been approved in a previous year for a different panel or panels



Attorney	Panel				Appellate	Grand Total
	ABC Felony	DE Felony	Misdemeanor	Family Court		
Tomasso, Ellen A.				1	1	2
Welch, Jamie			1	1	1	3
Grand Total	6	5	10	11	10	42

## Total Cases Referred by Panel 2005-2009<sup>2</sup>

Panel	Year				
	2005	2006	2007	2008	2009
ABC Felony	506	641	663	683	641
Appellate	27	46	53	55	53
DE Felony	487	496	493	531	508
Family Court	1765	1755	1693	1745	2470
Misdemeanor	1805	2008	1995	2496	2458
Other	52	26	54	42	47
Probation/Parole	193	198	221	211	225
<b>Grand Total</b>	<b>4835</b>	<b>5170</b>	<b>5172</b>	<b>5763</b>	<b>6402</b>

2. Does not represent number of assignments made, only initial cases referred for assignment.

## 2009 Assignments<sup>3</sup>

The following charts show the assignments each attorney received in 2009. The number of assignments is higher than the number of cases referred because in some cases more than one attorney receives an assignment for a case. Also, an attorney might be assigned in 2009 to a case originally referred in a previous year. This occurs most often after a court relieves one attorney and either the court or the Assigned Counsel Program assigns a new attorney.

Several factors should be considered in looking at these tables. First, approved panel members receive more assignments than non-approved panel members do. Some of the attorneys with a low number of assignments are non-approved panel members. Most often, such an attorney is court assigned. Secondly, those attorneys gaining membership on a panel for the first time during 2009 will have fewer assignments in that panel because they were not on the panel for an entire year. Thirdly, a number of attorneys decline a significant number of assignments, requested removal from the Program for periods of time or resigned from the Program during 2009. While the report includes non-approved attorneys, new panel members, attorneys declining appointments, and attorneys temporarily removed from panels at their own request, concentrating on those members who participated for the full year as approved members of a particular panel gives a truer picture of the equitable distribution of assignments.

The success of the program in achieving equitable distribution of cases is excellent when compared with other New York jurisdictions.

Of particular significance in this report is the fact that in the criminal courts, where the Assigned Counsel Program assigns a large percentage of cases, there is a more even distribution of assignments. This is attributable to the fact that, by comparison, Family Court has a much lower percentage of cases assigned by the Assigned Counsel Program. Most assignments are directly by the court. Attaining more equitable distribution of cases is difficult, if not impossible. The Administrator and Advisory Committee must work diligently to provide a workable solution to the inequities of the Family Court assignments. Looking at the last column of the tables, it takes significantly fewer attorneys for the Family Court assignments to reach a high percentage than it does for the criminal court assignments. This is less of a concern since

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<sup>3</sup> Only assignments to new clients or to old clients with more serious charges are counted here.

the Conflict Defender Office represents the bulk of the conflict cases in Family Court. Nonetheless, it is an issue that should be addressed for those cases where the Conflict Defender Office cannot represent the client in Family Court.

### 2009 Homicide Assignments

Agency	Attorney	Referral		Grand Total
		ACP	Court	
ACP	Cocuzzi, Thomas J.	1	2	3
	Nobles, James	1	2	3
	Pullano, Peter J.	1	2	3
	Thompson, Donald M.	2	1	3
	Murante, David A.	0	2	2
	Shulman, Brian J.	0	2	2
	Zimmerman, Jr., Clark J.	0	2	2
	Barr, Culver K.	0	1	1
	Damelio, Joseph S.	0	1	1
	DiSalvo, Thomas J.	0	1	1
	Easton, William T.	0	1	1
	Egger, Jan P.	1	0	1
	Funk, Mark D.	0	1	1
	Housel, Jason M	0	1	1
	Kasperek, Lawrence L.	1	0	1
	Leegant, JoAnne	1	0	1
	Monaghan, Lori Robb	1	0	1
	Nafus, Matthew D.	0	1	1
	Napier, Robert A.	1	0	1
	Noce, Charles	0	1	1
	Pilato, Charles M.	1	0	1

	Russell, Diane C.	0	1	1
	Turner, Karen Bailey	0	1	1
ACP Total		11	23	34
CDO Total		0	0	0
	Grand Total	11	23	34

### 2009 ABC Felony Assignments

Agency	Attorney	Referral		Grand Total
		ACP	Court	
ACP	Murante, David A.	19	7	26
	Shapiro, Robert A.	20	1	21
	Bitetti, Gary	10	7	17
	Lester, Frederick	15	1	16
	Brown, James E.	12	3	15
	Young, Mark	13	1	14
	Kasperek, Lawrence L.	9	4	13
	Farrell-Gallagher, Barbara	10	2	12
	Krane, Joel N.	10	2	12
	Shulman, Brian J.	6	6	12
	Cocuzzi, Thomas J.	4	7	11
	Feindt, Mary E.	10	1	11
	Garretson, Scott A.	8	3	11
	MacAulay, Paul D.	10	1	11
	Pullano, Peter J.	7	4	11
	Schmitt, Michael D.	9	2	11
	Vacca, James P.	11	0	11
	Fulmer, Daniel C.	5	5	10
	Kehoe, Jennifer J.	8	2	10
	Thompson, Donald M.	7	3	10
Hinman, James S.	5	4	9	
Hyland, Kenneth	6	3	9	
Leegant, JoAnne	9	0	9	

