

**Monroe County  
and  
Monroe County  
Bar Association  
Assigned Counsel  
Program  
2014 Annual Report**

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**\*2014-2015**

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## Introduction

2014 was the twenty third year the Assigned Counsel Program operated in all courts. It was also the twelfth year of operation for the Conflict Defender Office.

In 2014 The Conflict Defender Office experienced a number of staff changes, including the loss of three staff attorneys and two support persons. After standard administrative delays, all three attorney staff positions were filled, as well as the support staff positions. Additionally, by the end of the year 2014, two additional full time support staff positions, as well as one part time staff position, were also filled pursuant to a grant from Indigent Legal Services of New York State (OILS). Outside support services such as investigation and service of process continued to be 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 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"**

2014 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. Eighty seven appeals were assigned by the office, with the majority remaining in-house, assigned to only two appellate attorneys on staff. Also, there was a substantial increase in the number of homicide cases, and it appears that the number of assigned homicide cases is substantially increasing every year: 13 in 2011, 20 in 2012, 33 in 2013, and now 45 in 2014. In this last year alone this represents a 36% increase in homicide assignments from 2013 to 2014. This increase in homicide assignments will clearly mean an increased projection of expenses for 2015-2017, when most of these cases are likely to be litigated and concluded. Once again, 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. Notable too was the 21% increase in appeals from the year prior, which was already vastly more than anticipated by the program (appeals anticipated to be +20/year). Additionally, many of the appeals being assigned are already three-four years old, which meant that they need to be assigned out due to concerns regarding potential habeas corpus relief: this was done pursuant to another OILS grant. In both of these situations, additional assignment of attorneys was required, and can be expected to result in increased payments in 2015-2017. Both grant funded positions for Family Court were filled by the end of the year, 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.

The Request for Proposal issued at the end of 2013 to contract out the work presently done by the program and office continued through the Spring of 2014, continuing to create an environment of great uncertainty among the CDO staff, which was factored partially into the larger than normal staff turnover experienced. 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 most of the calendar year 2014: including no secretarial support or paralegal support, until October. 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 2014, 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.

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, most particularly with respect to dispositional information. \*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 2014 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 continued 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 2014 calendar year, and it should be noted that there were very few applications for panel membership throughout most of 2014, most likely due to the fact that the panels had been updated and expanded in 2014 as part of the efforts of the Conflict Defender to improve the program. 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.

The initiative launched in the 2013 calendar year by Conflict Defender Charles Noce, Esq., was implemented in 2014 to enhance the requirement for membership on particular panels; and to streamline the application process for panel membership.

## **"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. Having received a Grant to fund the purchase of an electronic vouchering system, which should greatly improve efficiencies in the future, Mr. Charles Noce, Esq, continued to move this effort forward, which included the issuing of an RFP, which will likely conclude with a hopeful implementation in calendar year 2015.

The District Attorney's continued policy regarding felony preliminary hearings negatively affected the overall cost of the Assigned Counsel Program. Attorneys continue 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 2014.

## New Attorneys in 2014<sup>1</sup>

Attorney	Panel				Appellate	Grand Total
	ABC Felony	DE Felony	Misdemeanor	Family Court		
Clark, Kevin	X	X	x			3
Gerstner, Jordan				X		1
Hagen, Matthew		x	x			2
Williams, Mark			X	x		2
Pattison, Michael		x	x			2
Witmar, Michael			x	x		2
Grand Total	1	3	5	3		12

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<sup>1</sup> Panel for which the attorney was approved in 2014. Attorney may have been approved in a previous year for a different panel or panels

### Total Cases Referred by Panel 2008-2014<sup>2</sup>

Panel	2009	2010	2011	2012	2013	2014
ABC Felony	641	590	534	546	619	584
Appellate	53	44	45	54	72	87
DE Felony	508	606	537	304	544	527
Family Court	2470	2940	2867	2980	2796	2978
Misdemeanor	2458	2703	2759	3251	2869	2527
Other	47	50	45	40	21	25
Probation/Parole	225	221	298	204	165	151
Grand Total	6402	7154	7085	7379	7086	6879

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

## 2014 Assignments<sup>3</sup>

The following charts show the assignments each attorney received in 2014. 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 2014 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 2014 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 2014. 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.

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<sup>3</sup> 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.

