

**Monroe County
and
Monroe County
Bar Association
Assigned Counsel Program
2013 Annual Report**

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***2013**

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***2015 for 2013**

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Introduction

2013 was the twenty second year the Assigned Counsel Program operated in all courts. It was also the eleventh year of operation for the Conflict Defender Office.

In 2013 The Conflict Defender Office had a staff of ten (10) attorneys and three support staff for the Assigned Counsel Program. In January of 2013 a new Voucher Clerk was hired to fill a position that had been vacant since June of 2012. Outside support services such as investigation and service of process are done on a contract basis, and this remained the case. 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 courts, 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"

2013 saw a continued increase in certain case assignments to the Assigned Counsel Program and Conflict Defender Office from a number of courts, including The Supreme Court Appellate Division Fourth Department. Primarily there was a substantial increase in the number of homicide cases, and all ABC and DE felony cases, as well as appellate cases. While there were somewhat fewer misdemeanor cases, as well as Parole/Probation cases, the numbers of more difficult categories of cases

increased, necessitating the use of additional resources. For instance, Homicide assignments in raw numbers went from 20 in 2012 to 33 in 2013, an increase of 65 %, likely to result in a substantial increase in voucher submission amounts in 2014-2016, when these cases will likely conclude. Notably too was the 33% increase in appeals, many of the appeals being assigned already three-four years old, which meant that they need to be assigned out due to concerns regarding potential habeas corpus relief. In both of these situations, additional assignment of attorneys was required, and can be expected to result in increased payments in 2015-2017. A second grant funded position for family Court was in fact filled in January of 2013, allowing for much more reasonable distribution as among six (6), not four (4) attorneys. The six staff attorneys assigned to Monroe County Family Court (including the two grant funded positions), allowed for much more appropriate levels of representation and greatly reduced coverage issues.

A Request for Proposal issued at the end of 2013 to contract out the work presently done by the program and office, which ushered in an environment of great uncertainty among the CDO staff, as well as ACP panel members for the remainder of the year. It bears repeating that any attempts to compare caseloads as between the Public Defender and Conflict Defender Offices remains problematic as The Conflict Defender attorneys had access to no support staff at all for the calendar year 2013: including no secretarial support or paralegal support. In comparison, the Public Defender's Office had two full-time paralegals assigned to Family Court, and 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. Additionally, 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 2013, though that coverage problem was greatly reduced when the Family Court section was again fully staffed.

The two Grants from The New York State Office of Indigent Legal Services that allowed for the hiring of two aforementioned full time Family Court attorneys, was a highly effective strategy on all levels in terms of maintaining a high level of representation for clients in Family court. These two Grant positions are each funded for three year terms.

The CDO also successfully operated a successful Internship Program, which involved three participating law school students. 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 100%.

"To Provide a Coordinated And Centralized Assignment System For Conflict Cases"

The Assigned Counsel Program is fully computerized. The prior Program entered all cases reported to it in a centralized database that tracked the representation from assignment through payment of the voucher for all cases; both Assigned Counsel and Conflict Defender cases. As previously outlined in the 2012 Annual report, it bears mentioning that at the end of calendar year 2011 a new Database was purchased for use by the Office, and the underlying support system needed for the use of the prior ACP Database was discontinued. This new system, operational by January 2012 proved relatively easy to use, and like the older ACP 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 Conflict 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 who are qualified for varying panels. 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 Conflict Defender Office could ethically continue.

Through the efficiency of the court's requesting assignment of counsel in a timely manner, 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.

While the new Database assignment program continued to operate efficiently in terms of conflict analysis and assignment, it is significant to note that various distinctive data, unique to ACP, including some information custom designed for capture for this annual report, is no longer available via the new system. Additionally, it should be noted that there exist certain anomalies in the new program that lead to sometimes inexact total capture. *So while the new Database is fine for everyday conflict assignment uses, various information and efficiencies have been forfeited; and this issue remains under review by the current Conflict Defender. These issues remained for the creation of this 2013 Annual report as well.

*For example, data needed to populate prior tables such as the “costs by panel”, “costs by case type”, “costs by Judiciary”, and prior “type of cases referred table”, are no longer available.

"To Provide a More Equitable Distribution of Conflict Assignments Among Lawyers"

While not perfect, the Assigned Counsel Program continues to 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; however, 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, which can result in uncoordinated representation, as well as 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 for differing levels (custody/neglect versus removal proceedings) of Family Court representation are being revised and

panel requirements are being enhanced so that issues regarding quality of representation are addressed.

"To Attract More Lawyers Willing to Handle Conflict Assignments"

Included in this report is a list of new panel members added during the 2013 calendar year, and it should be noted that there were very few applications for panel membership throughout most of 2013. The Program continued to take every opportunity to remind the current panel members to apply for the more restrictive panels once they achieve the requisite qualifications. Due to extensive list of attorneys developed over many years, plenty of qualified assigned counsel members on all panels remained available to meet requests for assignment of counsel by the courts.

