PHOTO CAPTIONS

Cover (counterclockwise from far left):
At the 2013 National Legal Aid and Defender Association Annual Conference in Los Angeles, CA, NYSDA Client Advisory Board Chair (and Client Coordinator) Jay Coleman (l) and Executive Director Jonathan Gradess (r) met with the staff of Silicon Valley De-Bug (from left): Gail Noble and Blanca Bosquez, De-Bug Organizers, and Raj Jayadev, De-Bug Executive Director. De-Bug is a media, community organizing, and entrepreneurial collective that has an innovative program to enable families to have an effect on their local criminal justice system; the organization is based out of San Jose, CA.

NYSDA put together a team to visit legislators in support of the Justice for Our Veterans Act. From left (back row): Stephen F. Coville, II, U.S. Department of Veterans Affairs, VA Police Captain, Command Sergeant Major, U.S. Army Reserves; Mark S. Williams, Cattaraugus County Public Defender and Cattaraugus County Commander, American Legion, retired U.S. Navy Reserves Commander, Judge Advocate Generals Corps; Art C. Cody, NYSDA Veterans Defense Program Legal Director, retired Navy Captain and recent Afghanistan veteran (2011–2012); Frank J. Peters, Commander, American Legion, Department of New York; Gary Horton, NYSDA Veterans Defense Program Director; (front row) Dee Quinn Miller, NYSDA Veterans Defense Program Administrative Assistant; and Jonathan E. Gradess, NYSDA Executive Director.

The New York Bar Foundation provides support to NYSDA’s Public Defense Investigation Support Project. William J. Keniry, Board Member of the Bar Foundation (r) presented the grant award during a NYSDA Board of Directors meeting at the Backup Center in April 2014, which was appreciatively accepted by NYSDA President Edward J. Nowak (l).

Page ii:
NYSDA’s 2013 Annual Meeting and Conference in Saratoga Springs, NY offered a year’s worth of mandatory continuing legal education credits.

Page 1:
Participants and coaches in the 2014 Defender Institute Basic Trial Skills Program.

Page 2:
Angela Kelley, (top c) received the 2013 Kevin M. Andersen Memorial Award, presented by Gary Horton (r), then Genesee County Public Defender, whose office established the award. Kelley was nominated by Brandon Boutelle (top l), Essex County Public Defender. Observing the presentation is Edward J. Nowak (bottom l), the Association’s President, seated next to attorney Marvin Schechter (bottom c), who presented the Awards Banquet keynote address. Other 2013 award recipients were Ronald Valentine, formerly Public Defender of Wayne County (Wilfred R. O’Connor Award) and Kathy Manley, Associate at Kindlon Shanks and Associates (Service of Justice Award).

Page 4:
Patricia Warth (l), Co-Director of Justice Strategies at the Center for Community Alternatives (CCA), and Lisa A. Bailey, Director of the Reentry Clinic at CCA, presenting “The Real Consequences of Criminal Convictions: What They Are, How to Advise Your Clients About Them, and How to Use Their Existence to Improve Outcomes” at the Ontario County continuing legal education event on Nov. 22, 2013.

Page 7:
A “Train the Trainers” workshop in preparation for the Western New York Advanced Trial Skills Program (WNYATSP); the first WNYATSP session was held in June 2014 in Batavia, NY.

Page 8:

Page 10:
NYSDA’s Legal Director of the Veterans Defense Program in the VDP’s new Batavia office.
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The New York State Defenders Association, Inc.: Annual Report of Directors Pursuant to Not-for-Profit Corporation Law 519 .................................................. 31
Capturing the multiple aspects of the New York State Defenders Association (NYSDA) in one single moment can prove difficult. A staff meeting on June 26, 2014, brought it all together.

A new era building on the past. Long-time staff members exchanging knowledge with new hires. Fresh ideas illuminating longstanding principles. Decades of experience in dealing with New York State’s dysfunctional public defense system, which struggles in idiosyncratic criminal and family court systems, encountering understanding of other jurisdictions. New initiatives focused on specific current problems mingling with well-developed, broader services.

People and tasks within defense organizations must not become trapped in what have been called “functional silos,” isolated from one another and from their ultimate goal. NYSDA encourages tearing down artificial barriers that separate public defense lawyers and clients and deprive them of what is necessary to meet client needs inside and outside law offices.

The barriers can take many forms. Meeting particular needs can require very specific resources or skills. Barriers and needs both change over time and circumstance. Public defense programs cannot be effective if they are static; neither can criminal or family court systems as a whole.

In the last year, the Association has accelerated its efforts to address barriers and needs. The Association has created a Veterans Defense Program, added a Family Court staff lawyer to its Public Defense Backup Center, and reenergized its Public Defense Investigation Support Project. NYSDA has also begun developing a client Pre-entry program and highlighting restorative justice measures that take the human tendency to err out of punitive systems altogether, requiring accountability in less destructive ways.

**MISSION STATEMENT**

The mission of the New York State Defenders Association is to improve the quality and scope of publicly supported legal representation to low income people.
This Annual Report endeavors to illustrate how the many aspects of NYSDA’s work reinforce and inform each other. How individually and together they strengthen wider efforts to improve public defense services. How each offers unique contributions without being isolated by labels—no silos.

**Systemic Advocacy — Because the Whole System is Failing Clients**

Every facet of NYSDA’s work reflects a broad truth: New York State fails to provide uniformly high quality public defense representation to people eligible for such services.

In 1981, a NYSDA publication noted about New York’s public defense statute passed in 1965: “the very legislation which was intended to provide representation for all people regardless of income, has, to a great extent, institutionalized the provision of inadequate services ....” In hundreds of venues since then, NYSDA has described the harm being done to clients and to justice by New York’s failed statutory scheme to provide mandated legal services.