### **2014 Homicide Assignments**

Agency	Attorney	Referral		Grand Total
		ACP	Court	
ACP	Astacio, Leticia		1	1
	Bailey-Turner, Karen	1		1
	Damelio, Joseph		2	2
	DeCarolis, Brian		2	2
	Easton, William T	1	1	2
	Foti, Mark		1	1
	Funk, Mark	1	1	2
	Ganguly, Avik		1	1
	Hinman, James	2		2
	Housel, Jason	1		1
	Kasperek, Larry	1	2	3
	Kennedy, Christian		1	1
	MacAulay, Paul	1		1
	Morabito, David	1		1
	Murante, David	1		1
	Napier, James		1	1
	Napier, Robert	1		1
	Pullano, Peter	2		2
	Rich, Matthew		3	3
	Rodemman, Christopher		1	1
	Russell, Diane		1	1

	Schiano, Michael		3	3
	Scibetta, Michael	1		1
	Siguenza, Teodoro		2	2
	Stowe, Eric		1	1
	Thompson, Don	1	2	3
	Vacca, James		1	1
	Vacca, Paul	1		1
	Young, Scott	1		1
	Zimmerman, Clark	1		1
ACP Total		18	27	45
CDO Total		0	0	0
	Grand Total	18	27	45

### 2014 ABC/DE Felony Assignments

Agency	Attorney	Referral		Grand Total
		ACP	Court	
	Ajaka, Maroun	11	2	13
	Annechino, John A.	1		1
	Aramini, Mary E.	7	2	9
	Astacio, Leticia D	8	9	17
	Aureli, Daniel L.	7	4	11
	Bitetti, Gary	7	12	19

Agency	Attorney	Referral		Grand Total
		ACP	Court	
	Bourtis, Eftihia	9	4	13
	Bowman, Jason J.	1	3	4
	Brown, James E.	4	16	20
	Buettner, Brian	3	2	5
	Catalano, Christian A.		17	17
	Christie, F. James	4	18	22
	Ciardi, Francis M.	8	2	10
	Clark, Kevin	9	12	21
	Dadd, Hayden	1	3	4
	Damelio, Joseph S.	4	7	11
	DeCarolis, Brian	2	6	8
	DeJohn, Timothy W.	3		3
	DiSalvo, Thomas J.	6		6
	Easton, William T.	2	1	3
	Falk, Jr., Terrance A.	3		3
	Farrell-Gallagher, Barbara E.	15	5	20
	Feindt, Mary E.		1	1
	Foti, Mark	11	4	15
	Funk, Mark D.	11	3	14
	Ganguly, Avik K.	17	15	32
	Garretson, Scott A.	15	8	23
	Geraci, Michael		2	2
	Gross, Richard R.	3		3
	Guarino, Michael	6	2	8

Agency	Attorney	Referral		Grand Total
		ACP	Court	
	Guerrieri, Paul		2	2
	Hagen, Matthew	2	5	7
	Hinman, James S.	1		1
	Holliday, Billie D.	5	4	9
	Housel, Jason M.	2	4	6
	Hurwitz, Phillip R.	2	1	3
	Hyland, Kenneth	6	1	7
	Johnson, Christopher G.	4	1	5
	Jones, Rhian	2	2	4
	Kasperek, Lawrence L.	5	2	7
	Kennedy, Christian J.	13	13	26
	Khuns, Kevin	5	2	7
	Krane, Joel N.	10	6	16
	Kristal, Peter L.	9	4	13
	Lamb, Meredith M.B.	4		4
	Lopez, Sylvia	3	11	14
	MacAulay, Paul D.	9		9
	Maurer, Zach	5	19	24
	McCarthy, II, Martin Patrick	1	3	4
	McKain, Kevin	8	7	15
	Mix, Matthew J.	11	3	14
	Monaghan, Lori Robb	11	2	13
	Morabito, David R.	6	2	8
	Murante, David A.	14	3	17

Agency	Attorney	Referral		Grand Total
		ACP	Court	
	Napier, James A.	5	2	7
	Napier, Robert A.	4	1	5
	Napolitano, Lorenzo	13	20	33
	Oathout, Bryan	3	13	16
	Owens, David L.	8	1	9
	Pattinson, Michael	2	2	4
	Perez, Gilbert R.		1	1
	Pullano, Peter J.	8	1	9
	Ratchford, Beth A.	8	1	9
	Rich, Matthew	7	18	25
	Riotto, II, James L.	6	4	10
	Rodeman, Christopher K.	8	7	15
	Rose, Angelo A.	1	3	4
	Rumi, Fares A.	3		3
	Russell, Dianne C.	6	1	7
	Russi, Patrick K.	3		3
	Schiano, Christopher	2	2	4
	Schiano, Michael P.	3	13	16
	Schmitt, Michael D.	2		2
	Scibetta, Michael P.	12	2	14
	Shulman, Brian J.	10	5	15
	Siguenza, Teodoro	7	10	17
	Sperano, Aaron J.	10	4	14
	Stowe, Eric W.	1	2	3

