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**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  
Former Public Defender, Monroe County

Norman Effman, Vice President  
Executive Director, Attica Legal Aid Society, and Public Defender, Wyoming County

Peter L. McShane, Vice President  
Former Supervising Attorney, Criminal Defense Division, The Legal Aid Society (Bronx)

Norman Shapiro, Vice President  
Private Attorney (Goshen)

Merble H. Reagon, Secretary  
Executive Director, Women's Center for Education and Career Advancement (New York City)

Marsha Weissman, Treasurer  
Executive Director, Center for Community Alternatives (Syracuse)

**Directors**

Gaspar M. Castillo, Jr.  
Private Attorney, Castillo and Associates (Albany)

John H. Ciulla, Jr.  
Public Defender, Saratoga County

Edward R. Hammock  
Private Attorney, Hammock & Sullivan (Flushing)

Susan R. Horn  
Executive Director, Frank H. Hiscock Legal Aid Society (Syracuse)

Gary A. Horton  
Public Defender, Genesee County

Seymour W. James, Jr.  
Attorney-in-Charge of the Criminal Practice, The Legal Aid Society Criminal Defense Division (New York City)

Alba Susan Johnson  
Private Attorney (Ithaca)

David L. Lewis  
Private Attorney, Lewis & Fiore (New York City)

Robert D. Lonski  
Administrator, Erie County Bar Association Aid to Indigent Prisoners Society, Inc.

Russell Neufeld  
Private Attorney (New York City)

Leonard E. Noisette  
Former Director, Neighborhood Defender Service of Harlem (New York City)

Louise Perrotta  
Former Senior Staff Attorney, Legal Aid Society of Suffolk County

Stephen J. Pittari  
Chief Attorney and Executive Director, Legal Aid Society of Westchester County

Richard W. Rich, Jr.  
Public Advocate, Chemung County

Richard A. Rothermel  
Public Defender, Otsego County

Lisa Schreibersdorf  
Executive Director, Brooklyn Defender Services

Magdalena Hale Spencer  
Cornell Law School and Cornell Veterinary School (Ithaca)

Robin G. Steinberg  
Executive Director, The Bronx Defenders
Staff

Jonathan E. Gradess, Executive Director
Charles F. O’Brien, Managing Attorney
Barbara Baggott, Executive Assistant

Dawn Allert, Backup Center Office Coordinator
David L. Austin, Director of Information Systems
Bridget Baggott, Backup Center Administrative Assistant
Stephanie Batcheller, Backup Center Staff Attorney
Susan Bryant, Backup Center Staff Attorney
Mardi Crawford, Backup Center Staff Attorney
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Darlene Dollard, Project Manager
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Jacqueline Kirkpatrick, Information Systems Specialist
Melissa Mackey, Research Director
Joanne Macri, Immigrant Defense Project Director
Alfred O’Connor, Backup Center Staff Attorney
Brian Parrella, Backup Center Information Systems Intern
Anne Redcross, Backup Center Legal Intern
Ken Strutin, Director of Legal Information Services
Manuel D. Vargas, Immigrant Defense Project Consulting Attorney

Client Advisory Board

Marion H. Hathaway (Chair), New York City
(Client Board Member, Harlem Legal Services and Member, National Clients Council, Project Advisory Group)

Lenore Banks, Buffalo (Off-Board Judicial Specialist, League of Women Voters of New York State and NYSDA Liaison to the League)

Alison Coleman, Albany (Director, Prison Families of New York)

Jay Coleman, Albany (Re-entry specialist and former prisoner)

Charles Culhane, Buffalo (Poet and former prisoner)

Juan Dones, Sr., New York City (Counselor, Samaritan Village, and former prisoner)

Robert Flunory, Hudson (former prisoner)

Alice P. Green, Ph.D., Albany (Director, Center for Law & Justice)

Kevin Halpin, Hudson (former prisoner)

Darryl P. King, Brooklyn (Wrongfully convicted former prisoner and former Director, Criminal Justice Project, Fifth Avenue Committee)

Velma Smith, Rochester (Director, Rural Opportunities, Inc. )

Paquita Y. Wheeler, Cornelius, NC (Client advocate with over 20 years experience)
On Balance: NYSDA’s 41st Year
A Good One

Introduction

Weighed on the scales of justice, events of the past year “balanced” in many ways, with several positive developments countering some distressingly negative ones. This annual report recounts stories of victories and setbacks, moments of frustration and times of hope. All occurred in the context of a year spent providing assistance to defense lawyers, public defense offices, and others working to improve the quality of representation provided to public defense clients in New York State.

