

ANNUAL REPORT TO THE MEMBERSHIP

2003

***Client-Defender
Speak Out***

**Celebrating the
40th Anniversary of
Gideon v. Wainwright
and the
Right to Counsel**

March 18, 2003



New York State Defenders Association
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New York State
Defenders
Association

ANNUAL REPORT
TO THE
MEMBERSHIP
2003

MISSION STATEMENT

The New York State Defenders Association, a not-for-profit membership organization, has been providing support to New York's criminal defense community since 1967. Its mission is to improve the quality and scope of publicly supported legal representation to low income people.

OFFICERS

Edward J. Nowak, *President*
Norman P. Effman, *Vice President*
Peter L. McShane, *Vice President*
Norman Shapiro, *Vice President*
Merble H. Reagon, *Secretary*
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Edith N. Jones
Darryl P. King
Paquita Y. Wheeler

THE BACKUP CENTER

Housed in an office a few blocks from the governmental offices of the Empire State Plaza and bordering one of Albany's low-income neighbor-

hoods, the Public Defense Backup Center provides resources to public defense lawyers, public officials, and others in every county across the state. Help is available by mail, telephone, facsimile, e-mail, and the NYSDA web site.

THE IMMIGRANT DEFENSE PROJECT

In November, 2002, NYSDA's Immigrant Defense Project (IDP) moved into new office space in New York City. The IDP is subletting space from the New York Association for New Americans, an immigrant and refugee services provider, in an office building in downtown Manhattan.

STAFF

Jonathan E. Gradess, *Executive Director*
Charles F. O'Brien, *Managing Attorney*
Barbara Baggott, *Executive Assistant*
Dawn Allert, *Office Coordinator*
Karla M. Andreu, *Community Organizer*
David L. Austin, *MIS Director*
Stephanie Batcheller, *Backup Center Staff Attorney*
Lorelei Boylan, *Immigrant Defense Project Intern*
Niurka Calcano, *Immigrant Defense Project
Administrative Assistant*
Mardi Crawford, *Backup Center Staff Attorney*
Darlene Dollard, *Project Manager*
Stephen F. Downs, *Investigator*
Mary Durgee, *Accountant*
Milena Hanukov, *Legal Intern*
Matt Hawkins, *Legal Intern*
Shahrul Ladue, *Legal Secretary*
Odaliz Martinez, *Immigrant Defense Project Intern*
Alfred O'Connor, *Backup Center Staff Attorney*
Debernee Pugh, *Volunteer Research Associate*
Ken R. Strutin, *Legal Information Consultant*
Manuel D. Vargas, *Immigrant Defense Project
Director*
Briana Wentworth, *Secretary*
Marianne C. Yang, *Immigrant Defense Project Staff
Attorney*

Introduction: The Challenge of Change

Experimentation and new methods of proceeding occurred in New York State over the last twelve months—at NYSDA, in the State Legislature, and in several counties. Knowing how things were done in the past didn't mean one knew how they would be done this year, or how they will be done in the future.

For example, when planning the Defender Institute Basic Trial Skills Program (BTSP) after a year's hiatus due to funding, NYSDA didn't follow the blueprint used before. The new program, with increased hands-on experience for the participants, was well received. Careful evaluation of the results of this change will lead to an even better event.

When passing the state budget, the Legislature didn't follow the usual path; instead, it passed budget bills over a gubernatorial veto. The effect of this process on public defense programs is still unclear. Discretionary funds for programs such as NYSDA, Prisoners' Legal Services of New York, Inc., and Neighborhood Defender Service of Harlem remain frozen by the executive months after the budget passed.

More fundamentally, when increasing assigned counsel fees for the first time since 1986, the Legislature did not just insert bigger numbers into Article 18-B of the County Law. The new law provides dedicated revenue streams to support some state funding, not just for increased assigned counsel fees but for all types of public defense programs permitted under 18-B. NYSDA immediately analyzed the new law and continues to respond to inquiries about it.

The new law, which increases assigned counsel rates beginning in 2004 and will send state money to localities in 2005, caused several counties to begin or expedite exploration and implementation of new plans for providing public defense services. NYSDA is working with counties and Chief Defenders to improve the representation that clients receive as change occurs.