Agency	Attorney	Referral		Grand Total
		ACP	Court	
	Turner, Karen Bailey	8	1	9
	Daniele, Anthony	7	1	8
	Infantino, Marc	7	1	8
	Monaghan, Lori Robb	7	1	8
	Thomas-Diaz, Kathleen	7	1	8
	Aureli, Daniel L.	5	2	7
	Bowman, Jason J.	7	0	7
	DiSalvo, Thomas J.	7	0	7
	Egger, Jan P.	6	1	7
	Funk, Mark D.	4	3	7
	Kristal, Peter L.	5	2	7
	Ratchford, Beth A.	5	2	7
	Rodeman, Christopher K.	5	2	7
	Scibetta, Michael	6	1	7
	Sperano, Aaron J.	7	0	7
	Wood, Robert W.	6	1	7
	Zimmerman, Jr., Clark J.	6	1	7
	Ajaka, Maroun	6	0	6
	Annechino, John A	6	0	6
	Aramini, Mary E.	5	1	6
	Bourtis, Eftihia	6	0	6
	Brown, J. Raymond	5	1	6
	Easton, William T.	5	1	6
	Mix, Matthew J.	5	1	6
	Morabito, David R.	6	0	6
	Nafus, Matthew D.	4	2	6
	Owens, David L.	6	0	6
	Perez, Gilbert R.	6	0	6
	Russell, Diane C.	6	0	6
	Catalano, Christian A.	0	5	5
	DeJohn, Timothy W.	5	0	5
	Holliday, Billie D.	5	0	5
	McKain, Kevin	4	1	5
	Nobles, James	3	2	5
	Schiano, Jr., Charles A.	4	1	5
	Vacca, Jr., Paul J.	5	0	5
	Young, D. Scott	3	2	5
	Damelio, Joseph S.	2	2	4
	Davison, Mary P.	4	0	4
	DiPrima, Michael T.	2	2	4
	Hurwitz, Phillip R.	4	0	4
	Morabito, Kevin A.	3	1	4

Agency	Attorney	Referral		Grand Total
		ACP	Court	
	O Keefe, Shannon J.	1	3	4
	Zimberlin, John F.	4	0	4
	Johnson, Christopher G.	3	0	3
	Napier, Robert A.	3	0	3
	Napolitano, Lorenzo	0	3	3
	Noce, Charles	3	0	3
	Rizzo, James J.	3	0	3
	Schiano, Michael P.	3	0	3
	Schiano, Sr., Charles A.	2	1	3
	Barr, Culver K.	2	0	2
	Byrne, Heather V.	2	0	2
	Housel, Jason M	2	0	2
	Napier, James A.	2	0	2
	Pilato, Charles M.	2	0	2
	Rumi, Fares A.	2	0	2
	Russi, Patrick K.	1	1	2
	Schiano, Christopher	0	2	2
	Chamblee, J. Michael	1	0	1
	Ferlicca, John J.	0	1	1
	Kennedy, Christian J.	1	0	1
	Lamb, III, Robert G.	0	1	1
	Lembke, Matthew R.	0	1	1
	Muldoon, Gary	0	1	1
	Pennica, Kenneth L.	0	1	1
	Romanow, Julia N.	1	0	1
	Sercu, Stephen	1	0	1
	Siragusa, Lisa Serio	0	1	1
	Splain, Kristin F.	1	0	1
	Splain, Thomas M.	0	1	1
	Tuohey, Michael J.	1	0	1
	Wicks, Jeffrey	0	1	1
ACP Total		479	129	608
CDO Total		0	0	0
Grand Total		479	129	608

## 2009 DE Felony Assignments

Agency	Attorney	Referral		Grand Total
		ACP	Court	
ACP	Shulman, Brian J.	10	11	21
	Krane, Joel N.	10	7	17
	Murante, David A.	15	1	16
	Ratchford, Beth A.	6	6	12
	Shapiro, Robert A.	4	8	12
	Farrell-Gallagher, Barbara	10	0	10
	Garretson, Scott A.	7	3	10
	Lester, Frederick	10	0	10
	Wood, Robert W.	10	0	10
	Fulmer, Daniel C.	6	3	9
	Kristal, Peter L.	7	2	9
	Aureli, Daniel L.	5	3	8
	Funk, Mark D.	5	3	8
	Kennedy, Christian J.	4	4	8
	MacAulay, Paul D.	4	4	8
	Napolitano, Lorenzo	6	2	8
	Russi, Patrick K.	5	3	8
	Turner, Karen Bailey	6	2	8
	Vacca, James P.	7	1	8
	Bourtis, Eftihia	7	0	7
Brown, James E.	6	1	7	
Catalano, Christian A.	1	6	7	
Daniele, Anthony	7	0	7	



