PHOTO CAPTIONS

Cover (Clockwise from upper left)
In 2012, NYSDA Staff Attorney Susan Bryant (r) received the Kevin M. Anderson Award, created by the Genesee County Public Defender Office and given annually to a public defense attorney who has been in practice less than fifteen years and exemplifies the sense of justice, determination, and compassion that were Kevin’s hallmarks. Public Defender Gary Horton (l) presented the award during NYSDA’s Annual Conference.

Citizens Against Recidivism, Inc., presented NYSDA Client Advisory Board member Darryl King (r) a Lifetime Achievement Award at its 2012 Annual Citizens Awards ceremony in New York City. (Photo by Larry E. Campbell—landmphotos.nv@gmail.com)
The Appeals Bureau of the Monroe County Public Defender Office received a New York State Bar Association Denison Ray Criminal Defender Award in 2013. Members of the Bureau—Kimberly Duqay (c), Dave Jaegers (l), Janet Sones (r), Tim Davis, and James Eckert were present as Bureau Chief Drew Dubrin accepted the award during a luncheon at the Committee to Ensure Quality of Mandated Representation CLE training in Albany on June 14, 2013.

At the same event, NYSDA received an Award for Outstanding Achievements in Promoting Standards of Excellence in Quality Mandated Representation. Many members of the staff were on hand, including those seen in this candid shot before the luncheon.

NYSDA staff pictured in the program photo for the State Bar award event are:
Top Row: David Austin, Diane DuBois, Melissa Mackey, Wanda Hudson, John Cutro, Darlene Dallard, Stephanie Batcheller, Michael Mayer, Sophie Alexandre
Middle Row: Diane Geary, Dawn Allert, Susan Bryant, Mardi Crawford, Mary Dussey
Seated: Charles O’Brien, Jonathan Grados

Columbia County Assistant Public Defender Michael Howard is pictured here after receiving NYSDA’s Wilfred R. O’Connor Award at the 2012 Annual Conference. The annual award honors a public defense attorney who has been in practice fifteen or more years and exemplifies the client-centered sense of justice, persistence, and compassion that characterized the life of Bill O’Connor, who served as President of NYSDA from 1978 to 1989.

Page ii:
For several years, NYSDA has returned annually to the Gideon Putnam Hotel and Conference Center in Saratoga Springs for the largest statewide conference and meeting of the Association. Those attending enjoy the hotel’s ambiance, including the patio with umbrella-topped tables, hidden here by blooming flowers that could almost be Gideon’s trumpet.

Page 1:
At the Backup Center’s front desk, receptionist Wanda Hudson has a clear view of the Scales of Justice.

Page 2:
On the 50th Anniversary of Gideon v Wainwright, speakers at a press conference describing the crisis in public defense services and calling on the Governor to lead public defense reform as a model for the nation included Justice Olderman, Managing Attorney with the Bronx Defender’s Office (l), Barry Schuch, Co-Director of the Innocence Project (c), and Seymour Janes, then-President of the New York State Bar Association and Attorney-in-Charge of the Criminal Practice at the Legal Aid Society in New York City (r).

Page 3:

Page 4:
Top—Attorney Tom Donnelly, standing, was one of the experienced attorneys who served as coaches at this year’s Basic Trial Skills Program (BTSP).

Bottom—Theater director and educator Mark Dalton (l) and attorney Roberta “Bert” Nieslanik of the Office of Alternate Defense Counsel (Colorado) (r), BTSP coaches, observe one of the sessions at the week-long training event.

Page 5:
Top—A BTSP participant’s newly-learned skills are critiqued by BTSP coaches Jed Stone (l) and Eileen Schuyler (r).

Bottom—Jerry Grant, an Investigator primarily working on computer and cell phone forensic cases for the Western District of New York Federal Public Defender’s Office (l), was the presenter for the investigator training event NYSDA held in December 2012. John Cutro (front), was introduced at this event as the new Public Defense Investigation Support Project Director.

Page 6:
Top—The late Lenore Banks (second from right) is missed by her colleagues on NYSDA’s Client Advisory Board, including (counter-clockwise from Lenore) Alice Green, Marion Hathaway, and Juan Donas, Sr., shown here meeting with Richard Greenberg, Attorney-in-Charge of the Office of the Appellate Defender (NYC) (front left) during the 2005 Annual Conference.

Bottom—Client Advisory Board Chair Jay Coleman (l) attended last year’s Annual Conference and is seen here with Danielle H. Maichl (r), Managing Attorney of the Criminal Defense Unit of the Legal Aid Bureau of Buffalo, Inc.

Page 7:
Top—At Chief Defender Convenings, the heads of public defense offices from around the state meet with one another, NYSDA staff, and guests to share information about public defense issues; the one pictured was held during the 2012 Annual Conference.

Bottom—NYSDA Staff Attorney Stephanie Batcheller.

Page 8:
NYSDA Staff Attorney Mardi Crawford presented information about public defense at a statewide conference on Restoring Justice in America last August sponsored by In Our Name, Inc. (Photo by Eric Jenks—awasos21@gmail.com)

Page 9:
Albany County Public Defender James Milstein and Angela Kelly, then-Deputy Essex County Public Defender, attended the Chief Defender Convening held in Albany in March 2013.

Page 10:
Top—Dana Malone, of Mental Hygiene Legal Service, Second Judicial Department, NYC, was among the presenters on a panel at last year’s Annual Conference entitled “To Plea or Not to Plea: Pitfalls of the Insanity Defense.”

Bottom—Jed Stone, Chicago Attorney and BTSP coach, attended the 2012 Annual Conference.

Page 11:
Tom Klein (front right), Staff Attorney, Criminal Practice, The Legal Aid Society, New York City, received NYSDA’s Service of Justice Award at last year’s Annual Conference; he is seen here sharing a laugh with (clockwise from Tom) his brother, James Klein, of the Public Defender Service for the District of Columbia, NYSDA Executive Assistant Diane DuBois, and her partner Sandy LeVain. Staff Attorney Al O’Connor can be seen behind them.

Page 12:
Top—Barbara Baggett at the afternoon reception held in her honor when she retired as Executive Assistant after 42 years at NYSDA.

Bottom—Lenore Banks, Client Advisory Board member who died last October.
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The New York State Defenders Association (NYSDA) exists to improve the quality of public defense services. The work of NYSDA's staff and the policies of its Board of Directors reflect its mission. NYSDA received an award for “Outstanding Achievements in Promoting Standards of Excellence in Mandated Representation” this year, confirming that its dedication to improving quality yields observable results.