In 2007, NYSDA’s Board of Directors passed a resolution in support of a complete overhaul of New York’s county-by-county statutory scheme for providing mandated legal services. The same year, the New York Civil Liberties Union (NYCLU) filed a class action suit against New York State for public defense deficiencies in five illustrative counties. As part of its contractual duty to the State to propose solutions to public defense problems by making specific recommendations to the Governor and others, NYSDA has been calling for the State to settle that suit, *Hurrell-Harring v State of New York*, in a way that furthers true reform. This has been done in a variety of venues over the past year, from panel discussions sponsored by bar associations to public discussions and interviews. Executive Director Jonathan E. Gradess put reform at the heart of his testimony at the state budget hearings in February 2014, posted on the NYSDA website.

At the end of June 2014, the NYCLU announced a settlement agreement with Ontario County, one of the five counties that were added as defendants by the court. The one-county settlement cannot fix what is wrong even in that county unless the State steps forward with adequate funding.

The NYCLU let that be known by asking that people “[u]rge Governor Cuomo to initiate reforms so that New York finally meets its constitutional obligation to provide the right to counsel.” The suit as to the remaining defendants is set for trial in September 2014. Meanwhile, NYSDA continues to call for meaningful settlement that leads to creation of a statewide, fully and adequately state-funded public defense system headed by an independent commission.

**Helping Make County Representation the Best It Can Be**

NYSDA reached the conclusion that uniformly high quality mandated legal representation cannot be obtained on a county-by-county basis after years of trying to help individual counties achieve just that. Every improvement made somewhere was offset by a decline in quality somewhere else. There were funding crises, or political considera-
tions infringing on merit-based appointments, or rising workloads without a concomitant increase in resources. And so the effectiveness of representation offered to eligible clients continues to depend on which side of the county line their case arose.

In 2010 the State created by statute an Indigent Legal Services (ILS) Office and governing Board. The ILS Office and Board establish criteria for distribution of what funds the State does provide for public defense; these criteria help ensure the money is used to improve quality of representation. The ILS Office has taken steps such as insisting that county authorities consult with public defense providers on how such money is spent, and focusing grant money on specific problems such as a lack of counsel at clients’ first court appearance, high workloads, and the need for assistance with immigration issues that affect the outcome of clients’ cases. But ILS cannot force oversight on an unwilling county. Some local officials choose to forego state funds rather than accept the quality-driven criteria that may accompany them. And the ILS Office has itself been under-resourced since its inception.

NYSDA confers with the ILS Office on many issues and participates in its Advisory Group. NYSDA staff work with the ILS Office on specific issues. For example, Staff Attorneys Al O’Connor and Mardi Crawford participate in two ILS Working Groups that are drafting appellate standards and standards relating to representation of parents in family court. Along with the general trial standards already approved by the ILS Board, these new performance standards will provide benchmarks by which to assess existing public defense representation and encourage improvement.

“[T]his is FANTASTIC! I wrote to people everywhere and no-one has what you have. Amazing. Thanks!”

—State agency staff person

Meanwhile, NYSDA continues to help counties, public defense providers, and advocates as they work to ensure that clients receive effective representation. From Cattaraugus County on the Southern Tier, St. Lawrence County on the Canadian border, or Suffolk County on Long Island, the range of services described below is one phone call, email, or web request away. The information provided helps the requester and perhaps others in similar circumstances; in turn, knowledge gained from these inquiries often informs NYSDA’s continuing advocacy for system-wide reform.

### Organizing for Criminal Justice Reforms

A new NYSDA initiative will expand and strengthen its work to improve public defense programs and reform New York’s criminal justice system. This April, NYSDA hired a new Organizing Coordinator, Anne Rabe, to organize statewide campaigns for criminal justice reforms. Her first project, in partnership with NYSDA’s Veterans Defense Program, was to organize a campaign in support of the Justice for Our Veterans Act, described later in this report. The bill obtained strong support from organizations representing 250,000 veterans and their families, including the American Legion, Marine Corps League, and Veterans of Foreign Wars. News conferences and meetings between veteran leaders and policymakers resulted in significant support and statewide media coverage.

Plans are being developed for a statewide program to organize and advocate for public defense and criminal justice reforms. Rabe has over 30 years of experience organizing campaigns, conducting policy development, and drafting legislation. She was a Senior Legislative Assistant to Assemblyman Richard Gottfried, followed by 18 years as Executive Director of a statewide advocacy organization, Citizens’ Environmental Coalition. For the last decade, she was a Campaign Coordinator at the national Center for Health, Environment & Justice. She was instrumental in passing state
and federal policies, such as statutes on New York’s State Superfund, Brownfield Cleanup Program and Pollution Prevention Institute, and the Toxic Crime felony law. Rabe has received eleven national, state, and regional awards for her environmental justice work.

Technical Assistance—PDCMS, Assistance to Counties, Chief Defenders and Others

The best-known technical assistance that NYSDA offers to public defense offices across the state is the Public Defense Case Management System (PDCMS). This software improves the ability of programs to identify conflicts of interest early, track and predict workload to facilitate administrative and budget planning, and make deadlines. Increased use of PDCMS—it is now installed in 62 offices in 44 counties—has led to increased work for NYSDA staff; PDCMS Director Darlene Dollard and Information System Specialist Michael Mayer now work with PDCMS Programmer Todd Baremore, who was hired in 2014, as well as long-time consultant and lead programmer Marcos Leite. With the latest available version installed in 60 sites, the PDCMS team is now working on upgrading the application and enhancing its functionality.