Agency	Attorney	Referral		Grand Total
		ACP	Court	
	Hinman, James S.	4	3	7
	Hyland, Kenneth	3	4	7
	Schmitt, Michael D.	6	1	7
	Thomas-Diaz, Kathleen	5	2	7
	Ajaka, Maroun	6	0	6
	Cocuzzi, Thomas J.	2	4	6
	DiSalvo, Thomas J.	6	0	6
	Feindt, Mary E.	3	3	6
	Infantino, Marc	4	2	6
	Kehoe, Jennifer J.	5	1	6
	Mix, Matthew J.	4	2	6
	Scibetta, Michael	4	2	6
	Sperano, Aaron J.	4	2	6
	Bowman, Jason J.	5	0	5
	Damelio, Joseph S.	1	4	5
	DeJohn, Timothy W.	4	1	5
	Josh, Sylvia W.	4	1	5
	Leegant, JoAnne	5	0	5
	Nobles, James	2	3	5
	Pilato, Charles M.	4	1	5
	Russell, Diane C.	4	1	5
	Young, D. Scott	3	2	5
	Young, Mark	3	2	5
	Zimmerman, Jr., Clark J.	3	2	5
	Barraco, Ted A.	3	1	4

Agency	Attorney	Referral		Grand Total
		ACP	Court	
	Bitetti, Gary	3	1	4
	Egger, Jan P.	4	0	4
	Holliday, Billie D.	3	1	4
	Monaghan, Lori Robb	4	0	4
	Owens, David L.	4	0	4
	Perez, Gilbert R.	4	0	4
	Ryan, Scott A.	4	0	4
	Annechino, John A	3	0	3
	Buettner, Brian C.	3	0	3
	Easton, William T.	3	0	3
	Gianforti, Gary J.	3	0	3
	Hurwitz, Phillip R.	3	0	3
	Johnson, Christopher G.	2	1	3
	McKain, Kevin	3	0	3
	Meyer, Melissa A.	3	0	3
	Napier, James A.	3	0	3
	O Keefe, Shannon J.	1	2	3
	Palmiere, David M.	3	0	3
	Parks, Anthony	3	0	3
	Rumi, Fares A.	3	0	3
	Schiano, Jr., Charles A.	2	1	3
	Schiano, Sr., Charles A.	2	1	3
	Thompson, Donald M.	3	0	3
	Zimberlin, John F.	3	0	3
	Aramini, Mary E.	2	0	2

Agency	Attorney	Referral		Grand Total
		ACP	Court	
	Chamblee, J. Michael	1	1	2
	Cianca, Mark F.	1	1	2
	DiPrima, Michael T.	2	0	2
	Gross, Richard R.	0	2	2
	Kasperrek, Lawrence L.	1	1	2
	Maggio, Frank G.	1	1	2
	Merante, Vincent E.	2	0	2
	Nafus, Matthew D.	2	0	2
	Noce, Charles	1	1	2
	Pullano, Peter J.	1	1	2
	Rizzo, James J.	2	0	2
	Rose, Angelo A.	1	1	2
	Schiano, Christopher	0	2	2
	Splain, Thomas M.	2	0	2
	Wicks, Jeffrey	0	2	2
	Zaretsky, Allen J.	2	0	2
	Brown, J. Raymond	1	0	1
	Colombo, Jeanne M.	1	0	1
	Davison, Mary P.	0	1	1
	Gangarosa, Edward C.	0	1	1
	Housel, Jason M	1	0	1
	Hummel, Chad M.	1	0	1
	King, Jr., William H.	0	1	1
	McCarthy, II, Martin Patrick	1	0	1
	Morabito, David R.	0	1	1

Agency	Attorney	Referral		Grand Total
		ACP	Court	
	Morabito, Kevin A.	1	0	1
	Napier, Robert A.	1	0	1
	Pennica, Kenneth L.	1	0	1
	Rodeman, Christopher K.	1	0	1
	Schiano, Michael P.	1	0	1
	Siragusa, Lisa Serio	0	1	1
	Stacy, Michael P.	1	0	1
	Touhey, Michael J.	0	1	1
	Tuohey, Michael J.	1	0	1
	Turner, Robert P.	1	0	1
	Vacca, Jr., Paul J.	1	0	1
ACP Total		362	140	502
CDO Total		0	11	11
Grand Total		362	151	513

### 2009 Misdemeanor Assignments

Agency	Attorney	Referral		Grand Total
		ACP	Court	
ACP	Shulman, Brian J.	14	15	29
	Vacca, James P.	25	1	26

Agency	Attorney	Referral		Grand Total
		ACP	Court	
	Murante, David A.	18	4	22
	Bitetti, Gary	10	10	20
	Ratchford, Beth A.	13	7	20
	Fulmer, Daniel C.	8	11	19
	Lester, Frederick	14	5	19
	Perez, Gilbert R.	8	11	19
	Russi, Patrick K.	7	12	19
	Catalano, Christian A.	3	15	18
	Farrell-Gallagher, Barbara	11	7	18
	Ajaka, Maroun	8	9	17
	Hyland, Kenneth	6	11	17
	Cocuzzi, Thomas J.	6	10	16
	Schmitt, Michael D.	13	3	16
	Feindt, Mary E.	7	8	15
	Kristal, Peter L.	8	7	15
	Brown, James E.	8	6	14
	Bourtis, Eftihia	9	4	13
	Josh, Sylvia W.	7	6	13
	Kennedy, Christian J.	10	3	13
	Napolitano, Lorenzo	9	4	13
	Garretson, Scott A.	8	4	12
	Infantino, Marc	10	2	12
	Merante, Vincent E.	11	1	12
	Bowman, Jason J.	10	1	11
Buettner, Brian C.	6	5	11	