Agency	Attorney	Referral		Grand Total
		ACP	Court	
	Thomas-Diaz, Kathleen	5	1	6
	Thompson, Donald M.	2	5	7
	Turner, Karen Bailey	9	1	10
	Vacca, James P.	13	7	20
	Vacca, Jr., Paul J.	10	1	11
	Waldorf, Joseph	4	2	6
	Wesley, Sarah	3	20	23
	Wood, Robert W.	6	1	7
	Young, D. Scott	17	1	18
	Young, Mark A.	10	3	13
	Zimmermann, Jr., Clark J.	8	2	10
	ACP Total	587	362	949
	CDO Total			
	Grand Total			949

## 2014 Misdemeanor Assignments

Agency	Attorney	Referral		Grand Total
		ACP	Court	
	Ajaka, Maroun	20	3	23
	Annechino, John A.	5		5
	Aramini, Mary E.	2		2
	Astacio, Leticia D.	12	6	18
	Aureli, Daniel L.	4	4	8
	Barraco, Ted A.	2		2
	Bitetti, Gary	2	5	7
	Bourtis, Eftihia	6	2	8
	Bowman, Jason J.	19	2	21
	Brown, James E.	4	3	7
	Buettner, Brian C.	7		7
	Byrnes, James M.	7	1	8
	Catalano, Christian A.	4	45	49
	Chait, Mitchell A.	10		10
	Christie, James F	7	18	25
	Ciardi, Francis M.	7	3	10
	Clark, Kevin	7	13	20
	Dadd, Hayden	9	19	28
	DeJohn, Timothy W.	3		3
	Demo-Vazquez, Kristine M.	2	6	8
	DiSalvo, Thomas J.	1	1	2
	Falk, Jr., Terrance A.	7	1	8
	Farrell-Gallagher, Barbara E.	13	5	18
	Feindt, Mary E.	4	10	14

Agency	Attorney	Referral		Grand Total
		ACP	Court	
	Flowerday, Michael D.	4	2	6
	Foti, Mark	3	2	5
	Funk, Mark D.	8		8
	Ganguly, Avik K.	13	5	18
	Garretson, Scott A.	17	5	22
	Gianforti, Gary J.	2		2
	Gladstone, Katherine	9	3	12
	Gravelle, Jeffrey D.	7		7
	Gross, Richard R.	1	1	2
	Guarino, Michael	13	10	23
	Guerrieri, Paul	6	8	14
	Hagen, Matthew	1	3	4
	Hardies, Robert M.	3		3
	Hartt, James D.	6		6
	Hinman, James S.	1	3	4
	Holliday, Billie D.	2	1	3
	Housel, Jason M.	2	4	6
	Hummel, Chad M.	4		4
	Jain, Rekha	11	1	12
	Johnson, Christopher G.	4	8	12
	Jones, Rhian Dudson	6	4	10
	Josh, Sylvia W.	12	4	16
	Karatas, Nigos	4		4
	Kennedy, Christian J.	7	7	14
	Khuns, Kevin M.	12	6	18

Agency	Attorney	Referral		Grand Total
		ACP	Court	
	Kovalsky, Shaina	12	4	16
	Krane, Joel N.	14	4	18
	Kristal, Peter L.	4	1	5
	LaBue, Eugene P.	10		10
	Lamb, Meredith M. B.	3		3
	Lester, Frederick	32	6	38
	Lopez, Sylvia	10	7	17
	Maggio, Frank G.	13	1	14
	Mastrella, Daniel J.		4	4
	Maurer, Zachary	15	27	42
	McCarthy, II, Martin Patrick	4	1	5
	McCarty, Terence	2		2
	McKain, Kevin	3	1	4
	Merante, Vincent E.	11	52	63
	Mix, Matthew J.	14	7	21
	Monaghan, Lori Robb	3	3	6
	Murante, David A.	3		3
	Nadler, Christian M.		2	2
	Nafus, Matthew D.		2	2
	Napolitano, Lorenzo	16	14	30
	Oathout, Bryan	6	25	31
	O'Toole, Keith	17	4	21
	Owens, David L.	7	3	10
	Paluch, Stephen James	3		3
	Parks, Anthony	7		7