People interested in improving how public defense services are provided locally receive information relevant to their particular situation. This may include statutes and regulations, legislative history, case law, policy statements, applicable public defense standards and ethical rules, and a variety of data; the information is drawn from the extensive clearinghouse maintained at the Public Defense Backup Center, described below, and case-specific research.

NYSDA provides specific support to Chief Defenders, who head public defender offices, legal aid programs, or assigned counsel programs, in a number of ways in addition to responding to individual legal support inquiries. NYSDA sends blast emails to all Chiefs about breaking news likely to affect their work. NYSDA staff participate in regional Chiefs meetings; in the past year, that included meetings of Chiefs in the Sixth, Seventh, and Eighth Judicial Districts as well as in the North Country. Chiefs from around the state were invited to two statewide NYSDA-hosted convenings, where management and organizational issues as well as developing legal issues were discussed. These convenings bring Chief Defenders out of their jurisdictional silos to learn from one another’s experience, hear information provided by NYSDA and others, and provide information that deepens NYSDA’s understanding of current problems around the state.

Direct Defender Services

A core function of the Backup Center is providing Direct Defender Services. NYSDA’s legal staff aids public defense lawyers by providing research on unique or complex legal issues, strategizing with solo assigned counsel or lawyers in small offices who need someone to bounce ideas around with, and offering information on how to obtain experts or solve myriad other problems. In the last year, the Backup Center received hundreds of requests for help. Staff attorneys take turns fielding general calls, but each also has particular areas of interest or expertise.
Lucy J. McCarthy recently joined the Backup Center after a decade in both Criminal and Family Court practice for the Office of the Defender General (Vermont). The newly-created Family Court Staff Attorney position that she holds will augment NYSDA’s capacity to assist public defense lawyers representing parents in family court. And her experience in a statewide defender system will enhance the Association’s analysis of alternatives to the deficiencies of the county-by-county system that she is now observing.

**Public Defense Investigation Support Project**

Launched just a year and a half ago, NYSDA’s Public Defense Investigation Support Project has contacted public defense investigators across the state. Site visits were made to Cattaraugus, Genesee, and Livingston counties, followed by a convening of defense investigators from nine Western New York counties in August 2013. These activities were supported in part by a grant from the New York Bar Foundation.

Yasmin Davis, the new, full-time Director, is working on future Project plans. She joins NYSDA after working as a staff attorney at The Legal Aid Society, Criminal Defense Practice in New York City, in their Bronx and Staten Island offices, and as a staff attorney at the Public Defender Service for District of Columbia; prior to law school, she spent three years as an investigator for the Bronx Defenders. These uniquely suitable credentials, giving her an understanding of the complementary roles of lawyers and investigators, will inform NYSDA’s efforts to improve the scope and quality of investigation across the state.

**Encouraging and Broadening Comprehensive/Holistic Practice**

Public defense representation is more effective when it takes into account clients’ lives and circumstances, not merely the limited allegations outlined in initial criminal or family court papers. To understand clients’ objectives, and to achieve the best outcomes possible, lawyers need to look beyond prosecutors’ initial plea offers and family courts’ stereotypical reactions to parents in unexamined circumstances. Factual investigation is extremely important, as the Project above emphasizes, but investigation focused on a narrow period of behavior is not enough. A more comprehensive, or holistic, approach is needed.

In addition to its award-winning, client-centered Basic Trial Skills Program (see the training discussion below), NYSDA encourages comprehensive/holistic practice in other ways. For example, Managing Attorney Charlie O’Brien made site visits with staff from The Bronx Defenders to the Dutchess County Public Defender office in 2013, and participated in the “Symposium on Holistic Defense” at The Bronx Defenders in May 2014; The Bronx Defenders has been a pioneer in bringing holistic practice to public defense representation.

**Developing a Client Pre-entry Program**

A new NYSDA initiative focuses on one aspect of holistic representation—preparing clients for incarceration. Public defense lawyers whose clients with criminal cases have questions about the realities of incarcerative sentences may lack detailed or even accurate answers. Beyond the number of months or years involved, attorneys may know as little as a first-time offender about conditions and day-to-day life behind bars. Providing such information may increase the client’s trust in the lawyer, while lack of such information may damage the client’s willingness to accept the lawyer’s advice. And it may do more.

NYSDA’s Client Coordinator has developed a “pre-entry” curriculum. Jay Coleman, whose full-time position began in April 2014, has been on NYSDA’s Client Advisory Board for several years, becoming its Chair in 2009. He brings the experience of someone who has been incarcerated to the creation of the pre-entry program and to NYSDA generally. He wrote the following to
Chief Defenders about the pre-entry program:

Our idea is to educate these men and women before they go to prison so they may have the tools to make the prison experience a worthwhile one and return to society ready to be a successful, productive citizen. We believe mentoring men, women, and their families before prison will help start the process of re-entry, by having them focus early on what they need to do to be ready to come home.

Restorative Practice

Offering public defense programs access to pre-entry help for their clients helps them broaden their practices in a holistic way. But NYSDA also supports a fundamental change to the traditional punitive paradigm of the criminal justice system. Change that will secure resolution of cases without incarceration. That will eventually go even further, moving policy on public safety beyond the traditional boundaries.