On another front, NYSDA added a community organizer to its staff with a grant from the Open Society Institute. Working with the NYSDA Client Advisory Board, Karla Andreu is building a client voice in how public defense services are provided and client community support for reform of public defense services. In hearings and other forums, evidence of strong support for needed, client-centered reform is growing.

The world of New York State public defense has not, of course, been made new. It is yet to be seen whether the legislative reform is sufficient to improve public defense services or to provide significant relief to counties. For now, serious problems and serious efforts to solve them continue across the state. NYSDA continues to address the

I think we certainly need standards statewide. It's just not enough to have a warm body sitting there, that's for sure. You need to have somebody who can be effective.

—Richard Barbuto

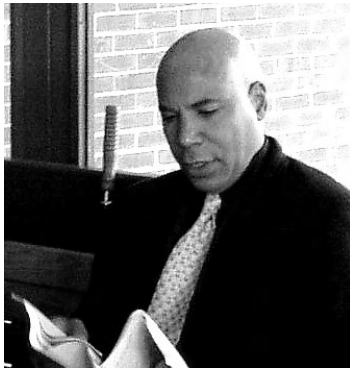


From my standpoint being able to run an office that is driven by the clients' needs rather than the specific case that brings that client through the door is where we need to get to.

—Gary Horton

***Gideon* is a process of struggle. . . . It's a constant battle to keep those rights that *Gideon* gave us.**

—Robert Massi



When we talk about the need to provide holistic services to our clients very frequently what that means is providing civil legal assistance to our clients, clients that are facing eviction one day and a petty larceny charge the next day.

—Susan Horn

problems and to provide a variety of services. To assist in identifying problems and possible solutions, Stephen F. Downs, formerly the Chief Attorney at the Commission on Judicial Conduct, has volunteered to work at the Backup Center as an attorney investigator.

Creation of a statewide, independent public defense commission remains crucial for long-term reform of New York State public defense services. Bills establishing a commission have been introduced by Senator Dale M. Volker (S. 1894) and Assembly Member Joseph R. Lentol (A. 5394). Over sixty assembly members and senators have signed onto these bills.

Celebrating *Gideon's* Changes, Seeking its Promise

On March 18, 2003, NYSDA and others celebrated the changes wrought in criminal justice by the United State Supreme Court decision in *Gideon v. Wainwright* forty years ago. Clients and lawyers told stories about what *Gideon* has—and has not yet—done. Quotes from that Client-Defender Speak Out appear throughout this report, to inspire clients, defenders, and their supporters to continue to fight for clients' rights. The quotes illustrate the need for more change, the strength of support for positive change, and the type of client-centered representation that only change will bring.

NYSDA in 2003: Guiding Change

From steering public defense programs through fundamental, systemic change to helping lawyers keep up with technological advances, NYSDA offers critical support at many different levels. Using tested measures and trying new ones, the Association continued for the thirty-sixth year to support New York's criminal defense community and to seek improvement in the quality and scope of publicly supported legal representation to poor people. It is the clients whose interests drive all the work.

Active Advisory Board and Organizer Push for Change

The Association's Client Advisory Board, which is created in the by-laws and must be made up of at least fifty percent "poor people or their legitimate representatives," met several times in the past year, drafting client standards for evaluation of public defense representation and deciding on strategies for pursuing needed reforms. Working with them, the community organizer hired in February 2003 with grant funds from the Open Society Institute planned the March 18 Client-Defender Speak Out mentioned above as well as hearings on the draft

standards and in client communities with unique characteristics and defense problems, such as migrant farmworkers. Experience to date shows that when they have appropriate venues and support, clients across the state will raise their voices for a fair public defense system in New York. A public education campaign for improving public defense systems will use these clients' stories of how some were helped by zealous representation and others were devastated by poor lawyering created by systemic defects.

NYSDA Helps Counties Adapt to New Measures

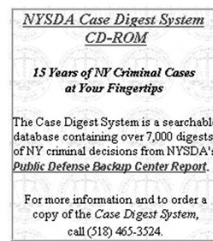
Counties, required by state law to provide public defense services to eligible clients in criminal and certain Family Court and other proceedings, look to NYSDA for information and assistance when evaluating how to meet that state mandate. This has been especially true since passage of the new law relating to public defense, and requests for consultation on the new law continue to arrive. NYSDA responds by providing relevant national and professional standards of representation, applicable state statutory and case law, and suggestions for gathering and analyzing local data.