Agency	Attorney	Referral		Grand Total
		ACP	Court	
	Jain, Rekha	10	1	11
	Rumi, Fares A.	10	1	11
	Gangarosa, Edward C.	7	3	10
	Parks, Anthony	8	2	10
	Reardon, Kathleen P.	9	1	10
	Rodeman, Christopher K.	5	5	10
	Russell, Diane C.	5	5	10
	DeJohn, Timothy W.	7	2	9
	Funk, Mark D.	4	5	9
	Holliday, Billie D.	4	5	9
	Jones, Rhian Dudson	9	0	9
	Pullano, Peter J.	3	6	9
	Scibetta, Michael	6	3	9
	Sperano, Aaron J.	6	3	9
	Thomas-Diaz, Kathleen	8	1	9
	Turner, Robert P.	4	5	9
	Wood, Robert W.	6	3	9
	Aramini, Mary E.	0	8	8
	Aureli, Daniel L.	2	6	8
	Chamblee, J. Michael	6	2	8
	Kehoe, Jennifer J.	1	7	8
	Lamb, III, Robert G.	6	2	8
	McKain, Kevin	5	3	8
	Owens, David L.	6	2	8
	Shapiro, Robert A.	5	3	8

Agency	Attorney	Referral		Grand Total
		ACP	Court	
	Chait, Mitchell A.	4	3	7
	Hinman, James S.	2	5	7
	Mix, Matthew J.	5	2	7
	Noce, Charles	7	2	7
	Redmond, Gregg H.	6	1	7
	Walsh, Jr., James E.	0	7	7
	Young, Mark	3	4	7
	Annechino, John A	4	2	6
	Daniele, Anthony	1	5	6
	Krane, Joel N.	6	0	6
	MacAulay, Paul D.	2	4	6
	Maggio, Frank G.	5	1	6
	Marcera, Jr., Salvatore J.	6	0	6
	Monaghan, Lori Robb	3	3	6
	Napier, James A.	4	2	6
	Palmiere, David M.	5	1	6
	Barraco, Ted A.	4	1	5
	Demo-Vazquez, Kristine M.	1	4	5
	DiSalvo, Thomas J.	5	0	5
	Egger, Jan P.	3	2	5
	Gladstone, Katherine	5	0	5
	Hartt, James D.	5	0	5
	Housel, Jason M	4	1	5
	LaBue, Eugene P.	4	1	5
	McCarthy, II, Martin Patrick	4	1	5

Agency	Attorney	Referral		Grand Total
		ACP	Court	
	Meyer, Melissa A.	2	3	5
	Nobles, James	1	4	5
	Paulino, James M.	4	1	5
	Ryan, Scott A.	5	0	5
	Sadinsky, Lisa A.	4	1	5
	Cianca, Mark F.	4	0	4
	Goldman, Ronald S.	4	0	4
	Hummel, Chad M.	4	0	4
	Hurwitz, Phillip R.	4	0	4
	Karatas, Nigos	4	0	4
	Pennica, Kenneth L.	4	0	4
	Rizzo, James J.	4	0	4
	Schiano, Jr., Charles A.	4	0	4
	Sercu, Stephen	3	1	4
	Zimmerman, Jr., Clark J.	2	2	4
	Burke, Adrian J.	3	0	3
	Crowder, Debra A.	2	1	3
	Duclos, Marc A.	3	0	3
	Handelman, Eric D.	3	0	3
	Johnson, Christopher G.	3	0	3
	Lahman, Janice Allen	3	0	3
	Leegant, JoAnne	2	1	3
	O Keefe, Shannon J.	0	3	3
	O'Toole, Keith	2	1	3
	Romanow, Julia N.	2	1	3



Agency	Attorney	Referral		Grand Total
		ACP	Court	
	Schiano, Michael P.	2	1	3
	Shramek, William J.	3	0	3
	Siragusa, Lisa Serio	0	3	3
	Zaretsky, Allen J.	3	0	3
	Brown, J. Raymond	2	0	2
	Byrne, Heather V.	2	0	2
	Colombo, Jeanne M.	2	0	2
	Cooper, Jennie M.	2	0	2
	D'Arpino, John Joseph	2	0	2
	Davison, Mary P.	0	2	2
	Gianforti, Gary J.	2	0	2
	Hardies, Robert M.	2	0	2
	Kasperek, Lawrence L.	1	1	2
	Keller, Kenneth C.	0	2	2
	King, Jr., William H.	0	2	2
	LePore, Rudolph J.	0	2	2
	O'Neill, Jr., Raymond B.	2	0	2
	Reyes, Miguel A.	0	2	2
	Rose, Angelo A.	0	2	2
	Rosenhouse, Michael A.	2	0	2
	Sekharan, Raja N.	2	0	2
	Stacy, Michael P.	2	0	2
	Touhey, Michael J.	2	0	2
	Tuohey, Michael J.	1	1	2
	Unwin, Robin	1	1	2