To that end, John Cutro, who formerly directed the Public Defense Investigation Support Project, has become NYSDA’s Restorative Practitioner. He has experience as a restorative practitioner and trainer, as well as a criminal investigator in multiple homicide cases. He is the key to NYSDA’s planning and presentation of “Facilitating Restorative Processes” workshops, the first of which was held in Albany in early 2014. The training, certified by the International Institute for Restorative Practices, is designed to provide concepts and skills usable in participants’ personal and professional lives. The concepts apply to “private or public criminal defense, prosecution or judicial practice, or law enforcement, victim or other services,” and not just in law but “in schools, social services, counseling, leadership, the pastoral field and volunteer work.”

Developing “restorative lawyering” so that it becomes the norm will not be easy or come quickly. NYSDA will not cease its assistance to public defense lawyers struggling to provide quality representation in traditional ways in the face of state neglect, high caseloads, lack of resources, and, too often, a culture of indifference to clients. The Association, which has been providing support to New York’s public defense community since 1967, will continue that tradition.

But as the goal of a new statewide system draws closer—and it does—NYSDA looks to the future as well. On January 31, 2014, the Board of Directors adopted a Vision Statement on “A Holistic Paradigm for Addressing Safety, Crime, and Victimization.”

Addressing Distinct Needs

In today’s criminal and family justice arenas, people with distinct needs often fare terribly. Harm due to the lack of time and resources for public defense providers to delve into clients’ current and prior circumstances generally is magnified for clients with behavioral health issues, immigration status concerns, and other specific, sometimes hard-to-identify needs. By focusing on those needs in a categorical way, NYSDA seeks to help defense lawyers apply the resulting knowledge in individual clients’ cases. NYSDA also affects policy changes to address these issues more globally.

Veterans Defense Program

The most ambitious in scale of NYSDA’s current initiatives is its Veterans Defense Program (VDP). The culmination of years of planning, VDP’s formation was announced in the first 2014 issue of NYSDA’s newsletter: “The goal of this initiative is to engender informed representation of military personnel and veterans who become involved in state criminal or family court matters.”

Several reasons exist for focusing on representation of clients with military backgrounds. First, mental and physical challenges arising from service-related trauma have in the past too often been overlooked as contributing causes of behavior that
brings clients into the justice system. Veterans may resist disclosure of military service and trauma based on feelings of shame, lack of insight into their condition, or lack of awareness that their service might relate to the case. If counsel does not inquire, or does not build trust that will encourage disclosure, veteran clients may fail to disclose their service and/or information that would help counsel identify the service-related nature of the clients’ behavior. VDP will help lawyers learn what they need to deal with clients’ reticence.

Second, many lawyers, particularly public defense lawyers with limited time and resources, have had limited opportunities to learn about the growing body of knowledge concerning the effects of military trauma on individuals in relation to criminal and family matters. VDP will help bring lawyers up to date on developments and work with them to craft representation strategies for veteran clients.

Third, resources exist for military veterans that are not accessible by other clients with similar needs. Identifying those resources and building partnerships to increase them serves veteran clients directly; indirectly it can serve other clients as well. When veteran-specific resources are found for clients with military backgrounds, other resources are freed for non-veteran clients. VDP will work both statewide and locally to build networks, encourage collaboration, and otherwise facilitate the provision of treatment and other services to veterans, helping not only those who have become public defense clients but also those who, with assistance, can avoid initial involvement in the justice system.

Finally, there may be political and public willingness to explore new justice paradigms for veterans who find themselves lost in the criminal court system. As noted above, the Justice for Our Veterans Act received much positive attention in the last session of the New York State Legislature. The measure would establish procedures to ensure that military veterans in the criminal justice system receive necessary treatment to address service-caused physical or mental illnesses that may have played a role in a charged offense; if the veteran completes the court-ordered treatment plan, the court would have the option to reduce or dismiss the charges in appropriate cases.

This is just one example of how NYSDA advocates for public defense issues in many arenas, including the executive, judicial, and legislative branches of government at both the state and local levels, as well as the public.

Seeking changes that recognize the circumstances of veteran clients is not a matter of ignoring or abandoning the needs of others. By creating the Program, NYSDA is not building a silo; rather, through VDP the Association is gathering and applying a wide spectrum of information in one context that will often serve defense representation generally as well.

The breadth and depth of experience possessed by VDP staff illustrate the point. While the Program is focused on representation of military veterans, the backgrounds of its Director, Legal Director, and Administrative Assistant demonstrate their interest in justice of many types.
Gary Horton, VDP Director, recently received the Genesee County Bar Association’s Unsung Hero Award on Law Day, in recognition of his work as the county’s Public Defender, a post he had held since 1991. In 2002, he received the Genesee County Mental Health Association’s Constance E. Miller Award, which recognizes demonstrated commitment to excellence pertinent to the delivery and/or advocacy of quality community-based mental health services. Horton honed an interest and expertise in veterans’ issues during his tenure as public defender, serving as President of the Board of Directors of the Genesee Veterans Support Network and working to bring about projects such as the Veterans Service Coordination and Mentoring Program of the Batavia Drug Court. He also served, along with NYSDA’s Executive Director, as pro bono counsel for The Forgotten Victims of Attica, a group that successfully sought recognition of the suffering of prison workers who were injured or died during the historic Attica prison uprising in 1971.

Dee Quinn Miller, VPD Administrative Assistant, met Horton through The Forgotten Victims, which she coordinated. Miller is also the former Executive Director of the Genesee Veterans Support Network, where she advocated on behalf of veterans on a variety of issues including legal, housing, mental health, family issues, and veterans benefits within the Genesee Region.

Bringing direct military experience to the Program is Legal Director Art Cody, who joined VDP after retiring from a decorated and varied 30-year career. He is a 1982 West Point graduate, served as a helicopter pilot in the US Army, transitioned to the Navy Reserve, where he flew strike rescue and special operations missions and participated in a variety of combat operations, and was mobilized for Operation Enduring Freedom in 2011, serving for a year as Staff Director of the Interagency Rule of Law Section at the United States Embassy in Kabul, Afghanistan. Cody also has a criminal defense background, having done civilian pro bono death penalty defense work.

