# Table of Contents

The New York State Defenders Association: Keeping Clients the Focus of Reforms and Daily Practice ............................... 1

*Mission Statement* .......................................................... 1

Background Summary: NYSDA’s Goals and the Variety of Measures Used to Meet Them ............................................. 1

Educating Many Sectors about Changes Realized and Changes Yet to Come ............................................................. 2
  Updates on Many Topics via Many Platforms ................................................................. 3
  Continuing Legal Education and Other Training
    Offered .................................................................................. 3
  Direct Defender Services: Consultations and Information
    from the Clearinghouse ................................................................ 3
  Educating Lawyers, Clients, and the Community on
    Specific Client Needs and the Need for a Holistic
    Paradigm ........................................................................... 5
  NYSDA’s Veterans Defense Program Advocates in
    Many Forums ........................................................................ 7
  Technical Assistance Takes Many Forms .............................................. 7
  Public Defense Investigation Support Project ................................. 9

NYSDA Honors the Work and Appreciates the Support of Many ................................................................. 9

Photo Captions ........................................................................... 10

The New York State Defenders Association: People Help NYSDA Reach Its Goals ................................................................. 11
  Board of Directors ..................................................................... 11
  Officers ..................................................................................... 11
  Directors .................................................................................. 11
  Client Advisory Board ................................................................ 11
  Staff ......................................................................................... 12
  NYSDA Public Defense Backup Center ........................................... 12
    NYSDA Veterans Defense Program ............................................. 12
  Members and Contributors ....................................................... 13
    Individual Members and Contributors ........................................ 13
    Grant Funder .......................................................................... 26

Membership Application Form .................................................... 27

The New York State Defenders Association, Inc.: Annual Report of Directors Pursuant to Not-for-Profit Corporation Law 519 ...................................................... 29
Much media and public discourse over the past year focused on issues central to the mission of the New York State Defenders Association (NYSDA). The effects of law enforcement practices, racism, family court mores, and economic disparity and poverty on marginalized families and communities came under scrutiny.

In the midst of those discussions, New York State agreed to settle the New York Civil Liberties Union (NYCLU) class action lawsuit challenging deficiencies in public defense services.

Like a virtuoso solo that punctuates a choral performance, the Hurrell-Harring settlement is both a part of the larger chorus for reform and an important event on its own.

Announced in October 2014 and approved by the court in March 2015, the settlement sets out concrete, measurable steps toward improving the quality of public defense services in five counties. Those counties, whose public defense systems exemplify problems throughout the state, became defendants in the case and agreed to the settlement. The counties are specifically absolved of undertaking steps to implement various explicit state obligations absent state funding.

The settlement terms recognize that it is the State’s responsibility to ensure constitutional public defense representation. This makes the settlement a powerful implement for improving the quality of public defense statewide.

NYSDA’s work over the past year intertwined with the purposes of the Hurrell-Harring settlement and with broader calls for reform. This Annual Report describes that work and reflects NYSDA’s past and future commitment to making the needs of clients central to all public defense representation.

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.

Background Summary: NYSDA’s Goals and the Variety of Measures Used to Meet Them

NYSDA, a not-for-profit membership organization, receives state funding to help meet its goal of improving the quality of public defense representation “through, among other things, defense assistance, specialized trainings, and education.”

The State requires the Association’s Backup Center and Public Defense Investigation Support Project to offer “expert legal advice, consultation, publications, and training.” Staff must “respond to requests from state and local governmental entities and others involved in the criminal justice system and the public.” They “[c]onsult with defense attorneys, the NYS Office of Indigent Legal Services, and other members of the criminal justice community on legislative priorities and proposed criminal justice legislation; and provide advice and assistance to defense attorneys in interpreting legislation and any relevant laws.”

NYSDA also provides “consultation and technical assistance about legal and policy issues relevant to the criminal justice system, delivery of defense services, and barriers thereto,” produces a variety of publications and informational materials, and presents training events for lawyers and defense investigators as well as others.