Agency	Attorney	Referral		Grand Total
		ACP	Court	
	Pattinson, Michael		7	7
	Pilato, David C.	10	12	22
	Pullano, Peter J.	7		7
	Ratchford, Beth A.	8	6	14
	Redmond, Gregg H.	10	1	11
	Riotto, II, James L.	11	5	16
	Rodeman, Christopher K.	12	4	16
	Ruby, William S.	7		7
	Rumi, Fares A.	1	1	2
	Russi, Patrick K.	5	3	8
	Ryan, Scott A.	5	1	6
	Schiano, Christopher	1		1
	Schiano, Jr., Charles A.	4		4
	Schiano, Michael P.	1	1	2
	Schmitt, Michael D.	1		1
	Scibetta, Michael P.	9	6	15
	Sercu, Stephen	3	3	6
	Shulman, Brian J.		11	11
	Siguenza, Teodoro	6	5	11
	Siragusa, Lisa Serio		1	1
	Sperano, Aaron J.	8		8
	Stowe, Eric W.	13	24	37
	Thomas-Diaz, Kathleen	38	2	40
	Vacca, James P.	11	2	13
	Vacca, Jr., Paul J.	2	2	4

Agency	Attorney	Referral		Grand Total
		ACP	Court	
	Wade, David	16	2	18
	Waldorf, Joseph	2	3	5
	Wesley, Sarah		26	26
	Wisner, Todd J.W.	2		2
	Witmar, Michael	1		1
	Wood, Robert W.	2		2
	Young, D. Scott	7	1	8
	Young, Mark A.	8	4	12
ACP Total		726	484	1242
CDO	Crimi, Joseph P.			333
	Murante, Kathleen			350
	Solomon, R. Adrian			481
CDO Total				1164
Grand Total				2406

## 2014 Family Court Assignments

Agency	Attorney	Referral		Grand Total
		ACP	Court	
	Ajaka, Maroun	5	28	33
	Annechino, John A.	4	2	6
	Aramini, Mary E.		7	7
	Affronti, Lorna		6	6
	Asamoah-Wade, Yolanda A	3	8	11
	Astacio, Leticia D	2		2
	Barnes, Stefanie		1	1
	Berkowitz, Joyce	1	2	3
	Bourne, Leah K.	5	5	10
	Bourtis, Efthia	5	6	11
	Bowman, Jason J.	2	3	5
	Brown, James E.		3	3
	Buettner, Brian C.	4	2	6
	Byrnes, Jim	2	3	5
	Callanan, Karen Smith	2	16	18
	Cappana, Paloma	3		3
	Chait, Mitchell A.	5	11	16
	Chase, Carolyn L.		33	33
	Cimino, Michelle Y.	1	1	1
	Crowder, Debra A.		1	1
	DeJohn, Timothy W.	1	4	5
	Demo-Vazquez, Kristine M.		3	3
	DiSalvo, Thomas J.	4	1	5
	Elsner, Ellen	4	1	5

Agency	Attorney	Referral		Grand Total
		ACP	Court	
	Falk, Jr., Terrance A.	1		1
	Farrell-Gallagher, Barbara E.	5	12	17
	Feindt, Mary E.		42	42
	Funk, Mark D.	4	4	8
	Gerstner, Jordan		1	1
	Gladstone, Katherine	4	8	12
	Guarino, Michael	8	11	19
	Handelman, Eric D.		11	11
	Hartzell, Jr., Thomas C.	1	8	9
	Hinman, James S.	2	10	12
	Holliday, Billie D.	4	1	5
	Hummel, Chad M.	1		1
	Indivino, Deborah A.	1	1	2
	Jain, Rekha	3	5	8
	Johnson, Christopher G.	2	1	3
	Jones, Rhian Dudson	1	18	19
	Josh, Sylvia W.	5	3	8
	Karatas, Nigos	4	1	5
	Kennedy, Christian J.	2		2
	Khuns, Kevin M.	5	8	13
	King, Jr., William H.		3	3
	Korotkin, Alexander	1		1
	Kovalsky, Shaina	2	7	9
	Kristal, Peter L.	2	1	3
	Lago, Victoria	3	3	6

Agency	Attorney	Referral		Grand Total
		ACP	Court	
	Lamb, Meredith	1		1
	Laragy, Susan	1	11	12
	Leavy, Anthony		28	28
	Lester, Frederick	8	6	14
	Marshall-Van Loon, Ella	1	3	4
	Martin, Thomas N.		1	1
	Maslow, Lisa J.	1	49	50
	McClenathan, Edward W.	2	45	47
	McKain, Kevin	5		5
	McMullen, Margaret		7	7
	Menard, John	4	6	10
	Merante, RoseMaria		8	8
	Monaghan, Lori	3		3
	Napolitano, Lorenzo	7	14	21
	Narang, Charu	2		2
	Nevarez, Juan A.		6	6
	Oathout, Bryan	4	60	64
	Pennica, Kenneth	2		2
	Perez, Gilbert R.	1	20	21
	Pilaroscia, Marla J.	2	2	4
	Ratchford, Beth A.	8	21	29
	Rich, Matthew	3	16	19
	Rumi, Fares A.	4	1	5
	Ryan, Scott A.	4	4	8
	Sadinsky, Lisa A.	1		1