Agency	Attorney	Referral		Grand Total
		ACP	Court	
	Young, D. Scott	2	0	2
	Bernacki, Jr., John E.	1	0	1
	Dedes, William C.	0	1	1
	Dinolfo, Joseph F.	1	0	1
	Dollinger, Alison	0	1	1
	Easton, William T.	0	1	1
	Heyman, Sidney	1	0	1
	Korotkin, Alexander	1	0	1
	LaDuca, John J.	1	0	1
	Maslow, Lisa J.	0	1	1
	Mastrella, Daniel J.	0	1	1
	Morabito, David R.	0	1	1
	Morabito, Kevin A.	1	0	1
	Muldoon, Gary	0	1	1
	Nadler, Christian M.	1	0	1
	Owens, Clifford Paul	1	0	1
	Pilato, Charles M.	0	1	1
	Pupatelli, Peter P.	0	1	1
	Scatigno, John M.	0	1	1
	Schiano, Christopher	0	1	1
	Schiano, Sr., Charles A.	0	1	1
	Splain, Kristin F.	1	0	1
	Splain, Thomas M.	0	1	1
	Stern, Jon M.	1	0	1
	Turner, Karen Bailey	0	1	1

Agency	Attorney	Referral		Grand Total
		ACP	Court	
	Welch, Jamie	1	0	1
	Wisner, Todd J.W.	1	0	1
	Zimberlin, John F.	1	0	1
ACP Total		631	370	1001
CDO	Crimi, Joseph	344	0	344
	Milliken, David	501	0	501
	Solomon, R. Adrian	501	0	501
	Jones, Rhian	0	2	2
	Palmisano, Chelsea	0	1	1
CDO Total		1346	3	1349
Grand Total		1977	373	2350

### 2009 Family Court Assignments

Agency	Attorney	Referral		Grand Total
		ACP	Court	
ACP	Perez, Gilbert R.	8	62	70
	Stern, Jon M.	6	33	39
	Turner, Robert P.	0	37	37
	Jones, Rhian Dudson	18	13	31
	Ratchford, Beth A.	10	21	31
	Bowman, Jason J.	15	8	23

Agency	Attorney	Referral		Grand Total
		ACP	Court	
	Leavy, Anthony	0	22	22
	Lester, Frederick	10	12	22
	Maslow, Lisa J.	3	19	22
	Merante, RoseMaria	3	19	22
	Aramini, Mary E.	0	19	19
	Feindt, Mary E.	1	17	18
	Gladstone, Katherine	8	9	17
	King, Jr., William H.	0	17	17
	Ryan, Scott A.	0	17	17
	Schmitt, Michael D.	9	8	17
	Vacca, James P.	12	4	16
	Bourne, Leah K.	4	8	12
	Bourtis, Eftihia	3	9	12
	Jain, Rekha	12	0	12
	Josh, Sylvia W.	9	3	12
	Callahan, Karen Smith	1	10	11
	Demo-Vazquez, Kristine M.	11	0	11
	Hinman, James S.	0	11	11
	Kristal, Peter L.	9	2	11
	Shulman, Brian J.	3	8	11
	Ajaka, Maroun	2	8	10
	Chait, Mitchell A.	1	9	10
	Chase, Carolyn L.	0	10	10
	DeJohn, Timothy W.	1	8	9
	Fero, Matthew John	1	8	9

Agency	Attorney	Referral		Grand Total
		ACP	Court	
	Napolitano, Lorenzo	3	6	9
	Rumi, Fares A.	8	1	9
	Holliday, Billie D.	3	5	8
	Monaghan, Lori Robb	4	4	8
	Romeo, Stacey Martha	1	7	8
	Buettner, Brian C.	4	3	7
	Kennedy, Christian J.	7	0	7
	Laragy, Susan	0	7	7
	Martin, Thomas N.	0	7	7
	Barraco, Ted A.	6	0	6
	Funk, Mark D.	1	5	6
	Sadinsky, Lisa A.	4	2	6
	Weisbeck, Kimberly W.	1	5	6
	Brown, James E.	0	5	5
	Farrell-Gallagher, Barbara	1	4	5
	Goeltz, Erin	5	0	5
	Indivino, Deborah A.	0	5	5
	Karatas, Nigos	1	4	5
	Nafus, Matthew D.	0	5	5
	Pappalardo, Fauna M.	0	5	5
	Young, Mark	0	5	5
	Daniele, Anthony	0	4	4
	Johnson, Christopher G.	2	2	4
	Kaplan, David M.	4	0	4
	Korotkin, Alexander	2	2	4