This Annual Report captures the breadth of continuing and new services NYSDA provided through its Public Defense Backup Center in the last twelve months. It describes NYSDA’s advocacy for changes, both incremental and system-wide, necessary to secure quality legal representation for clients unable to afford counsel in criminal and designated family court matters. And it calls for a rededication of the justice system to the ideals that the right to counsel was meant to fulfill.

Rededicating the Scales of Justice in 2013

Scales endure as the symbol of justice. In that role, they adorn innumerable logos and seals, including NYSDA’s own. Ancient in origin, often depicted in the hand of a blindfolded figure, the scales today evoke different responses among different viewers.

They mean, to some, that two elements—truth and fairness—are vital to justice and that both must be weighed. To others, the scales represent an unbiased weighing of opposing evidence. And, perhaps, to some the scales have come to represent nothing but daily drudgery, a process in which a variety of factors are purportedly weighed according to a multiplicity of legal tests with an end result that is nearly always the same.

Particularly for public defense clients.

The fiftieth anniversary of Gideon v Wainwright, the landmark right to counsel case, has fostered widening recognition that too often in public defense cases neither truth nor fairness weighs as heavily as expediency. Public defense lawyers lack time and investigative capacity to place evidence on the scales—or to effectively convince blindfolded justice in criminal cases that what the prosecution has placed there has not tipped the scales beyond a reasonable doubt. Public defense attorneys representing adults in family court are similarly hampered. And systemic deficiencies, from overwhelming caseloads to systematic disregard for the defense function, destroy the key components of ethical representation.
rendering lawyers ineffective and leaving clients without hope.

Much has changed in the practice of law and in the justice system since Gideon appeared in 1963. Implementing its intent this half-century later requires changing the public defense system, and changing more. It is time to rededicate the scales of justice. To rededicate them to truth and fairness. To unbiased weighing of evidence. To due process rather than case processing. And to equal justice for all.

Advocacy for Change

NYSDA’s contract with New York State, which funds the Backup Center to fulfill part of the State’s responsibility for providing public defense services, includes a duty 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.” Recommendations made in the last year ranged from systemic to specific.

Using Gideon’s Anniversary to Highlight Public Defense and the Need for Reform

The Association’s Executive Director, Jonathan Gradess, told state legislators during a joint budget hearing in early 2013 that the Sixth Amendment justice Gideon was meant to provide “is still not being done in New York.” His testimony setting out recommendations is posted on the NYSDA website.

NYSDA and other legal advocates joined leaders of the Black, Puerto Rican, Hispanic and Asian Caucus in educating the public about public defense services at a press conference on March 18, 2013, the actual anniversary of Gideon. The Caucus and others called on Governor Cuomo to lead much needed public defense reform in New York State, arguing that he had demonstrated both the capacity and the commitment to transform our public defense system into a model for the nation.

Among the groups represented was the 5Boro Defenders, whose speaker noted: “The next generation of defenders is ready to work with the Governor to bring about the conditions that will allow New York to become, once again, the leader in providing public defense services!” NYSDA has encouraged this group and other young public defense lawyers to help bring about a public defense culture of excellence in the face of daunting challenges.

Other press conference speakers on “Gideon Day” noting the long-standing and well-documented deficiencies of the current county-by-county system included the head of the New York Civil Liberties Union (NYCLU). A lawsuit citing those deficiencies brought in 2007 by the NYCLU and scheduled for trial later this year underscores the need for New York State to act now. NYSDA hopes for a settlement of the case that brings about positive systemic change.

A list of all Gideon Day press conference participants can be found in the press release posted in the Past Events section of the Gideon Anniversary page of NYSDA’s website. That webpage, along with an accompanying blog, provides public access to information being brought to the fore this year about public defense and unfairness.
Urging Better Defense Access to Necessary Information

NYSDA does not limit itself to an “all or nothing” approach to improving public defense services. One narrower, specific issue that is the subject of NYSDA advocacy is free and timely access for public defense lawyers to the criminal histories of potential witnesses and of their own clients.

Even as Texas passed a bill giving public defenders criminal history information this year, NYSDA has had to continue its to-date unsuccessful effort to gain “qualified agency” status for New York defenders. Despite admissions by prosecutors and the Division of Criminal Justice Services (DCJS) recognizing the illegality of not providing defenders access to rap sheets at arraignment (see CPL 160.40), the DA’s Association and DCJS successfully resisted three different bills. These would have allowed, as a reasonable accommodation to defense needs: 1) unfettered access to all criminal histories, 2) a compromise measure allowing defenders access to records (state and federal) only for their own clients, and 3) an even more restrictive bill limited exclusively to New York client records. Because of this complete bureaucratic hampering of what should be a defense right of access to criminal histories, NYSDA will—in addition to legislatively seeking full access, without compromise—commence a new local and strategic initiative to accomplish access.

A document describing “why criminal history information is important, how attorneys can try to obtain it, and the reform measures needed to help public defense providers and their counties get the information efficiently at less cost” is posted on the NYSDA website.

NYSDA also continues, in conjunction with others, efforts to improve New York State’s extremely limited discovery laws and practice. Various approaches in the last year included NYSDA’s attendance and participation at meetings of the Chief Judge’s Discovery Task Force, the Criminal Justice Coalition on Discovery Reform, and the Third Annual Summit of It Could Happen to You (ICHITY). An organization devoted to preventing wrongful accusations and convictions and putting truth on the scales of justice, ICHITY pursues discovery reform.

NYSDA Joined U.S. Supreme Court Amici Brief on Advising Immigrants

Last year NYSDA, with many other state and national organizations, signed on to a brief urging the U.S. Supreme Court to apply its decision in Padilla v Kentucky to convictions that had occurred before Padilla. Unfortunately for foreign nationals whose lawyers failed to advise them about deportation and other consequences, the Court rejected amici’s position. While the decision in Chaidez v United States (133 SCt 1103 [2013]) was disappointing, the Padilla requirement that defense lawyers advise clients about immigration consequences, and NYSDA’s continuing training of attorneys about that duty, will provide many immigrants with better representation and fairer outcomes in their cases.
The Association also filed an amicus brief in the New York Court of Appeals concerning the legal standing of a plaintiff in a lawsuit regarding procedures in a county public defense plan. The case was decided at *Roulan v County of Onondaga*, 21 NY3d 902 (2013).

Lastly, NYSDA filed in the Appellate Division, Fourth Department, an amicus brief written by Patricia Warth of the Center for Community Alternatives. The issue was whether defendants charged with non-violent felonies that are not specified offenses under the DLRA are eligible for diversion under Criminal Procedure Law Article 216. The appellate court, in *Matter of Doorley v DeMarco*, 106 AD3d 27 (4th Dept 2013), said no.