NYSDA’s bylaws ensure that its work on behalf of public defense clients is grounded in clients’ needs. Membership is open to people who are incarcerated. Communications from these members help inform the work of the Association. And the bylaws
direct the appointment of a Client Advisory Board. It works with the Executive Director on community program activities; consults with and presents to the Executive Director “recommendations concerning priorities and goals for the activities of the Association”; and makes an annual report to the Board of Directors about “the impact on the community of the work being done by the Association and, as needed, general and specific recommendations to the Board of Directors.”

NYSDA assists public defense providers with the goal of improving the quality of representation not only as that was understood when the right to counsel was first recognized, but as it is understood today, and as it evolves in the future. In January 2014 the Board of Directors adopted a Vision Statement foreseeing a “holistic paradigm for addressing safety, crime, and victimization.”

NYSDA Forty-Eighth Annual Report | 2015

On the day the settlement was announced, a special edition of News Picks gave members an outline of the agreement and the NYCLU’s stated hope that the case would show the way to equal justice for all in every single county. A follow-up News Picks edition ten days later included the Executive Director’s observation that “[w]hile this settlement begins to address serious problems in a quintet of counties, there is an entire orchestra of 57 remaining counties without justice.”

Information about the settlement also appeared on NYSDA’s website, www.nysda.org, where this Annual Report, with hyperlinks, can also be found.

NYSDA’s print newsletter, the Public Defense Backup Center REPORT, addressed the settlement in its August-November 2014 issue, describing the major issues addressed. Those issues—counsel at arraignment, caseload reduction, initiatives to improve the quality of public defense, and eligibility standards for representation—reflect changes long advocated by the Association. The court approved the settlement in March 2015 and NYSDA shared that news as well. A press release noted that the settlement fell close to Gideon Day, the March 18 anniversary of the landmark right-to-counsel case Gideon v. Wainwright.

Educating Many Sectors about Changes Realized and Changes Yet to Come

The ways that NYSDA disseminated information and analysis concerning Hurrell-Harring illustrate some of the many methods that NYSDA uses to meet its obligation to inform a wide range of individuals and communities about issues affecting the quality of public defense.

Ever since Hurrell-Harring was filed in 2009, NYSDA has advised public defense providers, members, government officials, and the public, including the client community, about the lawsuit’s potential impact on the quality of public defense representation. As noted in last year’s Annual Report, NYSDA had long been calling for the State to settle the suit in a way that would further true reform.

Throughout the last year, “News Picks from NYSDA Staff” (News Picks), a twice-monthly e-newsletter, kept members and all public defense programs informed about Hurrell-Harring developments including the filing of a “Statement of Interest” by the federal Department of Justice in September 2014. As the latest trial date approached in October 2014, NYSDA reported that 15 counties had also called on the State to settle, and to take over the funding and responsibility for public defense services.

On the day the settlement was announced, a special edition of News Picks gave members an outline of the agreement and the NYCLU’s stated hope that the case would show the way to equal justice for all in every single county. A follow-up News Picks edition ten days later included the Executive Director’s observation that “[w]hile this settlement begins to address serious problems in a quintet of counties, there is an entire orchestra of 57 remaining counties without justice.”

Information about the settlement also appeared on NYSDA’s website, www.nysda.org, where this Annual Report, with hyperlinks, can also be found.

NYSDA’s print newsletter, the Public Defense Backup Center REPORT, addressed the settlement in its August-November 2014 issue, describing the major issues addressed. Those issues—counsel at arraignment, caseload reduction, initiatives to improve the quality of public defense, and eligibility standards for representation—reflect changes long advocated by the Association. The court approved the settlement in March 2015 and NYSDA shared that news as well. A press release noted that the settlement fell close to Gideon Day, the March 18 anniversary of the landmark right-to-counsel case Gideon v. Wainwright.
Updates on Many Topics via Many Platforms

News Picks, the REPORT, and www.nysda.org always contain a wide variety of information for public defense lawyers and others. In addition to these forms of communication, in the last year NYSDA entered the social media realm, establishing a presence on Facebook and Twitter.

“Thank you for forwarding these items. … I think I speak for many in saying we appreciate it!”
– assigned counsel attorney on receiving News Picks from the local program

Cross-references among the platforms increase the reach of the information. For instance, the REPORT is mailed to all Chief Defenders, members, and prison law libraries, and is also posted on the website, where a searchable Case Digest of past appellate case summaries that have appeared in the REPORT can also be found. The REPORT often expands on brief news items that first appeared in News Picks, which in turn notifies members when a new issue of the REPORT is available.