Overall, the scales still obviously tilt against public defense clients. But NYSDA’s Public Defense Backup Center and many individuals and organizations across the state worked hard these past twelve months to change that.

The Backup Center—Helping Lawyers Help Clients

As a membership organization founded in 1967 by lawyers confronting the then-new field of public defense, NYSDA maintains a focus on training and providing resources for public defense attorneys. Its state contract ensures that NYSDA, through the Public Defense Backup Center, will provide a variety of essential backup services to public defenders, legal aid attorneys, and private defense attorneys who accept assignments to represent persons eligible for publicly-funded representation. The need for these services has never been greater; increasing criminalization of behavior, along with get-tough prosecution policies and stepped-up efforts to safeguard children through family court proceedings in some counties threaten to overwhelm many public defense programs.

While many organizations providing important services in New York State suffered cuts in the 2008 state budget, the constitutional dimensions of NYSDA’s work were recognized and funding remained stable. Unfortunately, no additional funding was provided to help public defense programs meet new or specialized challenges such as the unique situations presented by the growing number of clients who are military veterans, noncitizens, or adult respondents in family court. Fortunately, level funding allows the Backup Center to continue its current work without the threat of interruption that has tainted some past years.

“Thanks a million . . .
These are a terrific set of resources.”

—Defense Counsel, about receiving materials from NYSDA
Direct Defender Services

Backup Center staff help lawyers across the state. Requests for assistance came from every county this past year. They came by cell phone from court hallways, by email or through the NYSDA website from Blackberries or homes, and by phone or fax from one-person offices and large public defense programs alike. Staff Attorneys fulfill some requests in single, short consultations. Other requests conclude with the emailing, faxing, or mailing of training materials, publications, or other information from the Backup Center’s extensive electronic and print holdings. New or unique legal issues may lead to further research, which not only assists the requesting lawyer but becomes a part of the information available to others.

One attorney’s acknowledgment of NYSDA’s help began, “You will be happy to know that [I] got an acquittal!” His note concluded, “So thank you for all your help and especially on such short notice. I’m a solo practitioner and the thought of prepping for trial and then all of a sudden doing research overnight on a completely new area of law so as to be able to argue it the next morning was daunting. Thanks to you I managed.”

In a system too often defined by hasty guilty pleas, learning that Backup Center efforts helped secure a client’s vindication is a high point.

Providing Continuing Legal Education (CLE) and Related Training

Public defense lawyers sought, in the last year as always, relevant and affordable training to meet their Mandatory Continuing Legal Education requirements. Budget restrictions and reluctant funders forced many to settle for local CLE unrelated to representation of public defense clients. The National Legal Aid and Defender Association (NLADA), during a NYSDA-commissioned study of public defense in ten counties, found instances of public defense attorneys left “on their own” as to CLE, receiving no county money to secure needed training, especially for training outside the county. While lauding a Chief Defender in one county for voluntarily attending NYSDA trainings, NLADA decried the lack of “mandated and funded ongoing systematic training for all public defense attorneys….”

NYSDA supports efforts to reform public defense so that comprehensive curriculums of training will be available to all practitioners, those in institutional offices and those who act as assigned counsel. Meanwhile, in its ongoing efforts to improve public defense representation, and as part of its state contractual duties, NYSDA made affordable, high-quality trainings available to many public defense lawyers in practice areas relevant to their practices.
work. An accredited MCLE provider, NYSDA presented a number of regional CLE training events downstate in New York City and upstate in Rochester. The 40th Annual Meeting and Conference in Saratoga Springs in 2007 drew a record crowd, necessitating an overflow hotel. Attendees enthused about the conference. One noted: “The speakers are all different in style, tone and specialty, but they are the best in their field. They were all amazing and fantastic.”

The annual Defender Institute Basic Trial Skills Program, which has been training lawyers just beginning their trial careers in public defense since 1987, took a hiatus in 2008. A BTSP faculty task force is completely revamping this award-winning, client-centered program for its return next year.