Agency	Attorney	Referral		Grand Total
		ACP	Court	
	Sekharan, Raja	1		1
	Schmitt, Michael D.	1	6	7
	Scibetta, Michael P.		2	2
	Shulman, Brian J.		4	4
	Siragusa, Lisa Serio		4	4
	Sperano, Aaron J.	5	2	7
	Stern, Jon M.		17	17
	Stowe, Eric W.		1	1
	Tasikas, Elena		8	8
	Thomas-Diaz, Kathleen	3		3
	Turner, Robert P.	3	27	30
	Vacca, James	7		7
	Van Loon, Nathan Allen		4	4
	Watkin, Paul	9	7	16
	Williams, Mark	1		1
	Witmar, Michael	1		1
	Weisbeck, Kimberly W.	1	5	6
	Zunno, Harriett	2	1	3
	ACP Total	212	712	924
CDO	Callanan, Karen Smith			59
	Duclos, Marc			267
	Edwards, Tynise Y.			45
	Fifield, Sarah			132
	Holt, Sarah			270

Agency	Attorney	Referral		Grand Total
		ACP	Court	
	Leonardo, Stephanie N.			412
	Palmisano, Chelsea			405
	Sammons, Elizabeth			201
	Thomson, Derek A.			144
CDO Total				1935
	Grand Total			2859

### 2014 Appellate Assignments

Agency	Attorney	Referral		Grand Total
		ACP	Court	
	Abbatoy, David	2	2	4
	Bourtis, Efthia	1	1	2
	Bowman, Jason	2	1	3
	Cirando, John	1		1
	Davison, Mark	2		2
	Davison, Mary P.	2	3	5
	Easton, William	1		1
	Field, Bridget		1	1
	Funk, Mark	1	1	2
	Glennon, Peter	1		1
	Gorman, Shirley A.	9	2	11
	Pixley, William	2		2
	Reardon, Kathleen P.	1		1

	Shiffrin, Brian	1		1
	Thompson, Don	1		1
	Waldman, Cara		1	1
	Wicks, Jeffery	1		1
ACP TOTAL		28	12	40
CDO	Czapranski, Kimberly J.			27
	Reardon, Kathy			20
CDO TOTAL				47
	Grand Total			87

- Note: Throughout 2014 a significant number of cases had to be assigned out to ACP attorneys due to a conflict of interest with The Conflict Defender Office, as well as due to the fact that many cases were so old even at the time of initial assignment that they needed to be assigned out pursuant to an OILS grant to handle the backlog of appeals.

## 2014 Costs by Attorney<sup>6</sup>

Attorney Full Name	Cost
Ajaka, Maroun	\$33,502.50
Annechino, John A.	\$10,544.25
Aramini, Mary E.	\$29,863.56
Asamoah-Wade, Yolanda A	\$4,837.50
Astacio, Leticia D	\$33,906.29
Badain, Lara R.	\$2,399.97
Barnes, Stefanie	\$10,266.99
Barr, Culver K.	\$3,937.50
Bitetti, Gary	\$8,907.00
Bourne, Leah K.	\$12,263.63
Bourtis, Efthia	\$45,344.92
Bowman, Jason J.	\$82,740.81
Bowman, Wynn	\$7,680.00
Brown, James E.	\$46,579.84
Buettner, Brian C.	\$16,402.03
Byrnes, James M.	\$8,854.50
Callanan, Karen Smith	\$9,525.00
Capanna, Paloma A.	\$4,177.50
Catalano, Christian A.	\$64,747.50
Chait, Mitchell A.	\$,903.00
Chase, Carolyn L.	\$32,565.00
Christie, F. James	\$22,944.50
Cianca, Mark F.	\$277.50
Ciardi, Francis M.	\$39,079.65