Some issues of the REPORT contain Practice Tips focused on particular topics, and legislative updates; all issues include information on upcoming training events, including NYSDA’s.

“[This information on experts] is excellent. I will pass along. Much thanks!”
– public defender

Continuing Legal Education and Other Training Offered

The New York State Continuing Legal Education Board has certified NYSDA to provide continuing legal education (CLE) training credit, which lawyers must obtain as a requirement for practicing law. NYSDA presents or co-sponsors high-quality, affordable CLE events on topics relevant to public defense attorneys who appear in criminal and family court.

Because clients’ lives and cases present issues beyond those found in traditional law books, NYSDA also offers training to help lawyers and others understand, and assist clients in addressing, those issues as well.

The past twelve months saw a range of NYSDA trainings, from its Annual Conference in Saratoga and signature Defender Institute Basic Trial Skills Program (BTSP) in Troy to regional and local programs across the state. Specialized events included several focused on investigator training; representation of military veterans; and various aspects of family law, as well as events on integrating social workers into family and crimi-

Direct Defender Services: Consultations and Information from the Clearinghouse

Lawyers cannot attend every NYSDA training event, nor can the information disseminated at those events and through NYSDA’s many publishing platforms be detailed enough to address every client’s situation. Further, the statewide systemic deficits addressed by the Hurrell-Harring settlement, including excessive caseloads, deprive public defense lawyers statewide of the time and resources needed to research law, investigate facts, and effectively prepare a defense.

NYSDA strives to help fill the gap by providing direct defense services.

Legal staff at the Backup Center field a wide variety of inquiries:
• A new assigned counsel lawyer asks for a consultation about doing a hearing relating to identification of the client by a witness.
An experienced defender asks for help in understanding how the “aggregate weight” of alleged drugs mixed with other material is legally determined.

Questions arise involving a seemingly infinite number of local variations on application of the law requiring installation of ignition interlock devices on the vehicles of clients convicted of DWI.

Recurring themes include prosecutors’ obligations and their failure to meet them, from release of information to which the defense is entitled to statutory speedy trial rules.

In responding to direct defender services inquiries, NYSDA’s attorneys bring to bear insights and contacts gained from past experience, technical assistance projects, and also from volunteer or pro bono work. This adds even more information for dissemination to that available from NYSDA’s publications and from the Backup Center’s extensive clearinghouse of print and digital information, increased daily by legal information and research staff.

In addition to helping find answers to specific legal questions, NYSDA’s legal staff sometimes help overwhelmed public defense lawyers look at what lies beyond the legal question of the moment. If a legal inquiry stems from a DWI case, is the lawyer cognizant of whether the client has reasons to enter Canada, as a conviction may bar future travel there? Does the non-citizen client for whom the lawyer is requesting information about immigration consequences of the case also need interpretation/translation services because, while the client’s spoken English seems adequate, it is not clear that legal forms and terminology are understood? Could clients who seem unable to accept the realities of the legal situation before them be helped by the intervention of someone who shares their background and understands their concerns, such as a fellow military veteran or NYSDA’s own Prisoner Pre-entry Mentoring Program? Has the lawyer who called with a procedural question sought funding to obtain expert assistance in countering a child welfare agency’s claim that a client’s child should be removed from the home?

Quality representation focuses on meeting the needs of clients, not on narrow legal questions alone.

“I just want to say thanks for all of the material . . . . The substance was exactly what I needed to round out my preparation. In fact, we made copies of it all, so that each member of the office had their own.”
—public defense program “Pro Bono Scholar”

Additionally, individual NYSDA attorneys have particular experience in certain areas, such as representation in family court and civil matters involving the regulation or commitment of sex offenders. The Veterans Defense Program and Public Defense Investigation Support Project legal staff consult on individual cases and develop educational materials and trainings in these areas.