The Second Department issued decisions in related cases in which NYSDA had joined others in an amicus brief, noted in the last Annual Report, opposing the Queens District Attorney’s “prearraignment interrogation program.” In *People v Dunbar*, 104 AD3d 198 (2nd Dept 2013), *People v Lloyd-Douglas*, 102 AD3d 986 (2nd Dept 2013), and *People v Polhill*, 102 AD3d 988 (2nd Dept 2013), the court found that statements obtained from defendants questioned under this program should be suppressed. The Court of Appeals has granted leave to appeal.

Technical Assistance to Programs, Organizations, and Officials

In addition to advocacy, NYSDA works to improve the quality of public defense by offering many forms of technical assistance to public defense programs, county and state officials, and other organizations and groups dealing with issues that impact public defense lawyers and clients. Besides assistance provided in response to individual requests via telephone, email, or other communication, NYSDA teams made the first of a series of site visits (Cattaraugus) designed to provide direct technical assistance to counties to implement ILS standards, and also engaged in the following forms of assistance.

Public Defense Case Management System

Passing a different “fiftieth milestone” in this *Gideon* anniversary year, NYSDA’s Public Defense Case Management System (PDCMS) was installed in the fiftieth office—and then in the fifty-first—in 2013. These installations, in Chautauqua and Suffolk counties, extended...
PDCMS the full east-west breadth of the state. The PDCMS software (with the newest version installed in forty-one sites) helps public defense offices efficiently track cases and therefore identify conflicts of interest early, avoid missed deadlines, and keep track of and predict workload to facilitate planning and appropriate budget requests. PDCMS’s award-winning Director, Darlene Dollard, was joined in 2013 by Information Systems Specialist Michael Mayer after Jacky Kirkpatrick left to pursue new educational and career opportunities.

Assisting a Variety of Organizations and Agencies

Policies established by governmental entities affect public defense services and clients. Backup Center staff provided public defense insights on a number of occasions in the last year. Staff members from the Backup Center and the Indigent Legal Services (ILS) Office met on a range of issues, from the collection of data relevant to public defense to performance measures.

NYSDA's ongoing participation in the Office of Court Administration’s Committee on Criminal Procedure, the First Department Indigent Defense Organization Oversight Committee, and the Task Force on Voluntary Justice Court Reform also continued.

“I want to thank you for your help with the video tape issue … the judge precluded the video [and] the indictment was dismissed.”
—Attorney in a criminal case

NYSDA took part in meetings of legal groups concerned with public defense, such as the New York State Bar Association Criminal Justice Section Executive Committee and the National Legal Aid and Defender Association American Council of Chief Defenders Systems Development Committee. And NYSDA staff participated in several regional meetings of Chief Defenders in the Seventh and Eighth Judicial Districts, and in the inaugural meeting of the Sixth Judicial District Chief Defenders.

Backup Center staff also brought a public defense viewpoint to meetings of groups concerned with populations with particular needs, including the Schenectady chapter of NAMI (National Alliance on Mental Illness) and the New York Partnership for Teen Driving Safety Judicial and Law Enforcement Subcommittee.

Other groups sought NYSDA input as well. For example, Backup Center staff were invited to a gathering of community groups concerned about improving public defense representation in
Onondaga County, brought together Capital Region public defender representatives and the Director of Common Justice, a restorative justice demonstration project of the Vera Institute of Justice, participated in a discussion at the Center for Law and Justice in Albany about local public defense needs, and met with the New York State Association of Counties and with the Mental Health Association of New York State.

In the past twelve months, Backup Center staff served as presenters and participants at a host of conferences dealing with systems, procedures, and specialized issues relating to public defense. Staff Attorney Stephanie Batcheller presented at and attended conferences, in New York State and elsewhere, on topics including Intimate Partner Violence: the Ripple Effect of Education, Research, and Advocacy; Contextualizing Lessons Learned: A Multidisciplinary Approach to Executive Clemency; Understanding and Preventing Honor Crimes; and Justice Involved Women.

Throughout the year, staff members participated in events and webinars to share information with others and collect information for use by other Backup Center staff.

**Core Functions of the Public Defense Backup Center: Helping Public Defense Providers Help Clients**

Under NYSDA’s state contract, the Backup Center’s primary objective is to provide a variety of essential back-up services to public defense lawyers in order to improve the quality of publicly supported legal representation of persons unable to afford counsel. Managing Attorney Charlie O’Brien plays many roles, from designing training events to supervising interns and other staff.

**Specialized Initiatives**

Some NYSDA initiatives combine aspects of technical assistance and other Backup Center services described later in this report. Regardless of how they are described, these initiatives assist public defense lawyers who work to ensure their clients’ cases are weighed fairly on the scales of justice.

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“Thank you very much on this difficult issue. I really appreciate everything you sent me and I feel we’re ahead of my peers in this area on IID [ignition interlock devices].”

— Attorney in a criminal case

**Public Defense Investigation Support Project Launched**

Adequate investigative capacity is one necessary component
of finding truth on clients’ behalf. In late 2012, NYSDA launched a project to improve the quality and extent of defense investigation practices in public defense programs. John Cutro has been hired to staff the Public Defense Investigation Support Project (PDISP) part-time while efforts continue to bring a full-time Project into existence. To date the PDISP has identified a cross-section of over 150 investigators providing services to clients of public defense programs and is engaged with them in an appreciative inquiry as to what is working well in offices and what might make things even better. The Project is identifying investigative practices that produce good outcomes for public defense clients and their families, and hopes to hold a statewide investigative convening in the fall. Investigators were invited to attend free of charge a NYSDA Continuing Legal Education (CLE) training in Rochester on Criminal Defense Tactics and Techniques. NYSDA also presented investigator training on “ediscovery,” dealing with “Paper, Acrobat, iPad & Beyond.”

Criminal Defense Immigration Project Continues
Felipe Alexandre became the Director of NYSDA’s Criminal Defense Immigration Project (CDIP) when Joanne Macri left to join the staff of the Indigent Legal Services Office. CDIP continues to assist public defense lawyers and others with immigration issues that arise from the criminal cases of clients who are citizens of other countries. For assistance, call (617) 875-2660.

In the past year, CDIP worked with a number of groups, including the New York State Bar Association and the New York State Department, concerning implementation in New York of the Deferred Action for Childhood Arrivals program. CDIP also continued its well-received continuing legal education (CLE) training sessions; the new Director made presentations to the Legal Aid Societies in Nassau and Suffolk counties on the intersection of criminal and immigration defense. CDIP also shared information with non-legal groups and communities, and worked with bar association and others, including the Immigrant Defense Project in New York City, which itself started as a NYSDA initiative.