<b>Attorney Full Name</b>	<b>Cost</b>
Cirando, John A.	\$3,797.71
Colombo, Jeanne M.	\$652.50
Crowder, Debra A.	\$431.25
Dadd, Hayden	\$4,639.50
Damelio, Joseph S.	\$180.00
Davison, Mary P.	\$26,133.99
DeCarolus, Brian	\$15,945.00
Dedes, William C.	\$954.00
DeJohn, Timothy W.	\$20,309.50
Demo-Vazquez, Kristine M.	\$4,399.50
DiPrima, Michael T.	\$3,682.50
DiSalvo, Thomas J.	\$4,378.50
Dollinger, Alison	\$14,017.35
<b>Easton Thompson Kasperek Shiffrin, LLP</b>	\$90,292.36
Easton, William T.	<b>Easton Thompson Kasperek Shiffrin, LLP</b>
Egger, Jan P.	<b>Egger &amp; Leegant</b>
<b>Egger &amp; Leegant</b>	\$19,510.95
Elsner, Erin M.	\$375.00
Falk, Jr., Terrance A.	\$8,450.70
Farr, William H.	\$3,480.00
Farrell-Gallagher, Barbara E.	\$53,949.43
Field, Bridget	\$5,961.34
Feindt, Mary E.	\$29,040.00
Fero, Matthew John	\$468.75
Foti, Mark	\$4,230.00

<b>Attorney Full Name</b>	<b>Cost</b>
Fulmer, Daniel C.	\$4,006.50
Funk, Mark D.	\$63,133.50
Ganguly, Anjan K.	<b>Ganguly Brothers, PLLC</b>
Ganguly, Avik K.	<b>Ganguly Brothers, PLLC</b>
<b>Ganguly Brothers, PLLC</b>	\$36,912.37
Garretson, Scott A.	\$40,935.50
Geraci, Michael	<b>Trevett Cristo Salzer &amp; Andolina, PCC</b>
Gianforti, Gary J.	\$1,578.00
Gibbons, Patricia Ann	\$922.50
Gladstone, Katherine	\$24,112.47
Gorman, Shirley A.	\$11,813.44
Gross, Richard R.	\$16,650.00
Guarino, Michael	\$60,788.45
Hagen, Matthew	<b>Laduca Law Firm, LLP</b>
Handelman, Eric D.	\$8,075.00
Hartt, James D.	\$1,308.00
Hinman, James S.	\$13,992.15
Holliday, Billie D.	\$8,317.50
Houde, Ardeth L.	\$716.18
Housel, Jason M.	<b>Sperano &amp; Housel, Attorneys at Law</b>
Hummel, Chad M.	\$3,076.50
Hurwitz, Phillip R.	\$19,945.28
Hyland, Kenneth	\$1,907.36
Indivino, Deborah A.	\$554.25
Infantino, Marc	\$17,242.50

<b>Attorney Full Name</b>	<b>Cost</b>
Jain, Rekha	\$6,338.45
Johnson, Christopher G.	\$32,396.22
Jones, Rhian Dudson	\$12,435.00
Josh, Sylvia W.	\$4,978.50
Kaplan, David M.	\$5,487.00
Karatas, Nigos	\$4,088.71
Kasperek, Lawrence L.	<b>Easton Thompson Kasperek Shiffrin, LLP</b>
Kennedy, Christian J.	\$51,608.50
Khuns, Kevin M.	\$33,879.14
Kovalsky, Shaina	\$9,797.26
Krane, Joel N.	\$36,967.50
Kristal, Peter L.	\$5,029.65
LaBue, Eugene P.	\$2,448.00
<b>Laduca Law Firm, LLP</b>	\$23,809.30
Lamb, Meredith M. B.	\$9,605.60
Laragy, Susan	\$17,586.66
Leavy, Anthony	\$10,759.50
Leegant, Jo Anne	<b>Egger &amp; Leegant</b>
Lester, Frederick	\$15,060.00
Lopez, Sylvia	\$6,346.50
MacAulay, Paul D.	\$11,857.50
Maggio, Frank G.	\$11,074.50
Martin, Thomas N.	\$4,639.33
Maslow, Lisa J.	\$25,251.62
Mastrella, Daniel J.	\$1,785.00
Maurer, Zach	\$43,315.00