The VDP office is located in Batavia NY. Attorneys wishing to access VDP services can call the office directly at 585-219-4862.

The Association acknowledges assistance received from The Barry Alan Gold Memorial Fund of The Community Foundation for the Greater Capital Region for the planning phase of the Veterans Defense Program. NYSDA has entered into an agreement with VetsBridge.com, an online veterans’ job skills matching program, for continuing financial support for the Program. Making such connections is part of the job of NYSDA’s Director of Development and Special Projects, Frank Zarro.

Collaborating on Behavioral Health, Immigration, and More

Mental health issues are not limited to clients with military backgrounds. NYSDA has long sought to assist public defense lawyers representing clients with behavior health problems of many types. In the last year, Backup Center staff have networked with a variety of entities concerning the complications that arise when someone with mental health issues is not properly represented.
health issues becomes involved in criminal or family court matters.

Among those with whom NYSDA maintains collaborative relationships is NAMI-NYS, which hosts an ongoing roundtable discussion about what is colloquially known as the insanity plea. Clients with mental illness who accept a plea in a criminal matter that subjects them to confinement in a psychiatric facility may lose their liberty for longer than they would have been incarcerated upon conviction. Roundtable participants discuss ways to ensure that clients and lawyers are aware of such consequences, and to encourage policy makers to design better systems and procedures to protect both the public and persons with mental health problems. NYSDA staff have also participated in NAMI-Schenectady forensic task force meetings.

Backup Center staff have also met with and maintain contact with staff of the Mental Health Association of New York. Issues in common include interest in training about secondary trauma and support for the Justice for Our Veterans Act discussed above.

In a different realm, NYSDA continues to assist public defense lawyers whose clients face immigration issues in connection with their criminal or family court cases. The Association instituted a criminal defense immigration project in 1997, which later became the independent entity known as the Immigrant Defense Project. In the past twelve months, NYSDA's Criminal Defense Immigration Project provided Continuing Legal Education on the interface between immigration and criminal law, participated in the Best Practices Advisory Committee of the ILS Office, and made other presentations. NYSDA thanks Felipe Alexandre, past Criminal Defense Immigration Project Director, and wishes him the best in his new location and work. With the advent of ILS grants to help county public defense lawyers deal with immigration issues affecting their clients, NYSDA is adjusting its capacity in this area to fit current needs. The Association will formally renew its collaborative relationship with IDP through the provision of legal support services to ensure effective public defense representation of foreign nationals.

NYSDA joined a host of other amici in submitting an amicus brief in the Court of Appeals case concerning the retroactive application of Padilla v Kentucky. Under Padilla, defense counsel must tell their clients about the immigration consequences of a conviction. On June 30, 2014, the court rejected the amici’s position in People v Baret, denying relief to people who are citizens of countries other than the U.S. whose attorneys failed to inform them they would be deported if they took an offered plea. Judge Jenny Rivera, dissenting, said Padilla should be retroactive in New York, where criminal defense lawyers had long regarded advice on immigration consequences of a plea to be part of a lawyer’s professional obligation. NYSDA's 1997 creation of the Criminal Defense Immigration Project was among the examples Rivera cited.

On another front, a disproportionate number of people of color must rely on public defense representation, so deficiencies in provision of mandated legal representation particularly affects those communities. This year, at the request of the Black, Puerto Rican, Hispanic and Asian Legislative Caucus, NYSDA prepared a report on the “Racial and Ethnic Disparities in Arrests and Convictions in the Counties Represented by Members of the [Caucus].” The May 2014 report, containing a preliminary assessment of data for 17 counties, “demonstrates racial/ethnic disparities in the arrests and convictions experienced by people of color in those counties ....” NYSDA’s Research Director, Melissa Mackey, conducted this and other data analyses.

These are just some examples of how NYSDA collaborates with others seeking to help public defense clients with
distinct needs. Additionally, staff members participate in or work with a variety of state and national organizations that provide training, information, and advocacy on a range of topics from clients with distinct needs to public defense reform. These include the New York State Bar Association’s Criminal Justice Section and Committee to Ensure Quality of Mandated Representation; It Could Happen to You (dedicated to preventing wrongful accusations and convictions); National Legal Aid and Defender Association American Council of Chief Defenders Systems Development Committee; and National Association for Public Defense.

NYSDA has also consulted with community advocacy organizations, locally and nationally, about legal and social changes needed for clients and communities. From Silicon Valley De-Bug in California to Mothers in Charge in Pennsylvania, and the Center for Law and Justice in Albany, headed by NYSDA Client Advisory Board member Alice Green, these and other groups offer perspectives on violence, criminal justice, and empowering impoverished communities that contribute immensely to NYSDA’s efforts to secure paradigm change.

In the next office down, Business Manager Mary Durgee is usually immersed in fiscal responsibilities and administrative tasks upon which the financial well-being of the office depends. Never too busy to answer payroll or other questions, she also enthusiastically participates in staff meetings and other office gatherings.

Anyone arriving at the Backup Center office in person or telephonically will encounter Receptionist Wanda Hudson. Her humor and “radio personality” intercom announcements, as well as the front-desk location, make her work station the hub of the office.

**Clearinghouse**

The complexity of criminal and family law in both substance and procedure grows exponentially in the current information age. On a given case, lawyers need access to a wide variety of other information with regard to the impact of various client circumstances, from mental health to immigration status. And advocates for change to improve public defense services at the local level and beyond need yet other information.