In the 2013 calendar year, Conflict Defender Charles Noce, Esq., launched an initiative to enhance the requirement for membership on particular panels; and to streamline the application process for panel membership. To this end, he held an informational forum for all panel attorneys in June of 2013 and explained in detail the re-application process.

"To Maintain Uniform and Proper Billing Practices and to Ensure Cost Accountability of Services"

As was the case in previous years, The Administrator reviewed each voucher before processing to insure compliance with the voucher regulations and notified 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 Administrator applied for a Grant to fund the purchase of an electronic vouchering system, which should greatly improve efficiencies in the future, likely by 2015.

The District Attorney's continued policy regarding felony preliminary 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.

Due in no small part to the number of dedicated attorneys serving on the assigned counsel panels, and the staff attorneys in the Office of The Conflict Defender, a very high quality of representation in all of the criminal, family, and appellate courts was continued in 2013.

New Attorneys in 2013¹

Attorney	Panel				Appellate	Grand Total
	ABC Felony	DE Felony	Misdemeanor	Family Court		
Bowman, Wynn			x	x		2
*Christie, James	X	X	X			3
Dadd, Hayden		x	x			2
Foti, Mark		x	x			2
Geraci, Michael			x			1
Lembke, Matthew	x					1
Lopez, Sylvia	x	x	x			3
Maurer, Zach		x	x			2
Steinman, Charles		x	x			2
Wade, David			x			1
Waldorf, Joseph		x	x		x	3
Grand Total	2	6	9	1	1	19

*Actually added in 2012

¹ Panel for which the attorney was approved in 2013. Attorney may have been approved in a previous year for a different panel or panels

Total Cases Referred by Panel 2008-2013²

Panel	2008	2009	2010	2011	2012	2013
ABC Felony	683	641	590	534	546	619
Appellate	55	53	44	45	54	72
DE Felony	531	508	606	537	304	544
Family Court	1745	2470	2940	2867	2980	2796
Misdemeanor	2496	2458	2703	2759	3251	2869
Other	42	47	50	45	40	21
Probation/Parole	211	225	221	298	204	165
Grand Total	5763	6402	7154	7085	7379	7086

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

2013 Assignments³

The following charts show the assignments each attorney received in 2013. 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 2013 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 2013 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 2013. 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 the Conflict Defender Office represents the bulk of the conflict cases in Family Court.

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

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

2013 Homicide Assignments

Agency	Attorney	Referral		Grand Total
		ACP	Court	
ACP	Bailey-Turner, Karen	1		1
	Damelio, Joseph		4	4
	Easton, William T	1		1
	Funk, Mark	1		1
	Ganguly, Avik		2	2
	Kasperek, Larry	1		1
	Lembke, Matthew		1	1
	Mastrella, Dan		1	1
	Morabito, David		1	1
	Murante, David	2	1	3
	Napier, Robert	1		1
	Pullano, Peter		3	3
	Rich, Matthew		1	1
	Russell, Diane	1		1
	Schiano, Michael		2	2
	Shulman, Brian		2	2
	Thompson, Don	2		2
	Vacca, James	1		1
	Vacca, Paul	3		3
	Zimmerman, Clark	1		1
ACP Total		15	18	33

CDO Total		0	0	0
	Grand Total	15	18	33

2013 ABC/DE Felony Assignments

Agency	Attorney	Referral		Grand Total
		ACP	Court	
	Ajaka, Maroun	11	3	14
	Annechino, John A.	1		1
	Aramini, Mary E.	5	2	7
	Astacio, Leticia D	18	6	24
	Aureli, Daniel L.	4	6	10
	Barnes, Stefanie	3	9	12
	Bitetti, Gary	3	1	4
	Bourtis, Eftihia	7	2	9
	Bowman, Jason J.	3	4	7
	Bowman, Wynn		1	1
	Brown, James E.	6	15	21
	Catalano, Christian A.	1	10	11
	Christie, James F.	6	22	28
	Ciardi, Francis M.	9	5	14
	Cocuzzi, Thomas J.	1	3	4
	Dadd, Hayden	3	6	9

Agency	Attorney	Referral		Grand Total
		ACP	Court	
	Damelio, Joseph S.		8	8
	DeCarolus, Brian	5	6	11
	DeJohn, Timothy W.	6	2	8
	DiSalvo, Thomas J.	7	1	8
	Easton, William T.	3	2	5
	Egger, Jan P.	1	2	3
	Falk, Jr., Terrance A.	7	2	9
	Farrell-Gallagher, Barbara E.	14	3	17
	Feindt, Mary E.	4	2	6
	Foti, Mark	2	1	3
	Funk, Mark D.	17	2	19
	Ganguly, Avik K.	14	9	23
	Garretson, Scott A.	14	10	24
	Geraci, Michael		1	1
	Gross, Richard R.	6		6
	Guarino, Michael	7	9	16
	Guerrieri, Paul	10	12	22
	Hinman, James S.	9	9	18
	Holliday, Billie D.	4	2	6
	Housel, Jason M.	8	4	12
	Hummel, Chad M.	6		6
	Hurwitz, Phillip R.	12	2	14
	Hyland, Kenneth	5	3	8
	Infantino, Marc	13	5	18