Case Management System Changes Defense Data Collection

NYSDA helps public defender offices improve their collection and reporting of case data through installation and support of the Public Defense Case Management System (PDCMS). This increasingly popular software is used across the state in large, established defender offices and new, smaller ones. NYSDA works closely with individual offices to ensure that, once installed, the PDCMS meets their unique needs. The software is now supported in twelve offices, with several others under contract or expressing interest.

Case Digests, Updated Expert Directory Now on the Web

The Case Digest System (CDS) is NYSDA software for that most basic of legal tasks, keeping up on and researching case law. The CDS continues to evolve and now reaches more lawyers than ever. Containing case summaries published by the Association since 1987, the CDS has been available on a searchable CD-ROM since 2001. Now, the summaries are available free on the NYSDA web site. Subscribers still receive the entire database, updated, on CD-ROM, with bonus materials such as the New York City Assigned Counsel Expert Witness Directory and the New York State Chief Defender List. With



With all the specialty courts that have been set up . . . you can't just be someone who knows the criminal law any more, you really have to know mental health issues, you have to know treatment issues, you really have to understand that stuff.

—Russell Neufeld



The attorney system for the poor people needs to be overhauled and we need an independent body to be in charge and with the power to create guidelines and give training to attorneys who want to represent poor people.

—Darryl King

We have two goals. One is to provide top notch criminal defense representation to our clients; the other goal is to be a source of support and inspiration for the neighborhood where we are located.

—Aaron Mysliwicz



What we have to do is we have to come together and we have to create a family across this state of defense lawyers, defenders, defender families, of all people who are concerned about the poor.

—Raymond Kelly

the CDS, NYSDA helps defense lawyers keep up with changes in the law and find relevant cites quickly.

Users of NYSDA's web site can also access the N.Y.C. Assigned Counsel Plan Expert Witness Directory, which has been newly updated. In addition to placing the updated material on the site, NYSDA's information systems staff installed and configured new software, customized the user interface and programmed new functionality to the system so that adds, updates, and deletions (maintenance) of records can be performed from the web, helping to keep the available data current.

While Reporting on Change, the *REPORT* Continues to Evolve

Summaries of new, relevant appellate decisions are published in print form in the Association's newsletter, the *Public Defense Backup Center REPORT*, before being collected in the CDS. Relevant changes from the legislative branch are summarized annually in the *REPORT*'s Legislative Review. Regular departments include defense news (ranging from changes in county public defense programs to developments in evidence law), job notices, conference listings, substantive articles, book reviews, and more. Lawyers can still throw the *REPORT* in their briefcase to read at opportune moments, but they can also read it on the Internet, weeks before the print copy arrives. Increasingly, citations and references in the *REPORT* are to online sources.

NYSDA.org Reports Changes As They Occur

All the defense news fit to link to can be found on the NYSDA web site. Developments concerning assigned counsel rates, including the new law that raises fees and provides state money for public defense, are organized on a Hot Topics page. Frequently updated, the site includes substantive legal topic areas such as Eyewitness Evidence, specialty topics such as New York Capital Defense, and many Research Links. The variety and quantity of information make www.nysda.org useful to defense lawyers, related professionals such as investigators and sentencing advocates, members of the client community, and government officials. Available from any Internet terminal, the site is expanding the way lawyers and others access NYSDA's resources.

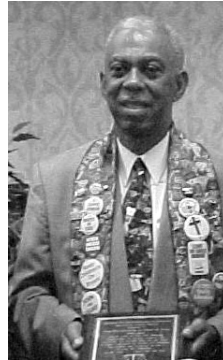
The 35th Annual Meeting and Conference: Digital and Face-to-Face Exchanges

The Criminal Defense Information Exchange, a familiar feature at the Association's annual membership meeting and CLE training confer-

ence, used to be a defense lawyer's book fair, with rows of tables covered with print materials. In 2002, conferees received a CD-ROM instead. This change allowed much more material to be included without weighing down the participants or the conference budget.

Departing Deputy Speaker Eve Honored

Retiring Deputy Speaker of the New York State Assembly Arthur O. Eve received NYSDA's Service of Justice Award during the conference in Niagara Falls. Eve was recognized for his work for legislation to help poor people, working families, and people of color during his thirty-four years in the Assembly. While his retirement was a change that many of his constituents mourned, he spoke passionately about plans for a foundation that would continue his work for those most in need.