The program was absolutely invaluable to be afforded constructive criticism and the freedom to try new things. It was also highly instructive to observe our fellow attorneys and get new approach[es] from them.
—2013 BTSP Participant

Need for Military and Veterans Defense Project Continues
In 2007, based on past experience and observations of Backup Center staff, and on
questions received about veterans in the criminal justice system, NYSDA sought and received a study grant to begin a Military and Veterans Defense Project. Through the grant, NYSDA was able to identify more clearly the legal needs of veterans relying on public defense services. The opening of veterans courts, beginning with the one in Buffalo in 2008, underscored the necessity for such a project. Budgetary shortfalls have so far limited NYSDA’s ability to design and build a new program to address the unmet needs of military personnel and veterans across the state, but efforts to do so, and to provide as much assistance as possible, continue. This year the Executive Director participated as a speaker on public defense issues at a three-day conference entitled “When Johnny Comes Marching Home … and Gets Arrested—From Honor to Dishonor and Back Again.”

Direct Defender Services

Every week, the legal staff at the Backup Center receives requests from public defense lawyers and others about issues arising in cases across the state. The questions may stem from the distinctive needs of a particular client—a military veteran, an immigrant, a person with mental health or developmental issues, or someone with other qualities uniquely impacting their legal matter. Or the questions may relate to legal developments, like new regulations for the installation of ignition interlock devices on the vehicles of clients who drove after drinking or taking drugs, or the latest decision from an appellate court. Many involve criminal law, others relate to representation of adults in family court on child custody, support, abuse, or neglect matters.

The calls come from solo practitioners in counties where no formal mentoring or training is provided through the assigned counsel program. They come from institutional offices whose limited budgets restrict the capacity for researching complex legal arguments. New lawyers call, and so do experienced ones. Attorneys receive assistance regardless of Association membership status; direct defender services to public defense lawyers are funded by the State as part of its Sixth Amendment backup function.

Training

The Association provides a variety of training, from legal updates and in-depth trial skill preparation for lawyers to public education concerning the public defense system.

Continuing Legal Education

Designated an “Accredited Provider” by the New York State Continuing Legal

“This has been a career-changing experience for me. I have so much more confidence in myself. I am ready for any trial! I have also learned so many great techniques for keeping the jury interested in me and my client. I cannot wait to share what I’ve learned with my colleagues back home.

—2013 BTSP Participant

“I was quite literally the best week I have had since beginning my practice. I learned so much about every aspect of representing our clients from the initial interview through closing arguments…. This experience far exceeded my expectations and I am so grateful that I had a chance to participate. The coaching staff was phenomenal and I consider myself very privileged to have worked with them.”

—2013 BTSP Participant in letter to the public defense program sponsoring her
Education Board, NYSDA continues its acclaimed statewide and regional CLE events. At the Defender Institute Basic Trial Skills Program (BTSP) in 2013, 42 attorneys from across the state learned, through a week of hands-on sessions with coaching by experienced lawyers and communication experts, the benefits of well-prepared, client-centered practice.

At the 2012 Annual Meeting and Conference, attending lawyers heard from many knowledgeable and engaging trainers, including Tom Klein from The Legal Aid Society. At the conference, Klein received NYSDA’s 2012 Service of Justice Award; he was honored for his skills as a trainer, trial lawyer, and supervisor, and for his commitment to justice. The plaque memorializing Klein’s award, like all awards presented by the Association, bear the NYSDA seal; award recipients serve as an inspiration to rededicate the scales of justice appearing there.

In addition to NYSDA’s training events, some members of NYSDA’s legal staff presented at CLE events sponsored by others in the last year. For example, Staff Attorney Al O’Connor presented at a New York State Bar Association (State Bar) CLE event on May 4, 2013. He was also the trainer at NYSDA’s own hour-long CLE on the complex Sex Offender Management Treatment Act at the Bronx Defenders.

Providing CLE credit involves numerous details and careful record-keeping. Travel and other logistics must also be arranged. Training Coordinator Diane Geary juggled all these elements for approximately 30 training events in the last year.

Chief Defender Convenings
Since 1983, NYSDA has invited Chief Defenders—lawyers heading public defender, legal aid, or assigned counsel programs—to convene to raise and learn about issues affecting their programs and clients. One such convening was held, as is traditional, during NYSDA’s Annual Meeting and Conference last July; and another was held in Albany in March 2013. Since the inception of the ILS Office, a report on the work of that office and what Chief Defenders can do to secure state funding have been among agenda items at Chief convenings. Information also flows among the Chiefs about how different offices handle issues and problems, and between NYSDA and the attending Chiefs, furthering NYSDA’s goal of helping improve the quality of public defense.

Community Education and the Client Advisory Board
As part of the Gideon anniversary observance, NYSDA has presented information about public defense issues not only to policymakers and those working in the criminal and family court systems, but also to the public at large by way of media. The Executive Director appeared in television interviews about Gideon, the pending Hurrell-Harring lawsuit, and the condition of public defense in New York; published an op-ed piece; and appeared on a panel at John Jay College on “Reforming Gideon at 50.”

In 2012, Staff Attorney Mardi Crawford co-presented a session on Hurrell-Harring and public defense issues at a statewide conference on “Restoring Justice in America.” The conference brought together members of faith communities and others concerned about the current condition of the criminal justice system and, like NYSDA, seeking to reform and rededi-
NYSDA’s Client Advisory Board, which provides insights to the Executive Director and reports annually to the Board of Directors, has embarked on a video project, “What Prisons Do To People.” Members of the Advisory Board who were formerly incarcerated discussed their experiences on camera, and after seeing an initial edit, decided that more needed to be done to best get out the message that prisons change almost every aspect of an incarcerated person’s life and the lives of those who “do time” with them on the outside. Like more than half the Client Advisory Board, new member Heather Teale, was formerly incarcerated. Such Client Advisory Board members, like currently-incarcerated members of the Association, provide the Association with insights about what clients endure and what they need.

One thing clients accused of criminal offenses often need is a reasonable opportunity to secure pretrial release. The Chair of the Advisory Board, Jay Coleman, who has joined the NYSDA staff as Client Coordinator, has been looking at legislation and regulations regarding nonprofit bail funds, which the State purports to have made possible.

**Newsletter, News Picks, and www.nysda.org**

The multiple communities with whom NYSDA engages to improve the quality of public defense services—lawyers, policymakers, clients, and the public—constitute a diverse audience for information NYSDA seeks to provide.

The **Public Defense Backup Center REPORT**, a periodic newsletter produced in print form and also posted on the Internet, contains in most issues something for each community. Lawyers and prisoners peruse the summaries of recent appellate decisions found in every issue. Practice Tips aimed at lawyers may also constitute resources for clients and the public when they address issues such as the representation of clients with mental disabilities. An extensive article on this topic appeared in the January-April 2013 issue, written by the Director of the Mental Hygiene Legal Service for the Third Judicial Department. Items in the Defender News category will appeal to different parts of the NYSDA audience depending on their subject.