Finally, for the first time ever, NYSDA, in cooperation with the Monroe County Public Defender Office, sponsored a day-long training for criminal defense investigators. Investigators from 12 different defender programs learned about effective investigative techniques, statement taking, and online investigation. We hope this will be the first of many more such programs.

**Keeping Lawyers—and Others—Up to Date**

Attorneys who are in court for much of the day need fast ways to keep up on changes in the law they practice. In a public defense system that deprives lawyers of necessary resources, free or affordable legal updates are vital. In addition to the CLE training described above, NYSDA offers lawyers—and others—several ways to keep abreast of developments in criminal law and related disciplines.

**Case Digest System (CDS)**

On a regular basis, Backup Center staff prepare summaries of criminal and family court decisions relevant to public defense attorneys. Gathered into a text-searchable database, these summaries—over 8,000 of them—are available by subscription on CD-ROM. The Case Digest System subscription also includes other information, such as an updated listing of all public defense offices in New York State.

Those who prefer the Internet as a source of information will find an askSam™ web version of the CDS available at no cost on the NYSDA website: [www.nysda.org](http://www.nysda.org). This free service helps public defense offices that suffer from disparity as to available online research capabilities; NLADA noted concern about such disparity in counties it studied. The CDS is the most-used area of the website.
Public Defense Backup Center REPORT—Noting Good News and Bad

The case summaries found in the Case Digest System first appear in the Public Defense Backup Center REPORT. NYSDA members and all public defense offices and prison law libraries receive print copies of this newsletter, which includes substantive articles, news relating to public defense, legal articles, CLE, and job listings. In the last year, the REPORT let lawyers know of several changes that will impact—negatively or positively—clients and cases.

Some news was profound, such as the Court of Appeals decision decisively ending capital punishment in New York absent new legislation. Some affect clients after conviction, such as increased mandatory surcharges and fees and legislation designed to improve access to mental health treatment in prison for prisoners with serious mental illness. Several REPORT items provided updates on legislation and court decisions in the ever-expanding realm of sex offense law.

Technological trends and legal developments in what evidence may be offered against—or for—clients were noted. These ranged from a federal ruling in Maryland excluding expert testimony about fingerprints as unreliable to ongoing debates about the use and admissibility of electronic communications such as text messaging and online networking sites.

In addition to information on substantive and procedural law, the REPORT offered readers a look at pending legislation and litigation that could affect lawyers and/or their clients. In December 2007, a federal court granted class certification in a suit alleging improper denial of parole release based solely on the seriousness or nature of prisoners’ offenses.

In November 2007, the New York Civil Liberties Union (NYCLU) sued the State of New York for failing to provide meaningful and effective legal representation to persons eligible for public defense representation. Early 2008 saw serious efforts to pass legislation to reform New York State’s fragmented public defense system, which burdens localities with an underfunded mandate while failing to ensure that public defense programs have the resources needed to provide every client in every county with high quality representation.

The next issue of the REPORT will note that the Legislature and Governor have not yet implemented the Independent Public Defense Commission recommended by Chief Judge Kaye two years ago, but the issue is gaining recognition and support.

www.nysda.org

The defense news presented in the REPORT can be read online, as the newsletter is posted on the Association’s website immediately.

“Your expertise and speedy response are immensely appreciated!”
— New York City Defense Counsel

“Thank you so much! Your help is incredible! You really know your criminal law.”
— Defense Counsel
upon completion. Much more information is available on the site, with breaking news posted on the home page and specialized stories categorized under Hot Topics.

NYSDA's expert database, another resource for lawyers posted on the website, is one of the site's most-often-visited pages. While information from NYSDA helps public defense lawyers find experts, obtaining experts with the proper credentials to assist in public defense cases can be difficult. NLADA noted these problems in the course of studying ten New York counties during the last year. In one county the Public Defender had to seek court approval for hiring investigators and experts, and the County Attorney was included in the decision-making because it is the county that pays. In another county, NLADA reported, the Public Defender had to seek the County Legislature's approval for payment of invoices from experts. Even worse, NLADA observed as to one county: “Experts are simply never hired. . . .”