Agency	Attorney	Referral		Grand Total
		ACP	Court	
	O Keefe, Shannon J.	1	3	4
	Sperano, Aaron J.	4	0	4
	Van Loon, Nathan Allen	1	3	4
	Badain, Lara R.	0	3	3
	Infantino, Marc	3	0	3
	Mix, Matthew J.	3	0	3
	Annechino, John A	1	1	2
	Davison, Mary P.	0	2	2
	Hummel, Chad M.	2	0	2
	Owens, David L.	2	0	2
	Powell, Tracy A.	0	2	2
	Shapiro, Robert A.	0	2	2
	Zimmerman, Jr., Clark J.	1	1	2
	Attardo, Marlene A.	0	1	1
	Capanna, Paloma A.	1	0	1
	Cimino, Michelle Y.	1	0	1
	Colombo, Jeanne M.	0	1	1
	DiSalvo, Thomas J.	0	1	1
	Flowerday, Michael D.	0	1	1
	Gangarosa, Edward C.	0	1	1
	Hartzell, Melinda	0	1	1
	Kehoe, Jennifer J.	1	0	1
	Kroll, Marcus	0	1	1
	Lamb, III, Robert G.	1	0	1
	Lorge, Jonathan R.	0	1	1

Agency	Attorney	Referral		Grand Total
		ACP	Court	
	Muldoon, Gary	0	1	1
	Palmiere, David M.	1	0	1
	Rossow, Nicole A.	0	1	1
	Russi, Patrick K.	0	1	1
	Scibetta, Michael	0	1	1
	Sekharan, Raja N.	1	0	1
	Thomas-Diaz, Kathleen	0	1	1
	Tomasso, Ellen A.	0	1	1
	Walsh, Jr., James E.	0	1	1
	Warner, Stephen R.	0	1	1
	Watkins, Paul B.	1	0	1
ACP Total		242	557	799
CDO	Thomson, Derek			28
	Palmisano, Chelsea			307
	Bayly-Henshaw, Nicole			266
	Khuns, Kevin			11
	Asamoah-Wade, Yolanda			424
	Edwards, Tynise			342
	Jones, Rhian			127
	Dils, Anne			1
	Provo, Kelley			2
CDO Total				1508
Grand Total				2307

## 2009 Costs by Quarter<sup>4</sup>

	1 <sup>st</sup> Quarter	2 <sup>nd</sup> Quarter	3 <sup>rd</sup> Quarter	4 <sup>th</sup> Quarter	Grand Total
Attorney Expenses	\$2,896	\$2,454	\$5,065	\$2,729	\$13,144
Attorney Time	\$729,374	\$556,359	\$1,009,822	\$648,474	\$2,944,029
Vendor Expenses	\$48,572	\$51,908	\$55,606	\$47,417	\$203,503
Grand Total	\$780,842	\$610,721	\$1,070,493	\$698,620	\$3,160,676

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<sup>4</sup> Includes cases closed and paid in 2009 even if assigned in a prior year. Excludes administrative costs.



## 2009 Table of Program Use by Judiciary<sup>7</sup>

The table below shows the number of assignments for each Judge making at least one assignment during 2009. The statistics, between this chart and the attorney assignments, clearly show that Rochester City Court, which assigns the greatest number of cases in the County, is very high in percentage of cases assigned through the Assigned Counsel Program. These facts directly correlate to the fact that the distribution of cases among the attorneys is greatest for criminal cases. Conversely, the statistics show that Family Court has a very low percentage of cases assigned through the Assigned Counsel Program when removing those cases assigned to the Conflict Defender Office.

Court	Judge	Total
Appellate Division	Appellate Division	47
Appellate Division Total		47
Brighton Town Court	Falk, Hon. John A.	19
	Morris, Hon. Karen	10
Brighton Town Court Total		29
Chili Town Court	Olver, Hon. Melvin L.	8
	Pietropaoli, Hon. Patrick	4
Chili Town Court Total		12
Clarkson Town Court	Hammel, Hon. Allyn S.	1
	Wilcox, Hon. Christopher	4
Clarkson Town Court Total		5
E. Rochester Town Court	Argento, Hon. Victoria M.	16
	Odorisi, Hon. J. Scott	9
E. Rochester Town Court Total		35
Fairport Village Court	Barone, Hon. Vincent M.	4
Fairport Village Court Total		4
Family Court Other	Boldt, Hon. Margaret M.	37
	Farber, Hon. Sidney T.	285
	Gordon, Hon. Julie Anne	269
	Irizarry, Hon. Diana M.	60
	Maloy, Hon. Charles T.	72
	Morton, Hon. Glenn R.	64
	Owlett, Hon. Deborah	30
	Pilato, Hon. Linda Lohner	23
	Polito, Hon. Thomas W.	232

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<sup>7</sup> The assignment numbers are higher here because unlike reporting of attorney assignments where only new assignments are reported, all assignments made by the Judges are counted here.