NYSDA has been assured by readers that the print edition of the REPORT continues to be valued, and should not be replaced by web-only content. But the time needed to prepare a print publication makes it virtually impossible to convey time-sensitive information, such as calls for comment on proposed regulations, to readers in time.

Therefore, the Backup Center has instituted a new email service for members and public defense programs. “News Picks from NYSDA Staff,” containing nuts and bolts information aimed at practitioners, began in December; fourteen editions have been distributed/published to date. Research Director Melissa Mackey has been instrumental in making this new endeavor function smoothly, in addition to her work in helping find and analyze criminal justice and other statistics to assist in policy analysis.

News Picks information of continuing interest will also appear, sometimes in more in-depth form, in the issue of the
REPORT that comes out following them. The REPORT appears on NYSDA’s website upon completion, well before print copies are printed and mailed. Breaking news items, some of more fleeting interest and wider in scope than News Picks, also appear on the homepage. In addition, the NYSDA website contains in-depth information about public defense, a searchable version of the case summaries that appear in the REPORT, a database of potential expert witnesses, and much more.

The Backup Center’s Back Office Operations

NYSDA’s office, the Public Defense Backup Center, from which all the above services and information flow, is located in Albany, NY. Staff members work here on tasks vital to the Association but less visible to those the Association serves. These include Business Manager Mary Durgee and Office Coordinator Dawn Allert. Receptionist Wanda Hudson is the voice of NYSDA that most callers first hear, while those who ask for the Executive Director often speak to Executive Assistant Diane DuBois. Also working closely with the Executive Director is Administrative Assistant Frank Zarro.

A bank of computer servers and a network to which staff computers link, overseen by Director of Information Technology David Austin, provide online and in-house electronic research capacity, internal and external digital communication, and the computer capability necessary for the PDCMS and all office functions.

The Clearinghouse

More than 100,000 electronic documents populate NYSDA’s database of information, to which Director of Legal Information Services Ken Strutin adds almost daily. These documents constitute the bulk of the Clearinghouse upon which legal staff draw in responding to requests for assistance. A large legacy collection of print materials predating the digital age remain available as well. In addition to legal materials, the Clearinghouse contains criminal justice information and other data, historical and current information about the public defense function, and much more.

Celebrations, Honors, and Rites of Passage

The anniversary of Gideon this year constituted a reminder of the distance yet to go before every public defense client has quality representation. While the landmark decision is critical to the cause of justice, Gideon has not been sufficient. The anniversary observance has been a solemn one of rededicating the scales of justice, of hoping that in 2063, history will say that New York kept Gideon’s promise 50 years ago.

Nonetheless, NYSDA and its staff have had opportunities to celebrate this past year.

Cake was served after the fiftieth installation of PDCMS.

Client Advisory Board member Darryl King received a Lifetime Achievement Award from Citizens Against Recidivism.

Staff Attorney Susan Bryant was selected by the Genesee County Public Defender Office as the 2012 recipient of the Kevin M. Andersen Award.
NYSDA: Outstanding Achievements

And, as noted at the outset of this report, NYSDA was recognized for “Outstanding Achievements in Promoting Standards of Excellence in Mandated Representation.” NYSDA qualified for the award in two categories, for engaging in innovative efforts to improve the quality of public defense representation and for advocacy that has promoted “steps by the legislature, executive or judiciary to ensure the provision of high quality mandated representation.”

NYSDA’s selection for the award won praise from New York Assembly Member and Codes Committee Chair Joseph R. Lentol, who said, “NYSDA is a long-term, integral part of efforts to ensure there is justice in New York’s justice system.” Also applauding the award was Assembly Member Helene E. Weinstein, Chair of the Judiciary Committee, who said “I value both the expertise and the passion for justice that NYSDA brings to public defense issues facing our State.” And the Director of the ILS Office, William Leahy, declared himself thrilled, saying, “NYSDA’s decades-long contributions in setting standards and providing high quality training and support are richly deserving of this public acclaim.”

At NYSDA, the award was welcomed “not as a static emblem of our past achievements but as a sign of the continuing commitment of both NYSDA and the State Bar to improving public defense.”

Goodbyes

The work will go on, and will build on what has been done already—the work of past members of NYSDA’s staff, Board of Directors, Client Advisory Board, and allies should always be acknowledged. This year, as in other years, there have been goodbyes to interns here but for a semester or so, and to members of the staff and board of directors who left to enter new careers or retirement.

For the short-timers, NYSDA staff gathered to express their thanks to the energy and enthusiasm the interns brought to the work.

For Barbara Baggott, retiring as Executive Assistant after 32 years with the Association, there was an afternoon of well wishes, gratitude, and many stories.

Long-time Director John Ciulla celebrated in Saratoga when he retired as Saratoga County Public Defender, and NYSDA’s representatives attended to wish him well.

And sadly, there were some final goodbyes, too. NYSDA founding member Norman Shapiro, who stepped down from his positions on the board in 2011, died this year, as did Client Advisory Board member Lenore Banks. The work will go on, and they will be remembered.
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Lenore Banks
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(formerly Judicial Specialist for League of Women Voters of NYS and NYSDA Liaison to the League)

Helga A. Schroeter was a long-time member of NYSDA’s Client Advisory Board until October 17, 2012, when sadly she was taken from us by death.

“...I haven’t settled on an expert yet but with your help, I believe I am on the right track to coming up with a person who can do the job for us that we need.”
— Attorney with a client in prison

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By becoming and remaining members and/or by donating to the Association in the last twelve months, the following individuals and organizations helped further NYSDA’s work. Lawyers, prisoners, and many others supported NYSDA’s efforts to ensure the right to counsel and equal justice fifty years after *Gideon v. Wainwright*.