Immigrant Defense Project—Helping Lawyers Help Noncitizen Clients

NYSDA's Immigrant Defense Project (IDP) offers training and consultation to defense attorneys and nonprofit organizations addressing criminal-immigration issues. This is the key way IDP furthers its mission of minimizing illegal deportation and detention resulting from criminal charges against immigrants. The mission has been particularly challenging this year, as Federal authorities continue to increase efforts to identify, detain, and deport noncitizens impacted by the criminal justice system.

Defense counsel must be cognizant when representing citizens of other countries in criminal matters that the proceedings may precipitate alteration of clients’ status. Defense strategies should be to avoid conviction when possible, and otherwise to avoid conviction that would likely result in detention, deportation, and permanent expulsion from the United States. This requires knowing in detail the potential consequences of any charge. Defense attorneys queried IDP about a variety of issues in the last year concerning how immigration law intersects with criminal cases. *What will a disorderly conduct or trespass conviction mean for a person seeking a green card? What are the immigration consequences of a DWI felony conviction? Will there be immigration consequences for a lawful permanent resident arrested for marijuana if the case is dismissed and sealed?* Many defense attorneys lack time and resources to delve into the complicated law behind such questions; IDP provides them answers.

One important way the Project disseminates critical information to New York defense lawyers is through Practice Advisories reflecting new developments in immigration law. One year follow-
ing the United States Supreme Court decision in *Lopez v Gonzales*,¹ IDP was able to provide further good news for many immigrants with state drug possession convictions. After *Lopez*, the Department of Homeland Security continued to argue that immigrants convicted of a possession charge while having a prior possession conviction could not seek various forms of relief from deportation. Two Board of Immigration Appeals decisions,² in which the IDP had submitted briefs and participated in oral argument as amicus curiae, effectively countered that argument, holding that in cases arising outside the Second, Fifth, and Seventh United States Circuit Courts of Appeals, an immigrant with more than one state drug possession conviction may not be deemed convicted of a “drug trafficking” aggravated felony where the state prosecutors did not rely on a prior conviction to charge and convict the individual as a recidivist. IDP’s detailed advisory helps lawyers—and immigrant clients—evaluate whether the rulings apply to their cases and offers strategic advice to pursue available relief from deportation.

Through its hotline, website, and seminars, IDP assisted many hundreds of individuals and their families in the last twelve months by providing accurate information to lawyers and, in some instances, to immigrants themselves. The Project, which moved to Manhattan from Brooklyn last year, will be relocating its offices again. Anyone unable to reach IDP directly can call the Backup Center at 518-465-3524, check the IDP or NYSDA websites: www.immigrantdefenseproject.org or www.nysda.org for updated contact information, or write to the Backup Center at 194 Washington Avenue, Suite 500, Albany NY 12210.

**The Backup Center—Technical Assistance and Advocacy to Improve Services**

In rural counties and urban centers alike, public defense programs face organizational as well as funding issues that hamper their ability to provide high quality representation to every client. Pressure from local officials to save money regardless of negative impacts on the quality of representation, difficulties in quickly identifying conflicts of interest, and lack of the personnel or structure to provide sufficient supervision and oversight are among many challenges defense programs must overcome. To help programs, NYSDA’s Backup Center provides a variety of technical assistance, including data collection and analysis that helps identify needed changes and provision of highly functional, affordable case management software.
Public Defense Case Management System (PDCMS)

The specialized PDCMS software developed by and available from NYSDA is now used in public defense offices in over half of all counties outside New York City. By allowing offices to quickly screen for conflicts when new clients are assigned, produce an array of required and useful reports, and efficiently create routine documents, the PDCMS helps ensure effective and cost-effective defense services. NYSDA has installed the PDCMS not only in offices providing criminal defense services but, because New York State’s public defense statute covers some family court matters, in programs and units handling family court cases as well. These include the Center for Family Representation in New York City and the Legal Aid Bureau of Buffalo. First beta-tested in the Monroe County Public Defender Office in the ’90s, the PDCMS is at work in 30 offices, in a wide variety of locations. The latest installation, in the Dutchess County Public Defender Office, was completed, after months of preparation, in May 2008.