National Trends in Criminal Justice Decried

Speaking with equal passion, keynote speaker Lynne Stewart talked of fearful changes in basic constitutional principles, particularly governmental intrusion into attorney-client confidences. Stewart faces federal charges based in part on what allegedly occurred during prison conferences between Stewart and her client, Sheik Omar Abdel Rahman.

Problems of Problem-Solving Courts Discussed

Change of yet another type was the major topic at the Chief Defender Convening held during the annual conference. Representatives of public defense programs across the state discussed the fast growth of "problem-solving courts," what problems as well as opportunities they present, and how defense lawyers are dealing with their expansion.

After the convening, NYSDA continued to monitor specialty courts. Unified Court System (UCS) efforts to deal with the issue of improper contacts between drug court judges and clients or others regarding the clients' cases in the absence of their lawyers received comments that led to rescission of an initial UCS order and affirmation by UCS that presence of counsel at all drug court proceedings, including staffing meetings, is important.

Chiefs Share Experiences

The Chief Defenders of New York State meet, with NYSDA support, to discuss ways of dealing with old and new problems in public defense. Last year, in addition to the annual meeting, chiefs from across the state met in Albany to share thoughts on a variety of issues. Because

People who commit crimes are people and they are capable of change. They want to change. And after they do they will surprise you with their tenacity, resourcefulness, courage and strength.

—Lisa Schreibersdorf

There is a lack of standards, a pervasive lack of resources, a lack of statewide accountability but a surfeit of gross pressures on the political and professional independence of counsel. That all adds up to a system of representation that lacks the high quality that defendants and the American public, you and I and our friends and families, need and deserve.

—Michael Whiteman

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More and more frequently we are seeing inmates being released from the Department of Correctional Services who are dumped on the street, many of them with serious mental problems ending up in small communities upstate with no resources, no money and being cut off from the medications. . . . And within a couple weeks they are back in state prison largely because there are inadequate provisions for defense services in upstate counties.

—Tom Terrizzi

the criminal justice system is increasingly asked to handle situations stemming from the mental illness of a defendant, the chiefs were offered insights about clients with mental illness through a presentation by The Mental Health Players of the Capital District Psychiatric Center.

IDP: Where Immigration Law Interfaces with Criminal Defense

Noncitizens are a group of clients whose cases present unique problems. For attorneys who do not regularly handle immigration matters, expertise on what effects a criminal case may have on a client's immigration status can be found by calling NYSDA's Immigrant Defense Project (IDP) Hotline, Tuesday and Thursday between 1:30 and 4:30 p.m. Participating in a national effort called the Defending Immigrants Partnership, NYSDA and IDP did intensive training of staff lawyers from public defense offices across the state; the lawyers are to serve as "in-house" immigration specialists. The IDP, which is supported by grants from the New York Community Trust, the New York Foundation, the Open Society Institute, and the Ford Foundation, moved this year, to better serve the many who need its services.

Publications by the IDP Recount Changes

There are frequent legal changes that affect the interaction of criminal proceedings and immigration law. The IDP updates its publications frequently to help practitioners and immigrants learn about these changes. The 2003 edition of the widely used and respected manual, *Representing Noncitizen Criminal Defendants in New York State*, became available this year. A frequently updated "Removal Defense Checklist in Criminal Charge Cases" for lawyers helping noncitizens in removal proceedings based on criminal charges is available on the Immigrant Defense Project page of the NYSDA web site. The page includes many other materials, including "Immigration Practice Tips" from past issues of the Association's newsletter.

IDP Amicus Briefs Support Defense Claims

Writing, or finding *pro bono* firms and lawyers to write, *amicus* briefs in important immigration cases involving criminal law is part of the IDP's work. In the past year, several courts that were considering changing the law—sometimes for better, sometimes for worse—received *amicus* briefs from the IDP before ruling. In particular, *amicus* and other briefs written by the law firm of Wilmer, Cutler & Pickering helped persuade the United States Court of Appeals for the

Second Circuit to issue precedent decisions limiting the scope of crimes covered by the immigration law “aggravated felony” term with all its negative immigration consequences.