<b>Attorney Full Name</b>	<b>Cost</b>
McCarthy, II, Martin P.	<b>Muldoon, Getz &amp; Restin</b>
McCarty, Terence	\$1,980.00
McClenathan, Edward W.	\$13,386.41
McKain, Kevin	\$20,217.50
McKeown, John F.	547.33
Menard, John	<b>VanLoon Menard, Attorneys at Law</b>
Merante, RoseMaria	\$20,910.00
Merante, Vincent E.	\$23,934.00
Mix, Matthew J.	\$9,846.00
Monaghan, Lori Robb	\$15,950.40
Morabito, David R.	\$58,870.34
Muldoon, Gary	<b>Muldoon, Getz &amp; Restin</b>
<b>Muldoon, Getz &amp; Restin</b>	\$14,942.50
Murante, David A.	\$56,016.22
Nafus, Matthew D.	\$24,664.43
Napier, James A.	\$1,177.50
Napier, Robert A.	\$13,770.98
Napolitano, Lorenzo	\$24,089.71
Oathout, Bryan	\$75,069.00
O'Toole, Keith	\$8,350.00
Owens, David L.	\$10,668.00
Paluch, Stephen James	\$7,875.91
Pappalardo, Fauna	\$1,563.75
Parks, Anthony	\$1,618.99
Pennica, Kenneth L.	\$876.00
Perez, Gilbert R.	\$42,273.00

<b>Attorney Full Name</b>	<b>Cost</b>
Pilato, David C.	<b>Laduca Law Firm, LLP</b>
Pixley, William G.	\$10,875.00
Pullano, Peter J.	\$33,110.11
Ratchford, Beth A.	\$50,282.15
Reardon, Kathleen P.	\$600.00
Redmond, Gregg H.	\$2,070.00
Reinstein, Natalia	\$4,329.90
Rich, Matthew	\$44,704.40
Riotto, II, James L.	\$62,349.00
Rodeman, Christopher K.	\$20,049.75
Rose, Angleo A.	\$4,467.00
Roxin, Richard C.	\$20,756.34
Ruby, William S.	\$7,701.50
Rumi, Fares A.	\$10,132.50
Russell, Dianne C.	\$22,682.58
Russi, Patrick K.	\$17,091.00
Ryan, Scott A.	\$6,106.50
Sadinsky, Lisa A.	\$117.17
<b>Schiano Law Office, PC</b>	\$51,841.50
Schiano, Christopher	<b>Schiano Law Office, PC</b>
Schiano, Jr., Charles A.	<b>Schiano Law Office, PC</b>
Schiano, Michael P.	<b>Schiano Law Office, PC</b>
Schiano, Sr., Charles A.	<b>Schiano Law Office, PC</b>
Shiffrin, Brian	<b>Easton Thompson Kasperek Shiffrin, LLP</b>
Schmitt, Michael D.	\$15,651.68

<b>Attorney Full Name</b>	<b>Cost</b>
Scibetta, Michael P.	\$19,695.31
Sercu, Stephen	\$646.08
Shulman, Brian J.	\$50,177.25
Siragusa, Lisa Serio	\$4,155.00
Sperano, Aaron J.	<b>Sperano &amp; Housel, Attorneys at Law</b>
<b>Sperano &amp; Housel, Attorneys at Law</b>	\$43,245.00
Stern, Jon M.	\$20,322.87
Stowe, Eric W.	\$22,124.17
Thomas-Diaz, Kathleen	\$9,513.00
Thompson, Donald M.	<b>Easton Thompson Kasperek Shiffrin, LLP</b>
<b>Trevett Cristo Salzer &amp; Andolina, PCC</b>	\$61,957.28
Turner, Karen B.	\$68,697.50
Turner, Robert P.	\$13,432.50
Vacca, James P.	\$53,473.50
Vacca, Jr., Paul J.	\$60,772.62
<b>VanLoon Menard, Attorneys at Law</b>	\$14,130.00
Van Loon, Nathan Allen	<b>VanLoon Menard, Attorneys at Law</b>
Wade, David	<b>Ganguly Brothers, PLLC</b>
Waldorf, Joseph	\$3,481.28
Watkins, Paul B.	\$9,465.84
Weisbeck, Kimberly W.	\$2,640.00
Wisner, Todd J.	\$1,194.00
Wood, Robert W.	\$24,636.00

<b>Attorney Full Name</b>	<b>Cost</b>
Young, D. Scott	\$47,309.25
Young, Mark A.	\$22,196.32
Zimmermann, Jr., Clark J.	<b>Trevett Cristo Salzer &amp; Andolina, PCC</b>
Zunno, Harriet L.	\$196.40
Grand Total	\$2,956,136.90

## 2014 Table of Program Use by Judiciary<sup>6</sup>

The table below shows the number of assignments for each Judge making at least one assignment during 2014. 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.	7	2	9
Appellate Division,	28	12	40
Argento, Victoria M.	4	25	29
Arnold, Jeanne	1	1	2
Barone, Vincent M.		6	6
Barry, David	33	18	51
Beikirch, James F.		61	61
Bernacki, John E.	4		4
Boldt , Margaret M.	6		6
Bonacchi, David P.		2	2
Brown-Steiner, Terrence	4	13	17
Campbell, Vincent	57	15	72
Castro, Melchor E.	436	175	611
Ciaccio, Christopher	16	1	17
Connors, Robert P.	15	18	33
Corretore, David	17	3	20
Crimi, Jr., Charles F.	89	18	107

<sup>6</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. These numbers include those cases handled by the Office of the Conflict Defender.