Due to an increased workload to support and upgrade the PDCMS as the number of offices using it increase, another Backup Center staff member has joined the PDCMS team. Plans are underway to disseminate to current PDCMS users a new version of the application that is fully Windows compliant, with additional functionality.

Collecting and Analyzing Data to Improve Public Defense Services

NYSDA’s state contract calls for it to “review, assess and analyze the public defense system, identify problem areas and propose solutions in the form of specific recommendations to the Governor, the Legislature, the Judiciary and other appropriate instrumentalities.” The Backup Center met that requirement in the past year by, among other things, examining the Indigent Legal Services Fund (ILSF), the primary mechanism through which the State provides money meant to improve public defense.

Public defense remains an underfunded mandate on localities. The ILSF, created when statutorily-set assigned counsel rates were raised in 2003, is not intended to replace local money spent on defense services. The statute says that money from this fund “shall be used to improve the quality of [public defense] services.” Problems arise for public defense programs when their counties, unwilling or unable to spend even a dollar more than they spent a year before, are threatened with the loss of ILSF money for a year because they used past ILSF money to replace local spending. In the last year, the Backup Center assisted several counties facing that issue.

“Every speaker today was very knowledgeable and delivered their lecture in an interesting format. I was very pleased—best conference since I started attending.”

—40th Annual Conference Attendee
A never-enacted 2008 Executive budget proposal cast as public defense reform included proposed amendments to the ILSF. In an in-depth analysis of that proposal, NYSDA noted when discussing the ILSF measures that two distinct goals—providing State aid to localities and assuring quality of services—have become blurred since the ILSF was created.

“How the Indigent Legal Services Fund Functions: A Preliminary Data Analysis”

These developments led NYSDA to undertake a data-based analysis of how the ILSF is working. Backup Center research staff produced a detailed analysis entitled “How the Indigent Legal Services Fund Functions: A Preliminary Data Analysis.” The analysis notes that current data cannot show either that the ILSF is driving quality or that counties are using ILSF money to supplant local spending or avoid quality improvement. The data presented raise concrete questions that need to be answered. This preliminary analysis is posted on the website to assist policy makers as they examine the need to reform New York’s public defense system.

Expanding Information About Public Defense Systems in New York

Two years ago, The Spangenberg Group provided a report to a blue-ribbon commission appointed by Chief Judge Judith S. Kaye to study public defense services in New York. The most comprehensive report ever done of our State’s public defense system, this study supported recommendations by the Kaye Commission to completely overhaul how New York State provides these fundamental governmental services. NYSDA’s 2006 Annual Report celebrated what seemed then like definite strides toward improving public defense service.

The Spangenberg Group had made site visits to twenty-two counties, collected and analyzed statewide data including relevant law, ILSF reports, and other information, and analyzed information provided in public hearings. The report noted that while its mandate did not include looking at representation in family court matters, such representation was a major factor in the work of public defense programs.

When the State failed to implement the Kaye Commission recommendations, NYSDA took steps to fill any perceived information gap with regard to public defense in family court, and to ensure that policy makers had the most current data available. The Association contracted with NLADA, using a grant from the Open Society Institute, to look at the public defense systems of
ten counties other than those examined by The Spangenberg Group. In the last year, NYSDA has released one completed report and nine interim report cards prepared by NLADA, all available on the website.

NLADA's findings, like those of The Spangenberg Group and the Kaye Commission, show that New York State continues to fail to provide effective, efficient, defense services to clients throughout its borders. Yet, the State has taken no action. In this regard, the scales of justice did not balance in the last year. At best, they inched slightly in that direction.

**Systemic Advocacy**

NYSDA continues to support the Kaye Commission's recommendation that New York create a statewide, fully and adequately state-funded public defense system overseen by an independent public defense commission. The Association has endorsed the Campaign for an Independent Public Defense Commission. Members of the NYSDA Client Advisory Board have added their voices to reform efforts as well, discussing the issue at events such as the Black and Puerto Rican Caucus Legislative Weekend and Somos El Futuro. The Advisory Board, which under the Association's by-laws advises the Executive Director, also met twice in the last year, once in Albany and once in New York City.