“As I have told you before it [the Backup Center] has been a lifesaver on most of my assigned appeals . . . [the] help has been enormously meaningful and greatly appreciated. . . .”
—assigned counsel attorney
This is one example of NYSDA’s advocacy for expansion of holistic practices in public defense—and the larger justice system—reflecting the vision statement adopted by the Board of Directors last year.

“[A]lways your research is fantastically helpful. It really lays out the issues here very succinctly and as always I appreciate your help. . . .”

—assigned counsel attorney

Another aspect of the Association’s work to bring about a broad holistic paradigm is its introduction of restorative practice. NYSDA’s Restorative Practitioner has, in the last year, worked with local defense attorneys and clients to apply the principles of restorative practice in individual cases. Additionally, NYSDA presented two training events, “Facilitating Restorative Processes.” Both of these three-day programs offered “practical concepts and skills” for use in the personal and professional lives of those attending; the brochure invited participation by those in “public criminal defense, prosecution or judicial practice, or law enforcement, victim or other services,” including “schools, social services, counseling, leadership, the pastoral field and volunteer work.”

“I can never thank you enough for holding my hand [providing information about administrative requirements] through this [process of securing transfer of supervision to another state]. It was a horrible experience in every way and you are a wonderful person to do the work that you do.”

—family member of a person on parole

What is known as holistic or comprehensive representation began decades ago. This model has grown tremendously since NYSDA’s Executive Director called for an “integrated public advocacy model” that would end
the bifurcation of civil and criminal legal services. He explained the need for a new model by describing “the simple everyday case of a person who [is] charged with a crime, faced with an eviction, and in need of a job ….” How unfortunate that someone seeking legal help in that scenario “greets not one agency but two or three, not one law office but two or more, not a holistic team delivering legal and social services, but bifurcated, separated specialists isolated from each other and the community they serve.” *The Defender*, [NYSDA magazine], September-October 1985, p. 3.

A few years later, the **Neighborhood Defender Service of Harlem, Inc.** (NDS), began to represent clients with teams of “criminal and civil attorneys, social workers, investigators, paralegals, law school and social work interns, and pro bono attorneys.” NYSDA supported NDS and the growth of comprehensive representation. The movement spread in New York and nationally, exemplified by **The Bronx Defenders** and other New York City providers as well as by the new **ArchCity Defenders** that have done much to reveal injustice in Ferguson and other Missouri municipalities. In 2012, the American Bar Association approved a resolution urging defenders to go beyond the narrow legal needs of clients and calling on funders to support comprehensive legal services. Now, NYSDA and the defender community envision not only comprehensive legal services within the traditional justice framework, but a holistic approach to community issues including safety, crime, and victimization.

This is no pipe dream. Criminal justice approaches to drug addiction have changed from the days of the Rockefeller Drug Laws to today’s drug treatment courts. While the latter have their own flaws, the recognition inherent in drug courts that addiction should be treated rather than punished shows that change in the justice system is possible.

In a completely different realm, the notion that lawyers should advise noncitizen clients about **immigration consequences** of criminal proceedings moved from being a best practice observed only infrequently to a constitutional mandate. NYSDA began a Criminal Defense Immigration Project eighteen years ago “designed to help defense teams zealously and effectively represent their non-citizen clients.” The U.S. Supreme Court’s *Padilla v. Kentucky* decision in 2010 on effective assistance of counsel in representing immigrants was a landmark. The Court found that defense counsel have an affirmative duty to advise clients about immigration consequences. Very recently, the Indigent Legal Services Office (ILS) announced the awarding of grant funding to create Regional Immigration Assistance Centers around the state to help meet the constitutional mandate. Meanwhile, NYSDA continues to assist lawyers in both criminal and family court with immigration issues, providing CLE and publishing information on the topic.

The nightmare facing **people with mental illness** and their families when they become involved in the criminal and family court systems calls out for a holistic approach not just in individual representation but in the whole system. NYSDA staff participated in a range of efforts to address this vital concern in the last year, including events held by **NAMI-NYS** (National Alliance on Mental Illness-New York State), legislative committees, and the Academy for Justice Informed Practice. Information obtained there and from the Backup Center Clearinghouse assisted in providing responses to direct defender services inquiries and in developing material for publication.
Mental health issues affect many public defense clients and their cases. And one group faces particular challenges. The behavior that brings many clients into criminal and family courts may be traceable to their military experience. Lawyers need to help active military or veteran clients achieve legal outcomes that avoid or minimize punishment for such behavior while providing treatment to ensure the future safety of the clients and their families and communities. The Veterans Defense Program (VDP) launched by NYSDA in 2014 works in a variety of ways to help lawyers do that, while also advocating for broader systemic change.