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Susan P. Reinecke
Kenneth A. Reiver
Frederick Rench
Andrea Carapella Rendo
Leonard I. Ressler
Anson E. Rhodes
Stephen R. Ricci
Richard W. Rich, Jr.
Jeffrey T. Richards
Homer W. Richardson
Labe M. Richman
Gary R. Rick
Edward J. Rinaldi
Scott E. Riordan
Dorothy Riordan Hughes
James L. Riotto, II
Jonathan Ripps
Robert Rivera
Francis R. Rivette
Rosemary Rivieccio
Richard A. Roberts
Shawn Roberts
Antonia Robertson
John B. Robeson
Avrom Robin
James Robinson
Theodore P. Robinson
Rafael Robles
Nora B. Robshaw
Philip J. Roche
Carlos Rodriguez
Wesley A. Roe
Leslie A. Roff
Andre Rogers
Hilary D. Rogers
Nadeen C. Singh  
Joseph Sinkiewicz, Jr.  
Randy J. Siper  
Peter C. Sipperly  
Richard A. Siracusa  
Lisa Serio Siragusa  
Gary R. Skuse  
Deborah Slack Bean  
Daniel R. Slade  
Todd Slavik  
Matthew R. Smalls  
Samantha Smalls  
Alex Smith  
Melvin Smith  
Raymond F. Smith  
Todd M. Smith  
Trey Smith  
Velma Smith  
Wayne P. Smith  
James G. Snyder  
Jennifer G. Sober  
Robert B. Sommerstein  
Tiffany M. Sorgen  
Bernard Sorrentino  
Anselmo Soto, Jr.  
Thomas G. Soucia  
Cheryl L. Sovern  
Magdalena Hale Spencer  
John F. Speranza  
David M. Sperling  
Jonna M. Spilbor  
Kevin W. Spitzer  
Richard Cary Spivack  
Scott Spivak  
Kristin F. Splain  
Thomas M. Splain  
Philip St. Louis  
Michael J. Stachowski  
Kevin M. Stadelmaier  
Patrick G. Stafford  
Thomas J. Stahr  
Tucker C. Stanclift  
Stephanie M. Stare  
Shari Stein  
David L. Steinberg  
Robin G. Steinberg  
Jennifer P. Stergion  
Steven Sternberg  
Russell Stetler  
D. Daniel Stevanovic  
Jacob L. Stevens  
Geoffrey S. Stewart  
Lynne F. Stewart  
Douglas P. Stiller  
Andrew B. Stoll  
Jed Stone  
Jonathan B. Stroble  
Jonis J. Strods  
Arthur Suchow  
Samuel J. Sugar  
Donna M. Sullivan  
Susan M. Sullivan  
Jenna Suppon  
Pierre Sussman  
Michael E. Sutton  
David H. Sywer  
Lawrence R. Sykes  
Kwok Sze  
Ronald J. Tabak  
David J. Taffany  
Steven Taizt  
Travis C. Talbot  
Samuel M. Tamburo  
Uyen Tang  
Martin H. Tankleff  
William A. Tansey  
John N. Tasolides  
Heather M. Teale  
William Tedford  
Stanley J. Teich  
William M. Tendy, Jr.  
George A. Terezakis  
Joseph J. Terranova  
Thomas D. Terrizzi  
Don Terry  
Paul Testaverde  
Marcea Clark Tetamore  
Michael Texidor  
Wayne Thatcher  
Thomas Theophilos  
Bryce Therrien  
Matthew Thomas  
Donald M. Thompson  
Susan V. Tipograph  
Maria Tobia  
David P. Todaro  
Natali J. H. Todd  
Heather A. Tomes  
Nelson S. Torre  
Delrease Tota-Neal  
David Touger  
Rebecca Town  
Tayden Townsley  
Ronald C. Trabucco  
Norman Trabulus  
Donald Tracy  
Christine Tramontano  
William J. Trask, Sr.  
Ephie Trataros  
James D. Trasmond  
Holly A. Trexler  
Emily Trott  
Alexandra V. Tseitlin  
Scott B. Tulman  
Lana V. Tupchik  
John C. Turi  
Natasha M. Turner  
Diane Serbalik Turo  
John E. Tyo  
Timothy J. Tyree  
Emeka J. Ukaesoanya  
Denis J. Uminski  
Jason Urbania  
Ann Usborne  
Joseph A. Vaccarino  
Elena C. Vaida  
Ronald C. Valentine  
Alexandra Valicenti  
Kevin Van Allen  
Morton Van Allen  
Andrew Van Buren  
James VanDette  
Richard C. VanDonsel  
Manuel D. Vargas  
Vinoo P. Varghese  
Gordon Vasquez  
Rosemary Vassallo  
Nikko A. Vaughn  
Catharine M. Venzon  
Richard Vercollone  
Gerald A. Vergilis  
Yvonne A. Vertlieb  
Amy L. Vichinsky  
Jason Vichinsky  
Joseph Vidal  
Thomas C. Viles  
Surinder K. Virk
NYSDA MEMBERSHIP APPLICATION

I wish to join the New York State Defenders Association and support its work to uphold the constitutional and statutory guarantees of legal representation to all persons regardless of income and to advocate for an effective system of public defense representation for the poor.

Enclosed are my membership dues: $75 Attorney □ $40 Non-Attorney □ $15 Student □ $15 Prisoner

Name _________________________________________ Firm/Office __________________________________
Home Address __________________________________ City __________________ State ____ Zip _________
Office Address __________________________________ City __________________ State ____ Zip ___________
Email (Office) __________________________________ (Home) __________________________

At which address do you want to receive membership mail? □ Office □ Home

Please indicate if you are: □ Assigned Counsel □ Public Defender □ Concerned Citizen
□ Legal Aid Attorney □ Private Attorney □ Student □ Prisoner

Attorneys and law students please complete: Law School_____________________ Degree ________
Year of graduation _______ Year admitted to practice _______ State(s) ______________________

I have also enclosed a tax-deductible contribution: □ $500 □ $250 □ $100 □ $50 □ Other: $____________

To pay by credit card: □ Visa □ MasterCard □ Discover □ American Express
Card Billing Address: _______________________________________________________________
Card Number: __ __ __ __ __ __ __ __ __ __ __ __ __ __ __ __  Exp. Date: __ __ / __ __
Cardholder's Signature: _____________________________________________________________

Checks are payable to New York State Defenders Association, Inc. Please mail coupon, dues, and contributions to:
Pursuant to Section 519 of the Not-for-Profit Corporation Law, the Board of Directors herewith submits to the membership the Corporation’s most recent certified financial statement.
NEW YORK STATE DEFENDERS ASSOCIATION, INC.

AUDITED FINANCIAL STATEMENTS

Years ended December 31, 2012 and 2011
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<td><strong>Financial Statements</strong></td>
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<td>Statements of Financial Position</td>
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<td>Statements of Cash Flows</td>
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<td>Notes to Financial Statements</td>
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</tr>
</tbody>
</table>
INDEPENDENT AUDITOR'S REPORT

To the Board of Directors
New York State Defenders Association, Inc.

We have audited the accompanying financial statements of New York State Defenders Associations, Inc., which comprise the statements of financial position as of December 31, 2012 and 2011, and the related statements of activities and changes in net assets, and cash flows for the years then ended, and the related notes to the financial statements.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express an opinion on these financial statements based on our audits. We conducted our audits in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Opinion

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of New York State Defenders Association, Inc. as of December 31, 2012 and 2011, and the results of its operations and its cash flows for the years then ended in accordance with accounting principles generally accepted in the United States of America.