Agency	Attorney	Referral		Grand Total
		ACP	Court	
	Johnson, Christopher G.	9	7	16
	Jones, Rhian	4		4
	Kasperek, Lawrence L.	5	6	11
	Kennedy, Christian J.	11	13	24
	Khuns, Kevin	3	2	5
	Krane, Joel N.	15	5	20
	Kristal, Peter L.	5	2	7
	Lamb, III, Robert G.	2		2
	Lamb, Meredith M.B.	6		6
	Leegant, Jo Anne	1		1
	Lembke, Michael		2	2
	Lopez, Sylvia	9	6	15
	MacAulay, Paul D.	5		5
	Maurer, Zach	5	10	15
	McCarthy, II, Martin Patrick	2	5	7
	McKain, Kevin	6	4	10
	Mix, Matthew J.	12	2	14
	Monaghan, Lori Robb	7		7
	Morabito, David R.	1	2	3
	Morabito, Kevin A.	1		1
	Murante, David A.	25	7	32
	Napier, James A.	2	4	6
	Napier, Robert A.	2	1	3
	Napolitano, Lorenzo	15	7	22

Agency	Attorney	Referral		Grand Total
		ACP	Court	
	Nobles, Jamie Lee		1	1
	Oathout, Bryan	5	8	13
	Owens, David L.	4	4	8
	Perez, Gilbert R.	3		3
	Pilato, Charles M.	1	1	2
	Pullano, Peter J.	6	8	14
	Ratchford, Beth A.	11	2	13
	Riotto, II, James L.	3		3
	Rodeman, Christopher K.	14	9	23
	Rose, Angelo A.	1	1	2
	Roxin, Richard C	1	3	4
	Rumi, Fares A.	4	1	5
	Russell, Dianne C.	7	3	10
	Russi, Patrick K.	2		2
	Schiano, Christopher		3	3
	Schiano, Jr., Charles A.	3	2	5
	Schiano, Michael P.	4	7	11
	Schmitt, Michael D.	11	2	13
	Scibetta, Michael P.	16	1	17
	Session, Jerry	2	1	3
	Shulman, Brian J.	16	13	29
	Sperano, Aaron J.	6	1	7
	Steinman, Charles	3		3
	Stowe, Eric W.	7	7	14

Agency	Attorney	Referral		Grand Total
		ACP	Court	
	Thomas-Diaz, Kathleen	2		2
	Thompson, Donald M.	2	4	6
	Turner, Karen Bailey	5		5
	Vacca, James P.	21	9	30
	Vacca, Jr., Paul J.	11		11
	Valleriani, Sam, L.	3	1	4
	Wesley, Sarah	3	12	15
	Wood, Robert W.	11	3	14
	Young, D. Scott	15	6	21
	Young, Mark A.	8	8	16
	Zimmermann, Jr., Clark J.	5	10	15
	ACP Total	624	408	1032
	CDO Total			
	Grand Total			1032

2013 Misdemeanor Assignments

Agency	Attorney	Referral		Grand Total
		ACP	Court	
	Ajaka, Maroun	24	7	31
	Annechino, John A.	11	1	12
	Aramini, Mary E.	5	5	10
	Astacio, Leticia D.	8	6	14
	Aureli, Daniel L.		3	3
	Barraco, Ted A.	6		6
	Bitetti, Gary	7	7	14
	Bourtis, Eftihia	6	1	7
	Bowman, Jason J.	12	2	14
	Bowman, Wynn		4	4
	Brown, James E.	1	5	6
	Buettner, Brian C.	9	4	13
	Byrnes, James M.	5	0	5
	Catalano, Christian A.	2	44	46
	Chait, Mitchell A.	6	2	8
	Christie, James F.	3	29	32
	Ciardi, Francis M.	11	13	24
	Cocuzzi, Thomas J.	1	5	6
	Colombo, Jeanne M.		1	1
	Dadd, Hayden	5	28	33
	DeCarolis, Brian		1	1
	DeJohn, Timothy W.	4	2	6
	Demo-Vazquez, Kristine M.		4	4
	DiSalvo, Thomas J.	3	2	5

Agency	Attorney	Referral		Grand Total
		ACP	Court	
	Dolan, Eric	2	1	3
	Dollinger, Alison		5	5
	Falk, Jr., Terrance A.	4	1	5
	Farrell-Gallagher, Barbara E.	12	3	15
	Feindt, Mary E.	4	2	6
	Flowerday, Michael D.	5		5
	Foti, Mark	7	2	9
	Fulmer, Daniel C.		2	2
	Funk, Mark D.	3	4	7
	Ganguly, Avik K.	9	5	14
	Garretson, Scott A.	15	4	19
	Gianforti, Gary J.	4	2	6
	Gladstone, Katherine	8	3	11
	Gravelle, Jeffrey D.	6	1	7
	Gross, Richard R.	8	2	10
	Guarino, Michael	17	7	24
	Guerrieri, Paul	10	13	23
	Hardies, Robert M.	2		2
	Hartt, James D.	4		4
	Hinman, James S.	5	2	7
	Holliday, Billie D.	1	1	2
	Housel, Jason M.	8	2	10
	Hummel, Chad M.	10	5	15
	Hurwitz, Phillip R.	1		1
	Infantino, Marc	1		1