A funding request to the State Legislature for VDP resulted in the first-ever appropriation to NYSDA for its work in this area. The budget testimony by the Executive Director, posted on the website, included a detailed plea for VDP support.

In the past year, VDP made ten program visits in as many counties. During these on-site meetings, usually with the Chief Defender, VDP staff reviewed the office’s veteran-specific procedures and programs and familiarized the Chief with VDP’s support services. Defenders with questions about the representation of veterans and active duty military may contact the VDP Director, Gary Horton, at 585-219-4862 or ghorton@nysda.org.

VDP responded to nearly 75 requests for assistance, approximately three-quarters of which required substantial time to address, with many still open. The Program assisted defense counsel by drafting legal documents and materials, including mitigation memoranda, a bail memorandum, and a motion to dismiss in the interest of justice, and also interviewed veterans facing criminal charges across the state.

VDP lawyers provided direct representation in three cases, filing motions and other papers and making numerous court appearances. The experience gained from these direct defender services and representation, along with the background experience of the VDP staff, also informed VDP’s educational efforts, from items included in News Picks to CLE training.

NYSDA’s many CLE training events in the last year included six regional VDP trainers and a VDP session at the 28th New York Metropolitan Trainer in March. A month earlier, the VDP Legal Director led a webinar for the National Association for Public Defense on Defending Veterans in Criminal Court. In July 2015, VDP presented a session at the invitation-only 36th Annual Capital Punishment Training Conference at the Airlie Conference Center in Virginia.

VDP also provided information to New York State legislators and to a coalition of veterans supporting a proposal called the Justice for Our Veterans Act. The goal of the bill is to ensure veterans and service members in the criminal justice system receive treatment if they are suffering from service-related illnesses, such as Post-Traumatic Stress Disorder or Traumatic Brain Injury, that played a role in the behavior that brought them to the attention of law enforcement. NYSDA’s Executive Director also spoke in support of the proposed legislation on the June 23, 2015 edition of The Capitol Pressroom.

Technical Assistance Takes Many Forms

Legislation affecting defense services and the criminal justice system is only one of many topics on which NYSDA provides consultation and technical assistance to a variety of individuals and entities, including the public.

The most technical of all NYSDA technical assistance is the Public Defense Case Management System (PDCMS), software for public defense offices that improves their efficiency, increasing their ability to provide quality representation in a number of ways. The importance of case management is underscored by the Hurrell-Harring
settlement, which requires that in the five defendant counties, ILS implement a method of tracking the case-load/workload of each attorney providing mandated representation. NYSDA has installed PDCMS in sixty-six public defense programs across forty-five counties as of December 2014.

NYSDA consults with and assists the Indigent Legal Services Office on a number of public defense issues including some addressed by the Hurrell-Harring settlement, such as case tracking systems. Backup Center staff members met with staff from the ILS Office several times over the last year, and NYSDA’s managing attorney is a member of the ILS Advisory Group.

ILS has included staff attorneys from the Backup Center on a number of workgroups charged with creating standards for public defense. As noted in an issue of the REPORT, the ILS Board approved Appellate Standards and Best Practices effective January 5, 2015. Included is a standard on Holistic Representation, which says “[a]ppellate counsel has an obligation to provide comprehensive representation during the appellate assignment and also should determine whether the client needs assistance with matters beyond the assignment, such as parole advocacy, re-entry, or unacceptable prison conditions.”

Workgroups with NYSDA members continue meeting on the creation of standards for assigned counsel programs and for representation of adults in family court matters in which the State seeks to end or alter rights such as custody of one’s child.