Court	Judge	Total
	Rao, Hon. Michael G.	27
	Strobridge, Hon. Maurice E.	18
Family Court Other Total		1117
Gates Town Court	Pisaturo, Hon. John J.	42
	Pupatelli, Hon. Peter P.	23
Gates Town Court Total		65
Greece Town Court	Campbell, Hon. Vincent	63
	Nitti, Hon. Gino M.	40
	Schiano, Jr., Hon. Charles	62
Greece Town Court Total		165
Hamlin Town Court	Moffett, Hon. Richard W.	10
	Rath, Hon. Paul W.	0
Hamlin Town Court Total		10
Henrietta Town Court	Donsky, Hon. Steven M.	15
	Pericak, Hon. John G.	29
	Piampiano, Hon. James J.	23
Henrietta Town Court Total		67
Honeoye Falls Court	Skivington, Hon. Peter K.	1
Honeoye Falls Court Total		1
Irondequoit Town Court	DeMarco, Hon. John L.	37
	Dinolfo, Hon. Vincent M.	35
	Genier, Hon. Joseph T.	17
Irondequoit Town Court Total		89
Monroe County Court	Connell, Hon. John J.	51
	Geraci, Jr., Hon. Frank P.	44
	Keenan, Hon. Richard A.	55
	Marks, Hon. Patricia D.	50
	Renzi, Hon. Alexander	45
	Miller, Hon Stephen T.	776
	Sirkin, Hon. Stephen R.	1
Monroe County Court Total		1111
Monroe County Family Court	Dixon, Hon. Maija C.	282
	Donofrio, Hon. Gail	255
	Gallaher, Hon. Patricia E.	160
	Kohout, Hon. Joan S.	324
	Nesser, Hon. Joseph G.	111
	Rivoli, Hon. John J.	116
	Ruhlmann, Hon. Dandrea L.	176
Monroe County Family Court Total		1424
Ogden Town Court	Murante, Hon. David A.	2
	Schiano, Hon. Michael P.	6
Ogden Town Court Total		8
Parma Town Court	Maley, Jr., Hon. James E.	1

Court	Judge	Total
	Sciortino, Hon. Michael A.	7
Parma Town Court Total		8
Penfield Town Court	Farber, Hon. Sidney T.	0
	Lomenzo, Jr., Hon. John P.	10
Penfield Town Court Total		10
Perinton Town Court	Arnold, Hon. Michael H.	8
	Klonick, Hon. Thomas A	2
Perinton Town Court Total		10
Pittsford Town Court	Gallina, Hon. Fred S.	11
	Michel, Hon. F. Robert	0
Pittsford Town Court Total		11
Riga Town Court	Amarosa, Hon. Louis	1
	Steinwachs, Hon. Joseph	1
Riga Town Court Total		2
Rochester City Court	Castro, Hon. Melchor E.	306
	Crimi, Hon. Charles F.	342
	Elliott, Hon. John E.	275
	Johnson, Hon. Teresa D.	191
	Morse, Hon. Thomas R.	392
	Schwartz, Hon. John R.	187
	Yacknin, Hon. Ellen M.	284
Rochester City Court Total		1977
Rush Town Court	Kirch, Hon. Henry E.	0
	Anderson, Hon. Paula M.	3
Rush Town Court Total		3
Supreme Court	Affronti, Hon. Francis A.	15
	Ark, Hon. John J.	1
	Bellini, Hon. Elma A.	6
	Doyle, Hon. Daniel J.	20
	Egan, Hon. David D.	15
	Valentino, Hon. Joseph D.	26
	Vanstrydonck, Hon. Thomas	3
Supreme Court Total		86
Sweden Town Court	Coapman, Hon. Carl A.	7
	Cody, Hon. William J.	10
	Depferd, Hon. Mark R.	0
Sweden Town Court Total		17
Webster Town Court	Corretore, Hon. David	12
	DiSalvo, Hon. Thomas J.	12
Webster Town Court Total		24
Wheatland Town Court	Hallock, Hon. Timothy	0
	Litteer, Jr., Hon. Harold H.	2
Wheatland Town Court Total		

## Types of Cases Referred in 2009<sup>8</sup>

Crime	Total
Custody/Visitation	1373
Family Offense	573
Harassment 2	319
Petit Larceny	273
Child Protective Proceeding	239
Disorderly Conduct	201
Other	178
Assault 3	174
Criminal Poss. Controlled Substance 3	161
Criminal Poss. Controlled Substance 7	136
Criminal Mischief 4	127
Criminal Contempt	126
Paternity	125
Support	112
Aggravated Harassment 2	106
Burglary 2	104
Robbery 1	90
Violation Probation (M)	89
Menacing 2	89
Parole Violation	85
Assault 2	84

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<sup>8</sup> Based only on cases referred to ACP for assignment. Assignment numbers are higher because during the pendency of a referred case, more than one attorney may be assigned to that case.

Crime	Total
Criminal Contempt 1	75
Unlawful Possession Marijuana	69
Criminal Possession Weapon 2	64
Obstructing Gov't Administration 2	58
Agg. Unlicensed Operation 2	56
Criminal Possession Stolen Property 4	53
Grand Larceny 4	52
Resisting Arrest	52
Violation Probation (F)	49
Robbery 2	47
Crim. Poss. Marijuana 5	45
Unauthorized Use of Motor Vehicle 3	43
Appeal-Criminal Court (Fel.)	42
Agg. Unlicensed Operation 3	38
Trespass	35
Guardianship	34
Burglary 3	31
Crim. Trespass 2	31
Witness	30
Crim. Poss. Marijuana 4	30
Burglary 1	30
Crim. Poss. Stolen Property 5	29
Loitering 1	28
Murder 2	24
Crim. Poss. Forged Instrument 2	22
End. Welfare Child	22