UHY LLP

Albany, New York
April 26, 2013
NEW YORK STATE DEFENDERS ASSOCIATION, INC.
STATEMENTS OF FINANCIAL POSITION
December 31, 2012 and 2011

<table>
<thead>
<tr>
<th>ASSETS</th>
<th>2012</th>
<th>2011</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash</td>
<td>$84,282</td>
<td>$1,088,957</td>
</tr>
<tr>
<td>Grant and other receivables</td>
<td>1,622,745</td>
<td>169,970</td>
</tr>
<tr>
<td>Deposits</td>
<td>7,777</td>
<td>7,777</td>
</tr>
<tr>
<td>Prepaid expenses</td>
<td>12,213</td>
<td>10,004</td>
</tr>
<tr>
<td>Furniture and equipment, less accumulated depreciation</td>
<td>48,057</td>
<td>29,361</td>
</tr>
<tr>
<td>2012, $217,771; 2011, $202,307</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total assets</td>
<td>$1,775,074</td>
<td>$1,306,069</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>LIABILITIES AND NET ASSETS</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>LIABILITIES</th>
<th>2012</th>
<th>2011</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notes payable - bank</td>
<td>$500,000</td>
<td>$-</td>
</tr>
<tr>
<td>Accounts payable and accrued expenses</td>
<td>42,925</td>
<td>51,784</td>
</tr>
<tr>
<td>Accrued salaries and vacation pay</td>
<td>137,758</td>
<td>119,071</td>
</tr>
<tr>
<td>Deferred grant and contract revenue and advances</td>
<td>147,758</td>
<td>463,887</td>
</tr>
<tr>
<td>Deferred membership dues</td>
<td>34,109</td>
<td>50,728</td>
</tr>
<tr>
<td>Total liabilities</td>
<td>862,550</td>
<td>685,470</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>COMMITMENTS AND CONTINGENCIES</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>NET ASSETS</th>
<th>2012</th>
<th>2011</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unrestricted</td>
<td>912,524</td>
<td>620,599</td>
</tr>
<tr>
<td>Total liabilities and net assets</td>
<td>$1,775,074</td>
<td>$1,306,069</td>
</tr>
</tbody>
</table>

See notes to financial statements.
NEW YORK STATE DEFENDERS ASSOCIATION, INC.
STATEMENTS OF ACTIVITIES AND CHANGES IN NET ASSETS
Years Ended December 31, 2012 and 2011

<table>
<thead>
<tr>
<th>Revenue:</th>
<th>2012</th>
<th>2011</th>
</tr>
</thead>
<tbody>
<tr>
<td>New York State appropriation</td>
<td>$1,935,465</td>
<td>$1,291,170</td>
</tr>
<tr>
<td>Other grants and contracts</td>
<td>145,982</td>
<td>167,250</td>
</tr>
<tr>
<td>Membership dues</td>
<td>105,452</td>
<td>101,941</td>
</tr>
<tr>
<td>Interest</td>
<td>1,300</td>
<td>3,078</td>
</tr>
<tr>
<td>Contributions</td>
<td>12,151</td>
<td>26,596</td>
</tr>
<tr>
<td>Conferences, publications and</td>
<td>510,870</td>
<td>386,747</td>
</tr>
<tr>
<td>other income</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total revenue</strong></td>
<td><strong>2,711,220</strong></td>
<td><strong>1,976,782</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Expenditures:</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries</td>
<td>1,225,685</td>
<td>1,165,888</td>
</tr>
<tr>
<td>Contracted services</td>
<td>233,877</td>
<td>194,091</td>
</tr>
<tr>
<td>Other employee benefits</td>
<td>338,318</td>
<td>293,683</td>
</tr>
<tr>
<td>Conference facilities and travel</td>
<td>171,471</td>
<td>110,592</td>
</tr>
<tr>
<td>Occupancy</td>
<td>105,450</td>
<td>112,462</td>
</tr>
<tr>
<td>Payroll taxes</td>
<td>97,051</td>
<td>87,002</td>
</tr>
<tr>
<td>Printing and publications</td>
<td>43,646</td>
<td>38,255</td>
</tr>
<tr>
<td>Office and computer supplies</td>
<td>59,989</td>
<td>47,677</td>
</tr>
<tr>
<td>Library and professional dues</td>
<td>36,205</td>
<td>33,255</td>
</tr>
<tr>
<td>Postage and shipping</td>
<td>22,963</td>
<td>22,497</td>
</tr>
<tr>
<td>Depreciation</td>
<td>16,863</td>
<td>15,740</td>
</tr>
<tr>
<td>Miscellaneous</td>
<td>24,031</td>
<td>14,325</td>
</tr>
<tr>
<td>Telephone and communications</td>
<td>20,044</td>
<td>19,094</td>
</tr>
<tr>
<td>General insurance</td>
<td>10,402</td>
<td>10,353</td>
</tr>
<tr>
<td>Equipment rental and maintenance</td>
<td>10,141</td>
<td>10,645</td>
</tr>
<tr>
<td>Interest</td>
<td>3,159</td>
<td>-</td>
</tr>
<tr>
<td>Loss on disposal of equipment</td>
<td>-</td>
<td>1,492</td>
</tr>
<tr>
<td><strong>Total expenditures</strong></td>
<td><strong>2,419,295</strong></td>
<td><strong>2,177,051</strong></td>
</tr>
</tbody>
</table>

Change in net assets  

| Net assets, beginning          | 620,599    | 820,868    |

| Net assets, ending             | $912,524   | $620,599   |

See notes to financial statements.
NEW YORK STATE DEFENDERS ASSOCIATION, INC.

STATEMENTS OF CASH FLOWS
Years Ended December 31, 2012 and 2011

<table>
<thead>
<tr>
<th></th>
<th>2012</th>
<th>2011</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>CASH FLOWS FROM OPERATING ACTIVITIES</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Change in net assets</td>
<td>$ 291,925</td>
<td>$ (200,269)</td>
</tr>
<tr>
<td>Adjustments to reconcile change in net assets to net cash used in operating activities:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Depreciation</td>
<td>16,863</td>
<td>15,740</td>
</tr>
<tr>
<td>Loss on disposal of assets</td>
<td>-</td>
<td>1,492</td>
</tr>
<tr>
<td>Changes in:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Grant and other receivables</td>
<td>(1,452,775)</td>
<td>(136,787)</td>
</tr>
<tr>
<td>Prepaid expenses and deposits</td>
<td>(2,209)</td>
<td>8,159</td>
</tr>
<tr>
<td>Accounts payable and accrued expenses</td>
<td>(8,859)</td>
<td>31,793</td>
</tr>
<tr>
<td>Accrued salaries and vacation pay</td>
<td>18,687</td>
<td>(2,198)</td>
</tr>
<tr>
<td>Deferred contract revenue and advances and membership dues</td>
<td>(332,748)</td>
<td>88,272</td>
</tr>
<tr>
<td>Net cash used in operating activities</td>
<td>(1,469,116)</td>
<td>(193,798)</td>
</tr>
</tbody>
</table>

| **CASH FLOWS FROM INVESTING ACTIVITIES** |           |           |
| Purchases of furniture and equipment | (35,559)  | (9,853)   |
| Net cash used in investing activities | (35,559)  | (9,853)   |

| **CASH FLOWS FROM FINANCING ACTIVITIES** |           |           |
| Proceeds from Line of Credit          | 500,000   | -         |
| Net cash used in financing activities  | 500,000   | -         |