Judge	ACP	Court	Total
DeMarco, John L.	7	19	26
Depferd, Mark R.	18		18
Dinolfo, Vincent M.	22	22	44
DiSalvo, Thomas J.	11		11
Dixon, Maija C.	55	19	74
Donofrio, Gail		38	38
Donsky, Steven M.	1	88	89
Doupe, Thomas S.	3		3
Doyle, Daniel J.	6	6	12
Elliott, John E.	5		5
Evangelista, Ronald	11	2	13
Falk, John A.	9	1	10
Farber, Sidney T.	20	1	21
Fletcher, William P.	1		1
Gallagher, John	2	252	254
Gallaher, Patricia E.	7	98	105
Genier, Joseph T.	9	17	26
Gordon, Julie Anne	64	32	96
Hammel, Allyn	2	1	3
Irizarry, Diana M.	8		8
Johnson, Kevin	4		4
Johnson, Teresa D.	65	9	74
Kirch, Henry E.		1	1
Klonick, Thomas	2	9	11
Kohout, Joan S.	5	116	121
Litteer, Jr., Harold H.		2	2

Judge	ACP	Court	Total
Lomenzo, Jr., John P.	9		9
Maley, Jr., James E.	13		13
Miller, Stephen T.	38	18	56
Moffett, Richard W.	4	1	5
Moran, Thomas E.	1	28	29
Morris, Karen	23	1	24
Morrison, Caroline	74	17	91
Morse, Thomas Rainbow	65	19	84
Mulley, James	12	5	17
Murante, David A.	3	4	7
Nesser, Joseph G.	11	151	162
Nitti, Gino M.	58	12	70
Odorisi, J. Scott	1	2	3
Okolowitz, Scott K.	7		7
Olver, Melvin L.	1		1
Owlett, Deborah		2	2
Pericak, John G.	1	62	63
Piampiano, James J.	9	17	26
Pilato, Linda Lohner	3		3
Polito, Thomas W.	46	18	64
Pupatelli, Peter P.	34	21	55
Randall, Doug A.	25	22	47
Rao, Michael G.	6	1	7
Rath, Paul	6		6
Renzi, Alexander	1	13	14
Riordan, Paul M.	35	13	48

Judge	ACP	Court	Total
Rivoli, John J.	2		2
Ruhlmann, Dandrea L.	9	142	151
Russi, Patrick		51	51
Schiano, Jr., Charles A.	33	25	58
Schiano, Michael Patrick		1	1
Schwartz, John R.	1		1
Sciortino, Michael A.	4		4
Stowe, Richard E.	1		1
Taylor, William	10	1	11
Valentino, Joseph J.	1	45	46
Valleriani, Samuel L.	2	85	87
Wilcox, Christopher T.	4		4
Winslow, Joanne M.	15	4	19
Yacknin, Ellen M.	65	12	77
Grand Total	1687	1896	3583

### 2014 Case Dispositions<sup>7</sup>

Disposition	Total
Abated by Death	6
ACD	401
Acquittal	14

<sup>7</sup> Includes all cases closed and paid in 2014 even if assigned in prior year.

Admit Petition	46
Appeal Judgment-Affirmed	31
Appeal Judgment – Modified	3
Appeal Judgment-Reversed	8
Trial - Guilty Lesser	8
Trial - Guilty Original	12
Client Retained Own Counsel	97
Conflict of Interest	46
Consolidated - Other Charges	5
Covered by Plea - Other Charge	169
Dismissed - CPL 30.30	300
Dismissed - Felony Complaint	5
Dismissed - Indictment	8
Dismissed - Information	114
Dismissed –Motion	24
Dismissed – Plea in Satisfaction	39
Extradition Granted	1
No Bill – Grand Jury	67
No Conflict - PD Continued	9
Other	32
Petition Dismissed	349
Petition found after hearing	47
Plea to Reduced Charge	586
Plea to Top Charge	322
Relieved by Court	165
Stipulated Settlement	979
Transfer to Family Court	2

Transfer to IDV	42
Trial Order of Dismissal	3
YO Adjudication	37
Grand Total	3977

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