Crime	Total
Loitering	20
Agg. Unlicensed Operation 1	19
Driving While Intoxicated	17
Criminal Impersonation 2	16
Crim. Poss. Weapon 4	15
Assault 1	15
Criminal Mischief 3	14
Reckless Endangerment 2	13
Grand Larceny 3	12
PINS Intervenor/FC	12
Rape 1	12
Reckless Endangerment 1	12
Foster Care	12
Crim. Sale of Controlled Substance 3	11
Forgery 2	11
Robbery 3	11
False Personation	11
Robbery 1, Att.	11
Crim. Trespass 3	10
Crim. Poss. Stolen Property 3	10
Crim. Poss. Weapon 3	9
Act Manor Injur Child <17	9
Public Lewdness	9
Criminal Nuisance 2	9
Crim. Sale Marihuana 4	8
Poss. Imitation Controlled Substance	8

Crime	Total
Driving While Intoxicated (Fel.)	8
Alcoholic Beverage Control	8
Poss. Burglar's Tools	8
Sex Conduct Child 1	8
Criminal Poss Marihuana 2	7
Promoting Prison Contraband 2	7
Crim. Poss. Marihuana 3	6
Criminal Contempt 1, Aggravated	6
Criminal Mischief 2	6
Criminal Sexual Act 1	6
Appeal-Criminal Court (Misd.)	6
Burglary 2, Att.	6
722-c order	6
Falsely Reporting Incident 3	6
Crim. Poss. Controlled Substance 5	5
Appeal-Family Court	4
Crim. Poss Controlled Substance 2	4
Crim. Use Drug Paraphernalia 2	4
Conspiracy 2	4
Arson 3	4
Harassment 2	4
Forcible Touching	4
Prostitution	4
Rape 3	4
Sexual Misconduct	4
Sexual Abuse 1	4

Crime	Total
Torturing and Injuring Animals	4
Crim. Poss. Controlled Substance 1	3
Post-Conviction Motion	3
Crim. Poss. Hypodermic Instrument	3
Grand Larceny 2	3
Rape 1, Att.	3
Rape 2	3
Burglary 1, Att.	3
Burglary 3, Att.	3
Robbery 3, Att.	3
Unlawfully Dealing with a Child 1	3
Criminal Facilitation 4	2
Fugitive	2
Intimidating Victim/Witness 3	2
Arson 2, Att.	2
Petit Larceny, Att.	2
Sexual Abuse 3	2
Assault 2, Att.	2
Gang Assault 2	2
Murder 1	2
Rockefeller Reform Resentence	2
Suspended Registration	2
Crim. Sale Marihuana 5	2
Grand Larceny 4, Att.	2
Harassment 1	2
Murder 2, Att.	2



<b>Crime</b>	<b>Total</b>
Tampering Physical Evidence	2
SORA	2
Prohibited Use of Weapon	1
Rioting 2	1
Manslaughter 1	1
Theft of Services	1
Unauthorized Use of Motor Vehicle 2	1
Unlawfully Dealing with a Child	1
Unlicensed Operator	1
Adoption	1
Assault 3, Att.	1
Identity Theft, Att.	1
Promoting Prison Contraband 2, Att.	1
Insurance Fraud 5	1
Promoting Prostitution 3	1
Agg. Harassment 1	1
Arson 1, Att.	1
Crim. Poss. Marihuana 1	1
Crim. Use Firearm 1	1
Exposure of Person	1
Gang Assault 1	1
Insurance Fraud 3	1
Murder 1, Att.	1
Reckless Driving	1
<b>Grand Total</b>	<b>6402</b>

## 2009 Case Dispositions<sup>9</sup>

Disposition	Total
Stipulated Settlement	1070
Plea to Reduced Charge	839
Petition Dismissed	733
A.C.D.	617
Plea to Top Charge	456
Dismissed -CPL 30.30	432
Dismissed-Information	323
Covered by Plea-Other Charge	219
Admit Petition	187
No Bill-Grand Jury	186
Client Retained own Counsel	110
Y.O. Adjudication	88
Transfer to IDV	63
Other	57
Petition Found After Hearing	56
Dismissed-Plea in Satisfaction	40
Jury Trial - Guilty Original	40
Appeal Judgment - Affirmed	34
No Conflict -PD Continuted	32
Jury Trial - Acquittal	23
Dismissed-Felony Complaint	16
Dismissed-Indictment	13
Bench Trial - Acquittal	13

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<sup>9</sup> Includes all cases closed and paid in 2009 even if assigned in prior year.

Relieved by the Court	9
Jury Trial-Guilty Lesser	9
Bench Trial - Guilty Original	7
Not Indigent	6
Transfer to Family Court	5
Bench Trial - Guilty Lesser	5
Trial Order of Dismissal	5
Abated by Death	4
Appeal Judgment - Dismissed	4
Pre-Trial Diversion	3
Post Conviction - Denied	3
Conflict of Interest	2
Incompetent to Stand Trial	2
Appeal Judgment - Reversed	2
Appeal Sentence - Affirmed	2
Appeal Judgment - Modified	1
Grand Total	5716