Agency	Attorney	Referral		Grand Total
		ACP	Court	
	Jain, Rekha	8		8
	Johnson, Christopher G.	12	4	16
	Jones, Rhian Dudson	1		1
	Josh, Sylvia W.	9	3	12
	Karatas, Nigos	2	0	2
	Kennedy, Christian J.	10	12	22
	Khuns, Kevin M.	14	2	16
	King, Jr., William H.	5	1	6
	Kovalsky, Shaina	12	1	13
	Krane, Joel N.	18	3	21
	Kristal, Peter L.	7	4	11
	LaBue, Eugene P.	8		8
	LaDuca, John J.	4		4
	Lamb, Meredith M. B.	7	2	9
	Leegant, Jo Anne		2	2
	Lester, Frederick	52	3	55
	Lopez, Sylvia	8	3	11
	Maggio, Frank G.	9		9
	Marley, Allison L.	5	2	7
	Mastrella, Daniel J.	1		1
	Maurer, Zachary	4	26	30
	McCarthy, II, Martin Patrick	1	4	5
	McCarty, Terence	9	1	10
	McClenathan, Edward W.	1	8	9
	McKain, Kevin	6	5	11

Agency	Attorney	Referral		Grand Total
		ACP	Court	
	Merante, Vincent E.	9	22	31
	Mix, Matthew J.	6	2	8
	Monaghan, Lori Robb	5		5
	Murante, David A.	10	4	14
	Nadler, Christian M.	1	8	9
	Nafus, Matthew D.	1	2	3
	Napolitano, Lorenzo	15	12	27
	Oathout, Bryan	5	13	18
	O'Toole, Keith	5		5
	Owens, David L.	4	2	6
	Paluch, Stephen James	2		2
	Parks, Anthony	4		4
	Perez, Gilbert R.	6	4	10
	Pilato, David C.	5	7	12
	Pullano, Peter J.	3	1	4
	Ratchford, Beth A.	12	1	13
	Reardon, Kathleen P.	6	1	7
	Redmond, Gregg H.	3		3
	Riotto, II, James L.	15	23	38
	Rodeman, Christopher K.	5	3	8
	Ruby, William S.	1		1
	Rumi, Fares A.	2		2
	Russi, Patrick K.	4	3	7
	Ryan, Scott A.	9		9
	Schiano, Christopher		3	3

Agency	Attorney	Referral		Grand Total
		ACP	Court	
	Schiano, Jr., Charles A.		1	1
	Schiano, Michael P.	2		2
	Schiano, Sr., Charles A.		1	1
	Schmitt, Michael D.	11	1	12
	Scibetta, Michael P.	9	1	10
	Sercu, Stephen	4		4
	Session, Jerry	2		2
	Shulman, Brian J.	14	18	32
	Siguenza, Teodoro	4	45	49
	Siragusa, Lisa Serio		3	3
	Sperano, Aaron J.		4	4
	Steinman, Charles	3		3
	Stern, Jon M.	7	4	11
	Stowe, Eric W.	15	19	34
	Thomas-Diaz, Kathleen	13	2	15
	Thompson, Donald M.		1	1
	Vacca, James P.	13	10	23
	Vacca, Jr., Paul J.	2	2	4
	Valleriani, Sam L.	4	6	10
	Wade, David	7	3	10
	Waldorf, Joseph	3	1	4
	Welch, Jamie	2		2
	Wesley, Sarah	4	18	22
	Wisner, Todd J.W.	1		1
	Wood, Robert W.	6	2	8

Agency	Attorney	Referral		Grand Total
		ACP	Court	
	Young, D. Scott	2	7	9
	Young, Mark A.	4	5	9
	Zimmermann, Jr., Clark J.	2	2	4
ACP Total		760	596	1356
CDO	Crimi, Joseph P.			454
	Murante, Kathleen			497
	Solomon, R. Adrian			491
CDO Total				1442
Grand Total				2798

2013 Family Court Assignments

Agency	Attorney	Referral		Grand Total
		ACP	Court	
	Ajaka, Maroun	1	20	21
	Annechino, John A.	1	2	3
	Aramini, Mary E.	4		4
	Asamoah-Wade, Yolanda A	5	9	14
	Astacio, Leticia D	2		2
	Badain, Lara R.	6	2	8
	Barnes, Stefanie	3	11	14
	Bourne, Leah K.	15	1	16