NYSDA in the Courts on the Web

NYSDA advocates for the rights of criminal defendants and the improvement of the public defense system in state and federal courts. In some cases, NYSDA seeks “friend of the court” (*amicus curiae*) status or joins others in doing so. In a few cases, NYSDA has directly litigated important issues affecting public defense. In the last year, NYSDA participated in several cases involving issues at the interface of criminal defense and immigration law, as well as cases involving the right to counsel and the improper incarceration of sex offenders beyond the maximum date for release:

- Dickson v Ashcroft (2nd Circuit, decided 2003)
- Jobson v Ashcroft (2nd Circuit, decided 2003)
- Matter of Coleman v Goord (3rd Department, decided 2003; Court of Appeals, pending)
- Matter of Guido v Goord (Court of Appeals, pending)
- Matter of O’Connor v Travis (Supreme Court, Albany County, ongoing)
- Nolan v Holmes (2nd Circuit, pending)
- People v Grice (Court of Appeals, pending)
- People v Lasch (3rd Department, pending)
- People v McDonald (Court of Appeals, pending)
- People ex rel. O’Connor o.b.o. Lasch v Barbary & Travis (4th Department, pending)
- People ex rel. O’Connor o.b.o. Lasch v Barbary & Travis (Supreme Court, Erie County, decided 2002)
- Rankine v Reno (2nd Circuit, decided 2003)

Several of the briefs are available on the NYSDA web site.

NYSDA Trainings Change Only For the Better

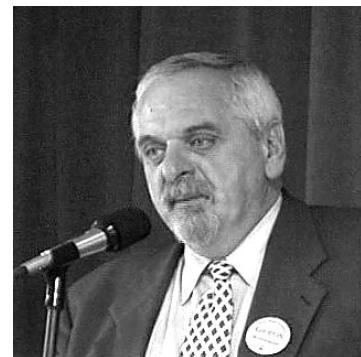
Accredited by the New York State Continuing Legal Education Board as a provider of CLE credits, NYSDA continued in the last year its long tradition of providing high-quality training to criminal defense attorneys.

Increased Co-Sponsorship of CLE

To increase affordable, relevant Continuing Legal Education (CLE) available to New York defense lawyers, NYSDA co-sponsored more events with other entities in the last year, including courts, other defense organizations, and programs or agencies from other disciplines. The more notable of these included “Bridges and Barriers: Integrating Community Mental Health and the Criminal Justice System

The United States is a land of great promise. The ideals embodied in the *Gideon* decision are just such a promise . . . A promise that can be kept only if someone’s willing to confront power in the courts every single day, to confront the State, confront its agents in the courts, confront the police, to confront, confront, confront. That’s what we get paid to do.

—Robert Massi



By all accounts most wrongful convictions involve more than one underlying cause and some involve several. The most common in my estimation is ineffective assistance of counsel.

—Scott Christianson

There is like an utter hopelessness as parents as you go in and you try to do something on behalf of your children and you realize that you really have absolutely no power, you have no voice, you have no one that's interested in anything you have to say. You, at that point, start to think and remember those days the old people used to talk about—slavery time—and you think how far you haven't moved from it because what's being played out is that same type of syndrome.

—Sharonne Salaam

for Adults with Severe Mental Illness,” an innovative event hosted by the University of Rochester Department of Psychiatry, Project Link, and the Monroe County Office of Mental Health.

In another example, NYSDA joined the United States District Court for the Northern District of New York to introduce Capital District lawyers to the high-tech courtroom of a future that is rapidly becoming the present. Participants tried out equipment allowing jurors, lawyers, witnesses, and the judge—or only some of them, as needed—to see an exhibit or pleading simultaneously. They heard about the new Case Management/Electronic Case Files system for electronic filing. Basic instruction in better-known technology, from PowerPoint presentations to web research, rounded out this training on technological changes.

The High Quality of NYSDA Training Doesn't Change

NYSDA sponsors a number of regional trainers in addition to providing a year's worth of mandatory continuing legal education (MCLE) credits at its annual meeting and conference. These help defense lawyers, especially those from public defense offices with low training budgets and high caseloads, get the MCLE they need to maintain their professional status, at affordable rates, in accessible places, on topics relevant to their work. Evaluations and attendance at these events indicate that NYSDA provides a valued service.