The Backup Center engaged in other efforts to improve the quality of representation in family court matters. The Family Court Staff Attorney made site visits to defender offices, helped plan a family court training event presented by the New York State Bar Association Committee to Ensure Quality of Mandated Representation (CEQMR), participated in CLE training events, and attended a legislative hearing on “Preventative Services for Families,” as well as participating in meetings with organizations such as the Empire Justice Center. Like other Backup Center attorneys, the Family Court Staff Attorney also provided direct defender services and information for NYSDA’s publications.

Other Backup Center staff members participated in an array of criminal justice events hosted by statewide groups ranging from CEQMR to It Could Happen to You as well as national groups including the National Legal Aid and Defender Association and the American Society of Criminology. NYSDA hosted Chief Defender Convenings, and staff also participated in regional Chief convenings as well as meetings of a number of other entities. Among those meetings were the Office of Court Administration Committee on Criminal Procedure, the First Department Indigent Defense Organization Oversight Committee, and the Unified Court System’s Task Force for Voluntary Reform of Justice Courts.
Public Defense
Investigation Support Project

Continuing its work to ensure that public defense cases are properly and fully investigated, NYSDA presented investigator training around the state. Events occurred in Canandaigua and Albany, NY—the latter an advanced training—and in New York City. The Legal Aid Society (LAS) co-sponsored the City event, and the Director of the Investigation Support Project provided training to new staff attorneys and interns at LAS.

Participating in a number of national webinars as well as the week-long Faubush Investigation Institute 2014 in Kentucky, and in a New York State Bar Association CLE program on cell phone forensics, the Project Director brought new investigative insights to the Backup Center and those it assists.

The Public Defense Investigation Support Project received much-appreciated grant support from the New York Bar Foundation.

NYSDA Honors the Work and Appreciates the Support of Many

People—clients, public defense lawyers, NYSDA members, contributors, and staff, along with others who labor for justice—drive NYSDA and its mission. This Annual Report can only touch on some of the Association’s many important partners. The award recipients and speakers at last year’s Annual Conference (see cover photos), all those named in the lists that follow, as well as colleagues at ILS and other organizations with whom NYSDA works closely, have the Association’s thanks.

“Thanks for the heads up on the webinar. It was very helpful and I was able to put the information to immediate use in a family court matter and criminal matter.”
—defense investigator

The last year saw changes in the Backup Center staff, including the retirement of long-time Business Manager Mary Durgee and the hiring of Joel Rosenberg in that position and the departure of receptionist Wanda Hudson and the addition of Francisco Cruz.

This report closes with an elegy for allies who have passed on and whose work for justice remains. Among those mourned are Richard Bartlett, co-founder of the Committee for an Independent Public Defense Commission (CIPDC), which began in 2001 to advocate for systemic public defense change, and Barbara Shack, a very early CIPDC member. Barbara was also the long time Legislative Representative for the NYCLU. Together, these giants simultaneously argued for public defense reform and helped over many years to keep New York State death penalty free. NYSDA remembers them and others who have worked alongside the Association in its efforts to improve the quality and scope of publicly supported legal representation to low income people. 🕊
The 2014 Service of Justice Award was presented to journalist Joseph Shapiro (l) in recognition of his National Public Radio series—“Guilty and Charged”—that revealed the plight of people without financial means being locked up for failure to pay increasingly onerous court fees. NYSDA President Edward J. Nowak presented the award.

NYSDA presented the 2014 Wilfred R. O’Connor Award to Alan Rosenthal, honoring his work as a civil legal services lawyer, in private practice, and at the Center for Community Alternatives, including his invaluable assistance to other practitioners as well to disenfranchised and marginalized individuals and communities. The Award he received, presented to attorneys who have been in practice 15 or more years, is named in honor of founding member and long-time President of NYSDA, Bill O’Connor.

Andrea C. James, Executive Director of Families for Justice as Healing, gave the Awards Banquet keynote address, “Advocacy from the Inside,” sharing her experiences as both a former defender and client with

in the criminal justice system. Her Roxbury, MA, organization works to raise public awareness about the incarceration of women and its impact on children and communities.

Inside Front Cover:
The Defender Institute Basic Trial Skills Program, 2015—This year’s annual week-long program renowned for its client-centered approach to improving trial outcomes was held June 6 through 12.