Agency	Attorney	Referral		Grand Total
		ACP	Court	
	Bourtis, Efthia	2	2	4
	Bowman, Jason J.	3	6	9
	Bowman, Wynn	5		5
	Brown, James E.	7		7
	Buettner, Brian C.	5	3	8
	Callanan, Karen Smith	1	9	10
	Chait, Mitchell A.	2	7	9
	Chase, Carolyn L.	6	18	24
	Cimino, Michelle Y.		2	2
	Crowder, Debra A.		4	4
	DeJohn, Timothy W.	4	2	6
	Demo-Vazquez, Kristine M.	5	1	6
	DiSalvo, Thomas J.		2	2
	Dollinger, Alison	6	33	39
	Falk, Jr., Terrance A.	2		2
	Farrell-Gallagher, Barbara E.	4	11	15
	Feinberg, Heidi W.	1	7	8
	Feindt, Mary E.	1	27	28
	Funk, Mark D.	5		5
	Gibbons, Patricia Ann		2	2
	Gladstone, Katherine		10	10
	Guarino, Michael		1	1
	Handelman, Eric D.		12	12
	Hartzell, Jr., Thomas C.	1	3	4
	Hinman, James S.		3	3

Agency	Attorney	Referral		Grand Total
		ACP	Court	
	Holliday, Billie D.		1	1
	Hummel, Chad M.	2		2
	Indivino, Deborah A.	3		3
	Jain, Rekha	1	2	3
	Johnson, Christopher G.	2		2
	Jones, Rhian Dudson	2	12	14
	Josh, Sylvia W.	1	1	2
	Karatas, Nigos		4	4
	Kennedy, Christian J.	2		2
	Khuns, Kevin M.	7	7	14
	King, Jr., William H.		12	12
	Kovalsky, Shaina	7	10	17
	Kress, Danielle	4	1	5
	Kristal, Peter L.		2	2
	Laragy, Susan	3	10	13
	Leavy, Anthony		7	7
	Lester, Frederick	3	7	10
	Martin, Thomas N.	1	18	19
	Maslow, Lisa J.	3	44	47
	McCarty, Terence	2		2
	McClenathan, Edward W.	2	35	37
	McMullen, Margaret	5		5
	Menard, John	3	7	10
	Merante, RoseMaria	1	27	28
	Nafus, Matthew D.	1	4	5

Agency	Attorney	Referral		Grand Total
		ACP	Court	
	Napolitano, Lorenzo	6	6	12
	Nevarez, Juan A.		2	2
	Oathout, Bryan	10	61	71
	Pappalardo, Fauna M.		6	6
	Perez, Gilbert R.	6	51	57
	Pilaroscia, Marla J.	1	1	2
	Ratchford, Beth A.	1	29	30
	Reinstein, Natalia		5	5
	Rumi, Fares A.	2	1	3
	Russi, Patrick K.		1	1
	Ryan, Scott A.	3	6	9
	Sadinsky, Lisa A.	2	1	3
	Schmitt, Michael D.	1	4	5
	Scibetta, Michael P.		1	1
	Shulman, Brian J.		4	4
	Siragusa, Lisa Serio		3	3
	Sperano, Aaron J.		1	1
	Stern, Jon M.	1	39	40
	Stowe, Eric W.	4	1	5
	Thomas-Diaz, Kathleen	3		3
	Turner, Robert P.		16	16
	Van Loon, Nathan Allen	8		8
	Weisbeck, Kimberly W.		4	4
	Welch, Jamie	1	1	2

Agency	Attorney	Referral		Grand Total
		ACP	Court	
ACP Total				866
CDO	Duclos, Marc			309
	Edwards, Tynise Y.			298
	Holt, Sarah			286
	Leonardo, Stephanie N.			346
	Palmisano, Chelsea			338
	Thomson, Derek A.			269
CDO Total				1846
Grand Total				2712

2013 Appellate Assignments

Agency	Attorney	Referral		Grand Total
		ACP	Court	
	Abbatoy, David	2	3	5
	Bourtis, Efthia	1		1
	Bowman, Jason		2	2
	Davison, Mark	1		1
	Davison, Mary P.		3	3
	Field, Bridget		2	2
	Ganguly, Anjan		1	1
	Gorman, Shirley A.	1	4	5
	Hinman, James	1		1
	Jones, Rhian	1		1
	Napolitano, Lorenzo		1	1
	Pixley, William	2	2	4
	Ratchford, Beth	1	1	2
	Reardon, Kathleen P.	1		1
	Russell, Diane		1	1
	Shiffrin, Brian	1		1
	Thompson, Don		1	1
	Waldman, Cara	2	1	3
	Watkins, Paul		2	2
	Wicks, Jeffery	2		2
ACP TOTAL		17	23	40
CDO	Czapranski, Kimberly J.	15		15
	Duclos, Mark	1		1

	Noce, Charles	1		1
	Reardon, Kathy	9		9
	Waldorf, Joseph	6		6
CDO TOTAL		32		32
	Grand Total			72

- Note: In 2013 a number of cases had to be assigned out to ACP attorneys due to the following factors; The increase in assignments, the age of a number of cases being assigned to the office (already 3-4 years old) and the fact there was only one (1) appellate attorney on staff for most of 2013.