In addition to the issues discussed above, NYSDA examined other policies affecting public defense clients or programs and made recommendations regarding them. For example, the Executive Director testified before the State Commission on Sentencing Reform in July of 2007, urging creation of a new system in which sanctions are purposeful and the sentences imposed are the least restrictive alternative. He emphasized the need for a forward-looking sentencing system that would return the defense to its primary role of advocating for the individual liberty interests of their clients, and would ultimately make both victims and offenders whole. The Commission's interim report issued in October 2007 fell far short of these goals.

**Court Advocacy**

The Association joined with others in three *amicus* briefs in the past year. In the most highly publicized case—a victory—the Appellate Division, Second Department reversed Martin Tankleff’s 1990 murder convictions for the deaths of his parents. This case has long been thought an example of police extracting a false confession.

In a civil matter, the Court of Appeals refused to overturn a statute barring state courts from hearing lawsuits for money
damages against corrections officers. This would make federal courts, which have very restrictive rules for prisoner cases, the only place where relief can be sought for harm done by New York guards. However, the United States Supreme Court has agreed to hear this case, so it is not yet resolved.

The other amicus brief was filed in a depraved indifference murder case; such cases have generated many appellate court opinions in recent years. However, the issue of interest to NYSDA in this case was that the trial court refused to impose certain conditions on the lineup requested by the defendant to lessen the likelihood of misidentification. In returning the case to the Appellate Division for review of whether the evidence at trial supported the conviction, the Court of Appeals took no position on the lineup issue.

NYSDA participated as counsel in one of two cases recently heard jointly and decided favorably to the defense with regard to what constitutes “dangerous contraband.” The Association argued that someone found to have small amounts of marijuana—a low level offense outside prison—cannot be found guilty of the felony of “dangerous contraband” when in prison. The appropriate charge is possessing “contraband.” Allowing conviction for possessing “dangerous contraband” in these cases would have essentially destroyed any factual difference between the two offenses, contrary to the intent of the legislature. The Court of Appeals agreed.

NYSDA's Staff—Stellar Assistance

Every aspect of the work done at the Backup Center and IDP depends on the skill, perseverance, and dedication of staff members, who fortunately possess all in abundance. They are NYSDA’s face to those outside as well as a source of support to one another.

In New York City, IDP Director Joanne Macri confronts the substantive issues driving the Project’s mission as well as the logistical problems of a small office doing big work. IDP Consulting Attorney Manny Vargas continues the legal work, writing, and training that he founded IDP to do. Staff Attorneys Benita Jain and Michelle Fei round out the IDP staff, working in support of the IDP mission.

Backup Center Office Coordinator Dawn Allert maintains membership records and reaches out to potential new members—the Association has reached peak membership numbers—and helps keep a variety of office functions running smoothly. Director of Information Systems David Austin keeps computer networks and the website functioning in the face of too-common equipment malfunctions and operator error. He is assisted by
Information Systems Intern Brian Parrella. Administrative Assistant Bridget Baggott greets Backup Center visitors and callers and helps maintain records of the many requests for assistance we receive. Accountant Mary Durgée keeps our financial records in order, from petty cash to large contracts. Assistant Training Coordinator Diane Geary works to ensure brochures are prepared and mailed, registrations are tracked, CLE certificates are mailed, and other logistics are handled.

NYSDA’s Managing Attorney, Charlie O’Brien, oversees all those functions and many more. He also works with Project Manager Darlene Dollard and PDCMS Assistant Jacky Kirkpatrick to maintain, expand, and support the PDCMS installed in public defense offices across the state.

Director of Legal Information Services Ken Strutin manages the Backup Center’s extensive holdings, researches legal issues for other staff as well as responding to many direct defender services requests, and finds time to write articles on legal information for publication. Backup Center Staff Attorneys also respond to the requests for assistance that pour in. They are assisted by Legal Intern Anne Redcross, and each has other areas of responsibility as well.

Staff Attorney Al O’Connor coordinates the Association’s legislative work, amicus activity and litigation, and frequently presents CLE training. Stephanie Batcheller serves as NYSDA’s Western New York liaison, participating in bar groups and assisting at NYSDA trainings. Susan Bryant edits the REPORT. Mardi Crawford, while remaining an active member of the Backup Center legal staff, has been working most of the time this past year as the Communications Director of the New York State Defenders Justice Fund and its Campaign for an Independent Public Defense Commission.