Details of BTSP Did Change

As noted, the Defender Institute Basic Trial Skills Program (BTSP) returned in 2003. Past participants would have recognized the program, but with several changes intended to make the already award-winning program even better. For example, demonstrations by coaches in the auditorium disappeared, to allow time for more “on your feet” learning in the breakout rooms. Lectures were shorter. What did not change was the focus on the client-centered representation that is needed to win cases, the need to learn about a client's *life*, not just the time and place of her alibi or what clothing he wore on the day of the alleged offense.

The Year's CLE at a Glance

- **35th Annual Meeting and Conference**, NYSDA, July 2002, Niagara Falls
- **New Legal Resources on the Internet**, NYSDA, Aug. 2002, New York City
- **Assigned Counsel Criminal Appeals Mandatory Eligibility Training**, NYSDA & 4th Dept., Sept. 2002, Rochester
- **Sex Offender Risk Assessment and Treatment Training**, NYSDA, Sept. 2002, Albany

- **Courtroom Technology Seminar**, NYSDA & U.S. District Court – North. Dist. of N.Y., Sept. 2002, Albany
- **Bridges and Barriers: Integrating Community Mental Health and the Criminal Justice Systems for Adults with Severe Mental Illness**, NYSDA & the Univ. of Rochester Medical Center & others, Sept. 2002, Rochester
- **New Legal Resources on the Internet**, NYSDA, Oct. 2002, Syracuse
- **Assigned Counsel Family Court Appeals Mandatory Eligibility Training**, NYSDA & 4th Dept., Oct. 2002, Rochester
- **Federal Sentencing Seminar**, NYSDA & Office of the Federal Public Defender Dists. of North. N.Y. and Vt., Oct. 2002, Albany
- **Sentencing Trainer**, NYSDA attorney presented at Neighborhood Defender Service, Oct. 2002, New York City
- **Criminal Defense Update 2002**, NYSDA, Oct. 2002, Rochester
- **Immigration Consequences of Criminal Convictions**, NYSDA, Nov. 2002, Bronx
- **Alternative Dispute Resolution Training**, NYSDA & U.S. Dist. Court for the North. Dist. of N.Y., Nov. 2002, Rensselaer
- **Sex Offender Registration Act**, NYSDA attorney presented at Assigned Counsel Plan—1st and 2nd Departments & Appellate Division, Nov. 2002, New York City
- **17th Annual Metropolitan New York Trainer**, NYSDA, Mar. 2002, New York City
- **Criminal Defense Tactics and Techniques V**, NYSDA, April 2003, Rochester
- **Federal Criminal Defense Update**, NYSDA & Office of the Federal Public Defender Dists. of North. N.Y. and Vt., April 2003, Syracuse
- **Criminal Defense of Immigrants: Advanced Seminar for In-house Immigrant Defense Experts**, NYSDA, May 2003, New York City
- **Criminal Defense of Immigrants: Advanced Seminar for In-house Immigrant Defense Experts**, NYSDA, May 2003, Buffalo
- **2003 Defender Institute Basic Trial Skills Program**, NYSDA, June 2003, Troy

The Backup Center is More than Technology

Some things don't change. NYSDA uses technology in many ways to increase the assistance its small staff provides. But lawyers calling from courthouse hallways for quick assistance when the unexpected happens, client family members without access to the Internet, and those who just don't like computers can still call NYSDA's Public Defense Backup Center between 9 and 5:30, Monday through Friday, and find a live, knowledgeable person to talk to. Direct defender services requests from nearly every county in New York came into the Backup Center this last year. From consultation on changing areas of law to help finding an expert, from referrals to client support groups

We need guidelines to make sure that the attorneys know what to do. There is no reason why a client should not read his presentence report, no reason. And the reason why that happens is because most attorneys don't even know, don't even realize it, don't even think that it's important. And it's very important because this very same paperwork is what Parole uses to hold people in.

–Darryl King



The right to counsel as guaranteed by *Gideon* is really symbolic and illusory unless the counsel is competent and zealous and really puts his or her whole heart into the case.

–Joanne Legano Ross

The best way to reduce the incidence of wrongful conviction is to improve the quality of legal services for the poor to such an extent that they can receive fair and equal treatment under law.