2013 Costs by Attorney⁶

Attorney Full Name	Cost
Ajaka, Maroun	\$27,168.75
Annechino, John A.	\$7,050.00
Aramini, Mary E.	\$16,264.78
Asamoah-Wade, Yolanda A	\$1,339.50
Astacio, Leticia D	\$26,151.46
Aureli, Daniel L.	\$14,209.50
Badain, Lara R.	\$30,18.44
Barnes, Stefanie	\$14,202.90
Barr, Culver K.	\$2,962.50
Bitetti, Gary	\$19,624.50
Bourne, Leah K.	\$8,131.37
Bourtis, Efthia	\$28,906.09
Bowman, Jason J.	\$33,944.95
Bowman, Wynn	\$4,956.00
Brown, James E.	\$30,261.98
Buettner, Brian C.	\$14,475.90
Byrnes, James M.	\$1,893.00
Callanan, Karen Smith	\$1,635.00
Capanna, Paloma A.	\$2,760.82
Catalano, Christian A.	\$33,535.50
Chait, Mitchell A.	\$1,706.25
Chase, Carolyn L.	\$23,706.60
Cianca, Mark F.	\$726.00
Ciardi, Francis M.	\$41,699.29

Attorney Full Name	Cost
Cocuzzi, Thomas J.	\$9,366.00
Colombo, Jeanne M.	\$1,402.50
Connor, Ann E.	\$366.00
Crowder, Debra A.	\$2,430.00
Damelio, Joseph S.	\$58,091.25
Davison, Mary P.	\$12,191.62
DeCarolis, Brian	\$3,865.50
Dedes, William C.	\$1,020.00
DeJohn, Timothy W.	\$16,492.50
Demo-Vazquez, Kristine M.	\$2,208.00
DiPrima, Michael T.	\$10,747.50
DiSalvo, Thomas J.	\$16,154.85
Dollinger, Alison	\$16,096.80
Duclos, Marc A.	\$810.00
Easton, William T.	Easton Thompson Kasperek Shiffrin, LLP
Easton Thompson Kasperek Shiffrin, LLP	\$86,775.40
Egger & Leegant	\$8,625.05
Egger, Jan P.	Egger & Leegant
Elsner, Erin M.	\$3,255.00
Falk, Jr., Terrance A.	11,920.66
Farr, William H.	\$7,113.75
Farrell-Gallagher, Barbara E.	\$45,220.40
Field, Bridget	\$817.50
Feindt, Mary E.	\$31,720.50
Fulmer, Daniel C.	\$3552.00

Attorney Full Name	Cost
Funk, Mark D.	\$52,047.00
Ganguly, Anjan K.	Ganguly Brothers, PLLC
Ganguly, Avik K.	Ganguly Brothers, PLLC
Ganguly Brothers, PLLC	\$62,656.76
Garretson, Scott A.	\$59,816.13
Geraci, Michael	Trevett, Cristo, Salzer & Andolina
Gianforti, Gary J.	\$7,589.00
Gibbons, Patricia Ann	\$6,098.84
Gladstone, Katherine	\$22,552.92
Gorman, Shirley A.	\$9,662.57
Gross, Richard R.	\$18,955.50
Guarino, Michael	\$80,462.67
Handelman, Eric D.	\$11,920.00
Hardies, Robert M.	\$762.00
Hartt, James D.	\$1290.00
Hinman, James S.	\$18,685.50
Holliday, Billie D.	\$7,556.25
Houde, Ardeth L.	\$825.00
Housel, Jason M.	Sperano & Housel, Attorneys at Law
Hummel, Chad M.	\$4,063.50
Hurwitz, Phillip R.	\$9,900.40
Hyland, Kenneth	\$5,898.09
Indivino, Deborah A.	\$1,725.00
Infantino, Marc	\$7,520.00
Jain, Rekha	\$8,966.77

Attorney Full Name	Cost
Johnson, Christopher G.	\$14,722.16
Jones, Rhian Dudson	\$23,212.50
Josh, Sylvia W.	\$6,096.20
Karatas, Nigos	\$10,531.05
Kasperek, Lawrence L.	Easton Thompson Kasperek Shiffrin, LLP
Kennedy, Christian J.	\$43,668.50
Khuns, Kevin M.	\$68,365.93
Kovalsky, Shaina	\$26,369.28
Krane, Joel N.	\$33,958.50
Kristal, Peter L.	\$8,369.50
LaBue, Eugene P.	\$4,314.00
Laduca Law Firm	\$55,393.50
LaDuca, John L.	Laduca Law Firm
Lago, Victoria	\$9,401.04
Lamb, III, Robert G.	\$7,836.50
Lamb, Meredith M. B.	\$14,161.76
Laragy, Susan	\$1,662.00
Leavy, Anthony	\$8,456.25
Leegant, Jo Anne	Egger & Leegant
Lester, Frederick	\$34,056.75
Lopez, Sylvia	\$75.00
MacAulay, Paul D.	\$45,062.33
Maggio, Frank G.	\$4,086.00
Martin, Thomas N.	\$3,412.00
Maslow, Lisa J.	\$23,701.52
Mastrella, Daniel J.	\$78,13.50