Page ii:
NYSDA Training Events 2014-2015—Among the training events NYSDA presented or cosponsored in 2014-2015 were a Rochester Family Court Update, sessions of the Western New York Advanced Trial Skills Program, a Criminal Defense Investigator Training on “Fundamentals of Investigation, Identification Witness Interviewing, and Cell Phone Forensic Essentials,” and a full year’s worth of CLE credit at the 2014 Annual Conference.

Page 2:
NYSDA Board Member Jennifer Nunneny, shown here at the 2014 Annual Conference Defender Reception, is an attorney in private practice and a military veteran who served honorably in the U.S. Army as a member of the Military Police including two combat tours in Iraq. She has provided pro bono representation to veterans at the request of NYSDA’s Veterans Defense Program.

Page 4:
Attorney in Chief of the Legal Aid Society of Nassau County Kent Moston’s “Supreme Court Update” has become a staple at NYSDA’s Annual Conference; he is shown here at an informal conference moment.

Page 6:
Janet C. Somes (l) of the Monroe County Public Defender’s Office presented “Prosecutorial Misconduct in Closing Arguments” to 64 participants, one of whom is pictured, at a Binghamton CLE.

Page 9:
Public Defense Investigation Support Project Director Yasmin Davis (r) accepts a New York Bar Foundation grant award to the Project, presented by William J. Keniry (l), Board Member of the Foundation.

Page 12:
NYSDA wished long-time Business Manager Mary Durgee (l) bon voyage as she retired from the Backup Center with plans to travel with her husband Jeff (r). The new Business Manager is Joel Rosenberg (c).

Page 26:
Receptionist Wanda Hudson (r) also moved on to new adventures; among those wishing her well were intern Nicole Gerasia (c) and Francisco Cruz (near l), who has taken on Wanda’s former duties, and Managing Attorney Charlie O’Brien (far l).

Inside Back Cover:
47th Annual Meeting and Conference, 2014—NYSDA’s July 2014 Annual Conference in Saratoga Springs offered 280 attendees a range of CLE training sessions, the opportunity to be inspired at the Awards Banquet (see Inside Front Cover), and time to enjoy the ambiance of the Gideon Putnam Hotel and Conference Center in Saratoga Spa State Park.
New York State Defenders Association: People Help NYSDA Reach Its Goals

Board of Directors

Officers
Edward J. Nowak, President
Private Attorney
Penfield, NY

Norman P. Effman, Vice President
Executive Director, Wyoming County-Attica Legal Aid Bureau, Inc.
Wyoming County Public Defender
Warsaw, NY

Marsha Weissman, Vice President
Executive Director, Center for Community Alternatives
Syracuse, NY

Merble H. Reagon, Secretary
Executive Director, Women’s Center for Education and Career Advancement
New York, NY

Richard A. Rothermel, Treasurer
Private Attorney
Oneonta, NY

Directors
Cynthia H. Conti-Cook
Staff Attorney Special Litigation Unit, Legal Aid
New York, NY

Richard M. Greenberg
Attorney-in-Charge, Office of the Appellate Defender
New York, NY

Susan R. Horn
President/CEO, Frank H. Hiscock Legal Aid Society
Syracuse, NY

Steven J. Hyman
Partner, McLaughlin & Stern
New York, NY

Rick Jones
Executive Director, Neighborhood Defender Service of Harlem
New York, NY

Andrew Kossover
Ulster County Public Defender
Partner, Kossover Law Firm
New Paltz, NY

David L. Lewis
Partner, Lewis & Fiore
New York, NY

Jennifer R. Nunnery
Private Attorney
Batavia, NY

Client Advisory Board
Jay Coleman (Chair)
Albany, NY
(Client Coordinator, New York State Defenders Association, Inc.; and formerly incarcerated person)

Marion H. Hathaway (Chair Emeritus)
New York, NY
(Long time client advocate; Harlem Legal Services Client Board Member; Member, National Clients Council, Project Advisory Group)

Alison Coleman
Albany, NY
(Executive Director, Prison Families of New York, Inc.)