—Scott Christianson



The court in reversing said it would seem to be a minimal requirement of constitutional competent representation that an attorney knows all of the elements necessary to support a conviction of the crime for which his client is charged

—Joanne Legano Ross

to help finding something on the web, the Backup Center staff assists neophyte lawyers and overwhelmed veteran attorneys alike.

NYSDA Works for Positive Changes In Many Forums

NYSDA staff participated in a variety of meetings and conferences in the last year, sometimes advocating for change, sometime analyzing changes that have already occurred. Always, NYSDA's focus is on the needs of clients and defense practitioners.

Supporting New York City Efforts for Public Defense Reform

Before passage of the statute increasing assigned counsel rates and implementing limited public defense reform, NYSDA's Executive Director provided a statement to the Committee on Fire and Criminal Justice Services of the Council of the City of New York. The subject was a resolution, later passed, asking the Governor and Legislature to increase assigned counsel rates to ninety dollars an hour with an inflation index, no per-case caps, and full state funding of the increase. NYSDA praised the Committee for its concern about public defense, but urged it to look beyond assigned counsel fees to the need for broader reform.

Advocating Change in Law and Procedure

The Chief Administrative Judge appointed NYSDA's Senior Staff Attorney to the Advisory Committee on Criminal Law and Procedure, which recommends changes and improvements in the Penal Law and Criminal Procedure Law.

National Conference Leads to Statewide Reentry Group

Several NYSDA staff members attended the National Legal Aid and Defender Association conference in Milwaukee, the highlight of which was a series of sessions on "Preparing for the Tidal Wave of Prisoner Reentry: Equipping Civil Legal Aid and Defense Lawyers to Represent the Whole Client." Following that, NYSDA and a group of state civil legal services providers, defense providers, and client advocates met in Albany on this issue. Among the groups represented were the Center for Community Alternatives, the Fifth Avenue Committee, and Prison Families of New York, Inc., all of whom are represented on NYSDA's Board of Directors or Advisory Board.

Pilot Diversion Project Seeks Changes for Mentally Ill Defendants

NYSDA participated in meetings concerning the Albany County Jail Diversion Project. This pilot project's goal is to create a program to divert eligible persons with mental illness and/or co-occurring mental

illness and substance abuse from the criminal justice system before they are incarcerated, placing them instead in appropriate mental health and substance abuse treatment. Providing a statewide defense perspective, NYSDA in turn received information to share with defense providers and localities dealing with this important issue.

Regional Chief Defenders Work for Local Change

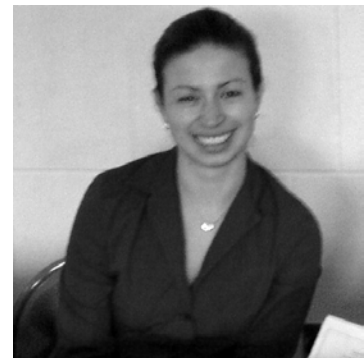
The Chief Defenders in the Eighth Judicial Circuit began meeting in the last year to discuss matters of mutual concern. Modeled on the statewide Chief Defender Convenings hosted by NYSDA, these gatherings provide a cost-effective way for chiefs to share ideas on how to solve common problems and provide quality representation in their region. The attendance of a Backup Center Staff Attorney makes possible a broader sharing of the information collected.

NYSDA Staff Meet the Challenges of Change

Carrying on the work of the Association in the face of budgetary uncertainty and political unpopularity, the staff of the Backup Center and the Immigrant Defense Project share the commitment and courage of the best public defense practitioners relying on NYSDA for support. Legal and support staff alike further NYSDA’s mission by continuing practices that assist it and learning new skills and practices. Behind every training, every publication, every consultation and referral, every web site update—behind everything that bears the NYSDA name—lie the efforts of a small, dedicated group of people with myriad talents and expertise. Their names are not listed by each of their achievements, but all their work is appreciated. ΔΔ

A judge was bragging about that. I was a court monitor for awhile and he was very happy to tell us county monitors that the county enjoys a 97 percent conviction rate. And I said sir, don’t you think something is wrong with that?

—Angela Leverett



I think one of the biggest problems we have is that defendants very often feel they can’t speak to the lawyer, they are not getting through because they don’t speak legalese and that you are not really listening to them. . . . And I think maybe we need to stress this listening.

—Lenore Banks

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Annual Report to the
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