**NET DECREASE IN CASH**

<table>
<thead>
<tr>
<th></th>
<th>2012</th>
<th>2011</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(1,004,675)</td>
<td>(203,651)</td>
</tr>
</tbody>
</table>

**CASH:**

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Beginning of year</td>
<td>1,088,957</td>
<td>1,292,608</td>
</tr>
<tr>
<td>End of year</td>
<td>$ 84,282</td>
<td>$ 1,088,957</td>
</tr>
</tbody>
</table>

**SUPPLEMENTAL CASH FLOW INFORMATION**

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash paid for interest</td>
<td>$ 3,159</td>
<td>$ -</td>
</tr>
</tbody>
</table>

See notes to financial statements.
NEW YORK STATE DEFENDERS ASSOCIATION, INC.
NOTES TO FINANCIAL STATEMENTS
December 31, 2012 and 2011

NOTE 1 — ORGANIZATION AND SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

Organization

New York State Defenders Association, Inc. ("The Association") is a not-for-profit organization which is exempt from Federal income taxes under Internal Revenue Code Section 501(c)(3). The Association was incorporated in 1967 for the primary purpose of promoting an interchange of ideas and experiences concerning functions in the field of criminal defense. The Association has an agreement with the New York State Division of Criminal Justice Services ("DCJS") whereby New York State will fund the Association to provide various back-up services required by public defenders, legal aid society attorneys, and assigned counsel lawyers who accept assignments to represent public defense clients.

A summary of the Association’s significant accounting policies follows:

Revenue Recognition

All revenues and expenditures are recorded on an accrual basis. Appropriations and grant revenues are recognized as income when related qualifying costs are incurred. Deferred contract revenue and advances represent revenue received in advance. Deferred membership dues represent membership dues received in advance.

Furniture and Equipment

Furniture and equipment are recorded at cost. Depreciation is recorded on the straight-line basis over estimated useful lives ranging from three to seven years.

Estimates

The preparation of financial statements in accordance with generally accepted accounting principles requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosures of contingent assets and liabilities at the date of the financial statements and reported amount of revenues and expenditures during the relevant period. Actual results could differ from those estimates.

Net Assets

Net assets are classified as unrestricted, temporarily restricted, or permanently restricted depending on the existence and/or nature of any donor imposed restrictions. The Association’s net assets were all unrestricted as of December 31, 2012 and 2011.

Cash

The Association places its cash with a high quality credit institution. At times such deposits may be in excess of the FDIC insurance limit.

Subsequent Events

In preparing these financial statements, management has evaluated events and transactions for potential recognition or disclosure through April 26, 2013, the date the financial statements were available for issuance.
NOTE 1 — ORGANIZATION AND SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

Income Tax Positions

The Association’s income tax positions are that it continues to be exempt from income taxes and does not have net unrelated business income that would be subject to income taxes. The Association’s information returns for the years ended December 31, 2009 and later are subject to examination.

NOTE 2 — DEFERRED REVENUE/APPROPRIATIONS RECEIVABLE (ADVANCED)

The Association’s Public Defense Backup Center (“Center”) had a budget of $2,089,000 extending from April 1, 2012 to March 31, 2013. DCJS approved and funded the Center in the amount of $2,089,000, of which none was received in 2012.

The Center had a budget of $1,821,000 extending from April 1, 2011 to March 31, 2012. DCJS approved and funded the Center in the amount of $1,339,000 of which $186,000 was received in 2012 ($1,153,000 in 2011).

Expenditures associated with this program were $2,142,898 for the year ended December 31, 2012 ($1,820,099 in 2011). Management and general expenditures were $91,541 for the year ended December 31, 2012 ($99,026 for 2011).

Expenditures for other programs during 2012 were $184,856 ($257,926 in 2011).

NOTE 3 — NOTES PAYABLE – BANK

The Association has a line of credit with First Niagara Bank, with a maximum of $750,000 available as of December 31, 2012 ($500,000 in 2011), and an interest rate of prime plus 1%, with a floor of 4%, which expires in June 2013. The line is secured by all business assets. As of December 31, 2012 $500,000 was payable to the bank (none at December 31, 2011).

NOTE 4 — LEASE OBLIGATION

The Association entered into an operating lease agreement for office space in Albany, New York effective February 15, 1999 and amended in February 2001 and March 2011 for an initial term of seven years, with an option to renew for two additional five-year periods. The Association exercised the first option to renew the lease for the five-year period commencing March 1, 2006 and the second option to renew the lease for an additional five year period commencing March 1, 2011. Rent expense for the office location was $101,645 for 2012 and $105,569 for 2011. Future annual minimum rental payments under this lease are $103,585 for 2013 through 2015 and $17,264 for 2016, totaling $328,019.

NOTE 5 — TAX DEFERRED ANNUITY PLAN

The Association established a tax deferred annuity plan in accordance with Section 403(b) of the Internal Revenue Service Code during 1994. The employer contribution is determined by the Board of Directors annually, but will not be less than 3% of employee compensation. The employer's contribution, included in other employee benefits, was $114,461 for 2012 ($91,632 for 2011).
NOTE 6 — RELATED ORGANIZATION

Three members of the Board of Directors of the Association currently serve as members of the Board of Directors of New York State Defenders Justice Fund, Inc. (Justice Fund). Justice Fund is a separately incorporated New York not-for-profit organization exempt from federal income taxes under Section 501(c)(4) of the Internal Revenue Code. The purposes of Justice Fund include, among other things, to heighten public awareness as to issues of public defense services and to advocate and lobby for improvements in the criminal justice system generally and public defense services in particular.

The Justice Fund was inactive during 2012 and 2011.

NOTE 7 — CONTINGENCIES

The Comptroller of New York State has the right to audit expenditures for prior periods relating to the Association's Public Defense Backup Center. In the opinion of management, all expenses covered by such contracts meet the requirements of the grant and adjustments if any that may result from such future audits would be immaterial.