**Public Defense Backup Center**

The staff meeting mentioned at the beginning of this report was held at the Association’s Backup Center in Albany. On a given day, individuals here may be working alone or in small teams on any of the functions described in this report. But individual and structural efforts often pull people from their individual work silos into the larger whole. Staff meetings, along with big projects and events, bring people together to apply their different skills and focuses to a common goal.

Recently, new staff interested in avoiding any silo effect initiated the idea of “lunch club” to ensure a time for sharing past experiences and current thoughts.

Personnel at the Backup Center include Executive Assistant Diane DuBois, who works tirelessly on the many projects originating with or involving the Executive Director and other administrative staff. She consciously strives to keep communications open with others during those projects, which can be a difficult task.
The Backup Center houses thousands of electronic documents obtained from a variety of sources, and a wealth of legacy print documents. Ken Strutin, Director of Legal Information Services, adds to the collection on a nearly daily basis and helps staff access both in-house and outside information. NYSDA also maintains online legal research capabilities that enable staff to efficiently and effectively respond to a range of inquiries; by using this resource to assist strapped county-based public defense providers, NYSDA provides mandate relief.

**Communicating the Mission and the Means**

All NYSDA services and activities require communication. Following are three of the ways NYSDA provides information to targeted or general audiences about NYSDA’s mission to improve public defense services and about various means to achieve that goal.

**News Picks from NYSDA Staff**

All public defense programs and NYSDA members receive periodic email updates focused on nuts and bolts information useful to practitioners. “News Picks from NYSDA Staff” has been issued twice a month since its inception. Data on this electronic newsletter indicate that it is regularly read by over 500 recipients, and no doubt is read by others.

“**I really enjoy and appreciate this publication/newsletter. It is one of the very few regular publications I actually read. Thank you all for doing this; it is a great resource.**”

—News Picks reader

Staff Attorney Susan Bryant is a major contributor to the production of News Picks, just one of the many ways she uses her library science background as well as her legal acumen to assist her colleagues and NYSDA staff alike. She also coedits the print newsletter described below.

**Public Defense Backup Center REPORT**

NYSDA has been publishing the Public Defense Backup Center REPORT since October 1986. Every issue contains summaries of appellate decisions relevant to public defense lawyers, information on upcoming conferences and seminars, and a Defender News section; periodically it also contains original or reprinted Practice Tips, Legislative Updates, and other information. Print copies are sent to all Chief Defenders, NYSDA members, and prison law libraries. The REPORT is also posted on the web immediately upon completion.

Intern Alexandra Walker has recently scanned legacy issues of the REPORT into the Clearinghouse, providing ready access to historical information for use by NYSDA staff.

**www.nysda.org**

The scope of NYSDA’s work is readily apparent on its website, where breaking news can be found on the home page, www.nysda.org, along with information about the Association, public defense in general, and many other topics. Dave Austin, Director of Information Technology, posts information provided to him by the staff on the website; he is also responsible for keeping not only the website server but all of NYSDA’s computer equipment functioning in the face of outside virus threats, changing staff needs, and, of course, occasional user error.

**Amicus/Court Work**

NYSDA’s advocacy sometimes occurs directly in courts, primarily in the form of amicus briefs. In addition to the amicus brief on *Padilla* retroactivity described above, Staff Attorney Al O’Connor filed a brief in July 2013 on behalf of NYSDA and the Center for Community Alternatives as amici in the Court of Appeals on a question involving the deduction of jail time and good time credits from certain sentences. The brief supported the person who had been sentenced; he prevailed. *People ex rel Ryan o.b.o. Shaver v Cheverko*, 2013 NY Slip Op 07760 (11/21/2013). O’Connor also won a case in the Court of
Appeals, Matter of Costello v New York State Bd. of Parole (2014), dealing with limitations on information that can be considered by the Parole Board.

Training

Accredited by New York State to provide continuing legal education trainings, NYSDA presents or co-sponsors many such events every year; NYSDA provided continuing legal education credit for twenty-three events in the past twelve months, and assisted or co-sponsored several others. In June 2014, the week-long Defender Institute Basic Trial Skills Program (BTSP) in Troy, NY, overlapped with a new training, co-sponsored with the Monroe County Public Defender’s Office. That three-day event was the first part of a multi-session “Western New York Advanced Trial Skills Program” and was held in Batavia, NY. The advanced program, intended to help more experienced lawyers build on insights learned at BTSP and in their practice, will continue in the fall. Staff Attorney Stephanie Batcheller assisted in planning this training and was one of the coaches (faculty).

“Coaches were excellent! … Thank you so much! The best CLE I’ve ever attended!”  
—Western New York Advanced Trial Skills Program participant

Many, sometimes maddening details are involved in providing certificates to all who attend continuing legal education events. These, as well as many of the logistics involved in putting on these events, largely fall to NYSDA Training Coordinator Diane Geary, who is often simultaneously working on plans for future events while closing out past ones.

NYSDA works hard to provide high-quality, affordable training relevant to public defense lawyers. One way lawyers can make the training even more affordable is to join the Association and receive a membership discount on registration fees. (Form appears on page 29.)

Membership also helps support NYSDA’s other work. And as noted on page 15, membership is at an all-time high. This reflects the value placed on NYSDA, and also reflects the work of Dawn Allert, NYSDA’s Office Coordinator, who is responsible for handling membership applications and outreach. The whole office joined in celebrating this milestone, for at the Backup Center, there should be no silos.
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Members and Contributors

Lawyers, people in prison, and others support NYSDA’s work to improve the quality and scope of public defense representation by becoming and remaining members of the Association. Membership stands at an all-time high of over 1900. A membership application is available on page 29.