Attorney Full Name	Cost
Maurer, Zach	\$7,093.50
McCarthy, II, Martin P.	\$17,567.35
McCarty, Terence	\$2,235.00
McClenathan, Edward W.	\$9,195.85
McKain, Kevin	\$14,137.00
McKeown, John F.	\$1,129.55
Menard, John	\$48,449.00
Merante, RoseMaria	\$22,260.00
Merante, Vincent E.	\$24,274.50
Mix, Matthew J.	\$3,358.50
Monaghan, Lori Robb	\$10,560.15
Morabito, David R.	\$4,107.72
Muldoon, Gary	Muldoon & Getz
Muldoon & Getz	\$17,567.35
Murante, David A.	\$57,381.62
Nafus, Matthew D.	\$30,808.75
Napier, James A.	\$10,641.00
Napolitano, Lorenzo	\$41,130.98
Nevarez, Juan A.	\$2,940.00
Nobles, James L.	\$390.00
Oathout, Bryan	\$107,229.00
O'Neill, Jr., Raymond B.	\$255.00
O'Toole, Keith	\$8,962.50
Owens, David L.	\$11,103.00
Pappalardo, Fauna	\$8,167.50
Parks, Anthony	\$587.47

Attorney Full Name	Cost
Pennica, Kenneth L.	\$3,540.00
Perez, Gilbert R.	\$76,930.50
Pilato, Charles M.	\$10,507.50
Pilato, David C.	Laduca Law Firm
Pixley, William G.	\$19,857.50
Pullano, Peter J.	\$39,612.11
Ratchford, Beth A.	\$51,574.51
Reardon, Kathleen P.	\$13,981.37
Redmond, Gregg H.	\$116.00
Reinstein, Natalia	\$3,802.50
Riotto, II, James L.	\$51,771.00
Rodeman, Christopher K.	\$19,734.00
Roxin, Richard C.	\$18,161.95
Ruby, William S.	\$7,202.00
Rumi, Fares A.	\$11,255.09
Russell, Dianne C.	\$39,822.90
Russi, Patrick K.	\$6,903.00
Sadinsky, Lisa A.	\$466.37
Schiano Law Offices, PC	\$56,367.50
Schiano, Christopher	Schiano Law Offices, PC
Schiano, Jr., Charles A.	Schiano Law Offices, PC
Schiano, Michael P.	Schiano Law Offices, PC
Schiano, Sr., Charles A.	Schiano Law Offices, PC
Schmitt, Michael D.	\$12,702.50
Scibetta, Michael P.	\$16,606.53
Sekharan, Raja N.	\$1,724.09

Attorney Full Name	Cost
Sercu, Stephen	\$1,099.50
Session, Jerry	\$7,038.00
Shiffirin, Brian	Easton Thompson Kasperek Shiffirin, LLP
Shulman, Brian J.	\$60,935.37
Siragusa, Lisa Serio	\$778.50
Sperano, Aaron J.	Sperano & Housel, Attorneys at Law
Sperano & Housel, Attorneys at Law	\$50,794.00
Steinman, Charles	\$1,761.00
Stern, Jon M.	\$22,998.00
Stowe, Eric W.	\$22,883.01
Thomas-Diaz, Kathleen	\$25,702.00
Thompson, Donald M.	Easton Thompson Kasperek Shiffirin, LLP
Tuohey, Michael J.	\$4,325.02
Trevett, Cristo, Salzer & Andolina	\$53,071.48
Turner, Karen B.	\$68,039.00
Turner, Robert P.	\$11,542.25
Vacca, James P.	\$25,537.50
Vacca, Jr., Paul J.	\$15,684.43
Valleriani, Sam L.	\$54,815.25
Van Loon, Nathan, Menard, Attorneys at Law	\$48,449.00
Van Loon, Nathan	Van Loon, Nathan, Menard, Attorneys at Law
Wade, David	Ganguly Brothers, PLLC
Waldman, Cara	\$7,603.97

Attorney Full Name	Cost
Waldorf, Joseph	\$361.84
Walsh, Jr., James E.	\$705.00
Watkins, Paul B.	\$757.50
Weisbeck, Kimberly W.	\$6,067.50
Welch, Jamie	\$3,345.00
Wisner, Todd J.	\$8,063.25
Wood, Robert W.	\$15,383.27
Young, D. Scott	\$19,195.50
Young, Mark A.	\$37,381.50
Zimberlin, John F.	\$8,622.00
Zimmermann, Jr., Clark J.	Trevett, Cristo, Salzer & Andolina
Grand Total	\$ 3,071,364.38

2013 Table of Program Use by Judiciary⁶

The table below shows the number of assignments for each Judge making at least one assignment during 2013. 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.