The Justice Fund also employs some services of Charlie O’Brien, NYSDA’s Executive Director Jonathan E. Gradess, and Executive Assistant Barbara Baggott while they continue their roles as NYSDA’s executive team. New Research Director Melissa Mackey also works for both NYSDA and the Justice Fund, gathering and analyzing criminal justice data to help guide each entity in their respective efforts to improve the quality and scope of public defense representation. Research Associate Andrew Davies contributes significantly to this work.

**Conclusion**

In its 41st year, NYSDA accomplished much. Our training programs, publications, website, and other activities informed public defense lawyers, policy makers, and the public on a variety of public defense issues. There were some setbacks and stalemates,
and much remains to be done to improve the quality and scope of public defense services. In the months ahead, we hope to make even greater strides toward fulfilling our mission so that public defense programs have the resources and time to provide high-quality representation to every client in every court. Meanwhile, we can look back at the last 12 months and say that, on balance, it was a good year.

**Endnotes**

1. 127 SCt 625 (2006). In *Lopez* the Supreme Court found that the federal government was wrong to apply the “drug trafficking” aggravating felony label to state simple possession drug offenses that were not felonies under federal law, such as most first-time possession offenses.


NYSDA Members 2008

Composed primarily of attorneys, NYSDA's membership also includes other professionals, students, and others who support the Association's work to uphold the Constitutional guarantees of legal representation to all accused of crimes and to advocate for an effective system of public defense representation for the poor.

Anthony D. Abbarno
Salvatore P. Abbate
Wedade Abdallah
Stephen A. Abels
Glenn R. Abolafia
Richard Abraham
Gary Abramson
F. Stanton Ackerman
Carl F. W. Adamec
Salvatore C. Adamo
David R. Addelman
Martin B. Adelman
Fern S. Adelman
Jerry M. Ader
Mark A. Adrian
Adewole D. Agbayewa
Louis R. Aidala
Anthony G. Aiupasit, Jr.
Rosalyn Akalonu
Michael M. Albanese
Jimmie Lee Allen
Dawn M. Allert
Juan Almanzar
Michael Alperstein
Mark H. Alquist
Timothy Joseph Altieri
Wendy Altonberg
Francis C. Amendola
Michael C. Anastasiou
Beth J. Anderson
Kim C. Anderson
Leigh E. Anderson
Mary E. Anderson
Lawrence J. Andolina
Kleon C. Andreadis
John J. Andrews
Thomas E. Andruschat
Marina Angel
Toni Marie Angeli
Thomas N. N. Angell
John A. Annechino
Francis J. Apicella
Rigodis T. Appling
Mary E. Aramini
Joseph L. Arbour
James F. Armstrong
Donna Arnold
Michael Aronowsky
Randy G. Attea
Julie Atti Rogers
Jean Robert B. Auguste
Daniel L. Aureli
Bernard Bacharach
Barbara A. Baggott
Jeffrey N. Bagnoli
Robert P. Bahr
Karen Bailey Turner
Edward Baker
James A. Baker
Japheth Baker
Jacqueline L. Balikowski
Michael J. Ballman
Melissa Ballowe
Erin Bannister
Patrick Bannon
Paul Barahal
Richard J. Barbuto
Daniel P. Barker
Elisa Barnes
William Barnes
Joel C. Barnett
Bruce Baron
Michael F. Barone
Alexsis T. Barravecchia
Felice Barry
Mayo G. Bartlett
Paul S. Barton
Michael E. Basile
Michael G. Bass
Jason Bassett
Peter J. Batalla, Jr.
Stephanie Batcheller
Paul A. Battiste
Kevin J. Bauer
Robin J. Bauer
Ruth E. Baum
Richard L. Baumgarten
Kenneth Bazil
Richard E. Beaman
Robert H. Beck
Carl Becker
Rosalind Becton
John W. Bedaska
Reginald H. Bedell
Melissa Bednarz
Ronald J. Bekoff
Myron Beldock
George S. Bellantoni
Joseph Belle
Matthew Bemben
Debra K. Bender
Steven B. Bengart
Roberto Beras
Catherine Armitage Berchou
Peter Bereskin
Peter Bergenstock
Christopher Berger
Richard Berger
Joyce Berkowitz
Norman M. Berle
Jerrold Berman
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