Support also comes from donations and from grants, as well as from the contractual amount provided by the State of New York.

NYSDA thanks its members and all who contributed in the past year.

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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

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County _________ Phone (Office) (____) _______ (Fax) (____) _______ (Home) (____) _______
E-mail (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 $___________

Checks are payable to New York State Defenders Association, Inc. Please mail coupon, dues, and contributions to: New York State Defenders Association, 194 Washington Ave., Suite 500, Albany, NY 12210-2314.

To pay by credit card: □ Visa □ MasterCard □ Discover □ American Express
Card Billing Address: ______________________________________________________________
Credit Card Number: _______ _______ _______ _______ _______ _______ _______ _______
Exp. Date: ____ / ____
Cardholder’s Signature: ___________________________________________________________
Annual Report of Directors
Pursuant to Not-for-Profit Corporation Law 519

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, 2013 and 2012
# NEW YORK STATE DEFENDERS ASSOCIATION, INC.

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<tr>
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</tbody>
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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, 2013 and 2012, 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, 2013 and 2012, 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.

Albany, New York
April 25, 2014

A member of UHY International, a network of independent accounting and consulting firms.
NEW YORK STATE DEFENDERS ASSOCIATION, INC.
STATEMENTS OF FINANCIAL POSITION
December 31, 2013 and 2012

<table>
<thead>
<tr>
<th>Assets</th>
<th>2013</th>
<th>2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash</td>
<td>$1,512,029</td>
<td>$84,282</td>
</tr>
<tr>
<td>Grant and other receivables</td>
<td>77,765</td>
<td>1,622,745</td>
</tr>
<tr>
<td>Deposits</td>
<td>8,777</td>
<td>7,777</td>
</tr>
<tr>
<td>Prepaid expenses</td>
<td>8,558</td>
<td>12,213</td>
</tr>
<tr>
<td>Furniture and equipment, less accumulated depreciation</td>
<td>41,343</td>
<td>48,057</td>
</tr>
<tr>
<td>2013, $213,509; 2012, $217,771</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total assets</td>
<td>$1,648,472</td>
<td>$1,775,074</td>
</tr>
</tbody>
</table>

LIABILITIES AND NET ASSETS

<table>
<thead>
<tr>
<th>Liabilities</th>
<th>2013</th>
<th>2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notes payable - bank</td>
<td>$</td>
<td>$500,000</td>
</tr>
<tr>
<td>Accounts payable and accrued expenses</td>
<td>40,185</td>
<td>42,925</td>
</tr>
<tr>
<td>Accrued salaries and vacation pay</td>
<td>104,152</td>
<td>137,758</td>
</tr>
<tr>
<td>Deferred grant and contract revenue and advances</td>
<td>162,213</td>
<td>147,758</td>
</tr>
<tr>
<td>Deferred membership dues</td>
<td>57,007</td>
<td>34,109</td>
</tr>
<tr>
<td>Total liabilities</td>
<td>363,557</td>
<td>862,550</td>
</tr>
</tbody>
</table>

COMMITMENTS AND CONTINGENCIES

<table>
<thead>
<tr>
<th>Net Assets</th>
<th>2013</th>
<th>2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unrestricted</td>
<td>1,284,915</td>
<td>912,524</td>
</tr>
<tr>
<td>Total liabilities and net assets</td>
<td>$1,648,472</td>
<td>$1,775,074</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, 2013 and 2012

<table>
<thead>
<tr>
<th>Revenue:</th>
<th>2013</th>
<th>2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>New York State appropriation</td>
<td>$2,062,658</td>
<td>$1,935,465</td>
</tr>
<tr>
<td>Other grants and contracts</td>
<td>113,972</td>
<td>145,982</td>
</tr>
<tr>
<td>Membership dues</td>
<td>101,902</td>
<td>105,452</td>
</tr>
<tr>
<td>Interest</td>
<td>2,298</td>
<td>1,300</td>
</tr>
<tr>
<td>Contributions</td>
<td>17,334</td>
<td>12,151</td>
</tr>
<tr>
<td>Conferences, publications and other income</td>
<td>543,640</td>
<td>510,870</td>
</tr>
<tr>
<td><strong>Total revenue</strong></td>
<td><strong>2,841,804</strong></td>
<td><strong>2,711,220</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Expenditures:</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries</td>
<td>1,231,555</td>
<td>1,225,685</td>
</tr>
<tr>
<td>Contracted services</td>
<td>244,804</td>
<td>233,877</td>
</tr>
<tr>
<td>Other employee benefits</td>
<td>336,759</td>
<td>338,318</td>
</tr>
<tr>
<td>Conference facilities and travel</td>
<td>195,181</td>
<td>171,471</td>
</tr>
<tr>
<td>Occupancy</td>
<td>100,912</td>
<td>105,450</td>
</tr>
<tr>
<td>Payroll taxes</td>
<td>101,621</td>
<td>97,051</td>
</tr>
<tr>
<td>Printing and publications</td>
<td>53,584</td>
<td>43,646</td>
</tr>
<tr>
<td>Office and computer supplies</td>
<td>49,944</td>
<td>59,989</td>
</tr>
<tr>
<td>Library and professional dues</td>
<td>37,044</td>
<td>36,205</td>
</tr>
<tr>
<td>Postage and shipping</td>
<td>27,396</td>
<td>22,963</td>
</tr>
<tr>
<td>Depreciation</td>
<td>14,477</td>
<td>16,863</td>
</tr>
<tr>
<td>Miscellaneous</td>
<td>27,161</td>
<td>24,031</td>
</tr>
<tr>
<td>Telephone and communications</td>
<td>27,081</td>
<td>20,044</td>
</tr>
<tr>
<td>General insurance</td>
<td>10,432</td>
<td>10,402</td>
</tr>
<tr>
<td>Equipment rental and maintenance</td>
<td>9,459</td>
<td>10,141</td>
</tr>
<tr>
<td>Interest</td>
<td>1,716</td>
<td>3,159</td>
</tr>
<tr>
<td>Loss on disposal of equipment</td>
<td>287</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total expenditures</strong></td>
<td><strong>2,469,413</strong></td>
<td><strong>2,419,295</strong></td>
</tr>
</tbody>
</table>