Judge	ACP	Court	Total
Affronti, Francis A.	8	9	17
Appellate Division,	17	23	40
Argento, Victoria M.	1	40	41
Ark, John J.		1	1
Arnold, Jeanne		6	6
Aronson, Stephen D.	1	1	2
Barone, Vincent M.	1	3	4
Beikirch, James F.	2	49	51
Bernacki, John E.	6	2	8
Boldt , Margaret M.	3	2	5
Bonacchi, David P.	1	5	6
Brown-Steiner, Terrence	4	23	27
Campbell, Vincent	62	20	82
Castro, Melchor E.	558	170	728
Connors, Robert P.	8	10	18
Corretore, David	18	3	21
Crimi, Jr., Charles F.	71	17	88

⁶ 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. These numbers include those cases handled by the Office of the Conflict Defender.

Judge	ACP	Court	Total
DeMarco, John L.	2	32	34
Depferd, Mark R.	4		4
Dinolfo, Vincent M.	21	34	55
DiSalvo, Thomas J.	15	1	16
Dixon, Maija C.	75	8	83
Donofrio, Gail		181	181
Donsky, Steven M.	1	60	61
Doupe, Thomas S.	2		2
Doyle, Daniel J.	2	36	38
Elliott, John E.	51	16	67
Falk, John A.	10	3	13
Farber, Sidney T.	14	2	16
Fletcher, William P.	1		1
Gallagher, John	3	176	179
Gallaher, Patricia E.		115	115
Genier, Joseph T.		37	37
Geraci, Jr., Frank P.	1		1
Gordon, Julie Anne	65	48	113
Irizarry, Diana M.	7		7
Johnson, Kevin	3		3
Johnson, Teresa D.	96	5	101
Kirch, Henry E.	1		1
Kohout, Joan S.		137	137
Litteer, Jr., Harold H.	3		3
Lomenzo, Jr., John P.	12	1	13
Maley, Jr., James E.	7		7

Judge	ACP	Court	Total
Miller, Stephen T.	99	42	141
Moffett, Richard W.	3	1	4
Moran, Thomas E.	3	16	19
Morris, Karen	14	1	15
Morse, Thomas Rainbow	124	25	149
Mulley, James	10	3	13
Murante, David A.		5	5
Nesser, Joseph G.	2	95	97
Nitti, Gino M.	42	19	61
Odorisi, J. Scott		5	5
Okolowitz, Scott K.	2	2	4
Olver, Melvin L.	4	5	9
Owlett, Deborah		1	1
Pericak, John G.	2	40	42
Piampiano, James J.	17	12	29
Pietropaoli, Patrick		14	14
Pilato, Linda Lohner	3		3
Polito, Thomas W.	41	26	67
Pupatelli, Peter P.	7	53	60
Randall, Doug A.	5	15	20
Rao, Michael G.	3		3
Rath, Paul	5		5
Renzi, Alexander	1	19	20
Riordan, Paul M.	38	11	49
Rivoli, John J.	9	2	11
Ruhlmann, Dandrea L.	1	137	138

Judge	ACP	Court	Total
Russi, Patrick	1	32	33
Schiano, Jr., Charles A.	17	66	83
Schiano, Michael Patrick		4	4
Schwartz, John R.	3	10	13
Sciortino, Michael A.	8	3	11
Stowe, Richard E.	1	4	5
Taylor, William	9	3	12
Valentino, Joseph J.	1	50	51
Valleriani, Samuel L.		58	58
Wilcox, Christopher T.	2		2
Winslow, Joanne M.	16	6	22
Yacknin, Ellen M.	71	12	83
Grand Total	1721	2073	3794

2013 Case Dispositions⁷

Disposition	Total
Abated by Death	7
ACD	540
Acquittal	17
Admit Petition	54
Appeal Judgment-Affirmed	19

⁷ Includes all cases closed and paid in 2013 even if assigned in prior year.

Appeal Judgment – Modified	1
Appeal Judgment-Reversed	1
Trial - Guilty Lesser	6
Trial - Guilty Original	16
Client Retained Own Counsel	83
Conflict of Interest	50
Consolidated - Other Charges	24
Covered by Plea - Other Charge	224
Dismissed - CPL 30.30	311
Dismissed - Felony Complaint	9
Dismissed - Indictment	8
Dismissed - Information	100
Dismissed –Motion	48
Dismissed – Plea in Satisfaction	96
Extradition Granted	3
No Bill – Grand Jury	101
No Conflict - PD Continued	7
Other	63
Petition Dismissed	354
Petition found after hearing	49
Plea to Reduced Charge	890
Plea to Top Charge	401
Relieved by Court	155
Stipulated Settlement	1370
Transfer to Family Court	8
Transfer to IDV	41
Trial Order of Dismissal	3

YO Adjudication	56
Grand Total	5115