Change in net assets: 372,391 vs. 291,925

Net assets, beginning: 912,524 vs. 620,599

Net assets, ending: $1,284,915 vs. $912,524

See notes to financial statements.
NEW YORK STATE DEFENDERS ASSOCIATION, INC.
STATEMENTS OF CASH FLOWS
Years Ended December 31, 2013 and 2012

<table>
<thead>
<tr>
<th>CASH FLOWS FROM OPERATING ACTIVITIES</th>
<th>2013</th>
<th>2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>Change in net assets</td>
<td>$ 372,391</td>
<td>$ 291,925</td>
</tr>
<tr>
<td>Adjustments to reconcile change in</td>
<td></td>
<td></td>
</tr>
<tr>
<td>net assets to net cash used in</td>
<td></td>
<td></td>
</tr>
<tr>
<td>operating activities:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Depreciation</td>
<td>14,477</td>
<td>16,863</td>
</tr>
<tr>
<td>Loss on disposal of assets</td>
<td>287</td>
<td>(4,400)</td>
</tr>
<tr>
<td>Changes in:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Grant and other receivables</td>
<td>(1,544,980)</td>
<td>(1,452,775)</td>
</tr>
<tr>
<td>Prepaid expenses and deposits</td>
<td>(2,655)</td>
<td>(2,209)</td>
</tr>
<tr>
<td>Accounts payable and accrued</td>
<td>(2,740)</td>
<td>(8,859)</td>
</tr>
<tr>
<td>expenses</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accrued salaries and vacation pay</td>
<td>(33,606)</td>
<td>18,687</td>
</tr>
<tr>
<td>Deferred contract revenue and</td>
<td></td>
<td></td>
</tr>
<tr>
<td>advances and membership dues</td>
<td>37,353</td>
<td>(332,748)</td>
</tr>
<tr>
<td>Net cash used in operating activities</td>
<td>1,935,797</td>
<td>(1,469,116)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CASH FLOWS FROM INVESTING ACTIVITIES</th>
<th>2013</th>
<th>2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>Purchases of furniture and equipment</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(8,050)</td>
<td>(35,559)</td>
</tr>
<tr>
<td>Net cash used in investing activities</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(8,050)</td>
<td>(35,559)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CASH FLOWS FROM FINANCING ACTIVITIES</th>
<th>2013</th>
<th>2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Payments on) proceeds from line of</td>
<td></td>
<td></td>
</tr>
<tr>
<td>credit</td>
<td>(500,000)</td>
<td>500,000</td>
</tr>
<tr>
<td>Net cash used in financing activities</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(500,000)</td>
<td>500,000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>NET DECREASE IN CASH</th>
<th>2013</th>
<th>2012</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1,427,747</td>
<td>(1,004,675)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CASH:</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Beginning of year</td>
<td></td>
<td></td>
</tr>
<tr>
<td>End of year</td>
<td>1,512,029</td>
<td>84,282</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>SUPPLEMENTAL CASH FLOW INFORMATION</th>
<th>2013</th>
<th>2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash paid for interest</td>
<td>$ 1,716</td>
<td>$ 3,159</td>
</tr>
</tbody>
</table>

See notes to financial statements.
NEW YORK STATE DEFENDERS ASSOCIATION, INC.
NOTES TO FINANCIAL STATEMENTS
December 31, 2013 and 2012

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, 2013 and 2012.

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 25, 2014, the date the financial statements were available for issuance.
NEW YORK STATE DEFENDERS ASSOCIATION, INC.
NOTES TO FINANCIAL STATEMENTS
December 31, 2013 and 2012

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, 2010 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, 2013 to March 31, 2014. DCJS approved and funded the Center in the amount of $2,089,000, of which $1,566,750 was received in 2013 and $522,250 in 2014.

The 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 which was received in 2013.

Expenditures associated with this program were $2,184,391 for the year ended December 31, 2013 ($2,142,898 in 2012). Management and general expenditures were $108,166 for the year ended December 31, 2013 ($91,541 for 2012).

Expenditures for other programs during 2013 were $176,856 ($184,856 in 2012).

NOTE 3 — NOTES PAYABLE – BANK

The Association has a line of credit with First Niagara Bank, with a maximum of $500,000 available as of December 31, 2013 ($750,000 in 2012), and an interest rate of prime plus 1%, with a floor of 4%, which expires in June 2014. The line is secured by all business assets. As of December 31, 2013, there was no outstanding balance on this line of credit ($500,000 at December 31, 2012).

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 $96,976 for 2013 and $101,645 for 2012. Future annual minimum rental payments under this lease are $99,476 for 2014 through 2015 and $16,580 for 2016, totaling $215,532.

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 $106,052 for 2013 ($114,461 for 2012).
NOTE 6 — RELATED ORGANIZATION

New York State Defenders Justice Fund, Inc. (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 Justice Fund was inactive during 2013 and 2012.

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.