Charles Culhane
Buffalo, NY
(Poet; and formerly incarcerated person)

Elisia Dones
Bronx, NY
(Building Maintenance, FTRE; Retired Clinical Supervisor, Argus Community, Inc.; and formerly incarcerated person)

Juan Dones, Sr.
Bronx, NY
(Senior Counselor, Samaritan Village, Inc.; and formerly incarcerated person)

Robert Flunory
Camden, NY
(Formerly incarcerated person with years of incarcerative and criminal justice system experience)
Alice P. Green, Ph.D.
Albany, NY
(Executive Director, The Center for Law & Justice, Inc.)

Paquita Y. Guillory
Cornelius, NC
(Client advocate with over 25 years experience)

Kevin Halpin
Schenectady, NY
(formerly Residential Counselor, 820 River Street Community Residence; and formerly incarcerated person)

Darryl Johnson
Albany, NY
(Office Operations Coordinator, The Center for Law & Justice, Inc.; and formerly incarcerated person)

Darryl P. King
Brooklyn, NY
(Wrongfully convicted formerly incarcerated person with 25 years of experience in prison system; formerly Director, Criminal Justice Project, Fifth Avenue Committee, Brooklyn)

Helga A. Schroeter
Schenectady, NY
(Judicial Chair, League of Women Voters of Schenectady County; Judicial Specialist for the League of Women Voters of NYS; and NYSDA Liaison to the State League)

Velma Smith
Rochester, NY
(formerly Senior Executive Director, PathStone Corporation)

Heather Teale
Loudonville, NY
(Associate Director of Financial Aid, Hudson Valley Community College; and formerly incarcerated person)

Staff

NYSDA Backup Center
Jonathan E. Gradess, Executive Director
Charles F. O’Brien, Managing Attorney
Dawn Allert, Office Coordinator
David Austin, Dir. of Information Technology
Todd Baremore, PDCMS Programmer
Stephanie Batcheller, Staff Attorney
Susan Bryant, Staff Attorney
Jay Coleman, Client Coordinator
Mardi Crawford, Staff Attorney
Francisco Cruz, Receptionist
John Cutro, Restorative Practitioner
Yasmin Davis, Dir. of PD Investigation Support Project
Darlene Dollard, Dir. of PDCMS
Diane DuBois, Executive Assistant
Diane Geary, Training Coordinator

Nicole Gerasia, Criminal Justice Intern
Camilla Leonard, Criminal Justice Intern
Melissa Mackey, Research Director
Michael Mayer, Information Systems Specialist
Lucy McCarthy, Family Court Staff Attorney
Alfred O’Connor, Staff Attorney
Anne Rabe, Organizing Coordinator
Joel Rosenberg, Business Manager
Ken Strutin, Dir. of Legal Information Services

NYSDA Veteran’s Defense Program
Gary Horton, Director
Art Cody, Legal Director
Dee Miller, Administrative Assistant
Members and Contributors

By becoming and remaining members of the Association, individuals including lawyers, people in prison, and others support NYSDA’s mission to improve the quality and scope of public defense representation. Membership stands at an all-time high of over 1,950. A membership application is available on page 27.

Support also comes from individual donations from members and nonmembers alike. In addition, NYSDA receives grant support as well as the contractual amount provided by the State of New York.

NYSDA thanks all those who supported the right to counsel in the past year. Individual\(^1\) and grant contributors are listed below.

Individual Members and Contributors

Anthony D. Abbarno
David M. Abbatoy
Glenn R. Abolafia
E. Stanton Ackerman
Joshua D. Ackerman
Philip G. Ackerman
Salvatore C. Adamo
David R. Addelman
Martin B. Adelman
Fern S. Adelstein

Jerry M. Ader
Mark A. Adrian
Benjamin D. Agata
Gen Aguirre
Karl Ahlers
Lawrence Ahrens
Louis R. Aidala
Renee J. Albaugh
Darryl L. Albert
Allana Alexander
Jeremy D. Alexander
Jamaal Ali
Dawn M. Allert
Matthew Alpern
Michael L. Alperstein
Mark H. Alquist
John Alston
Francis C. Amendola
Michael C. Anastasiou
Gary W. Anderson
Heather Anderson
Mark E. Anderson
Monroe Romell Anderson
Ryan W. Anderson
Kleon C. Andreadis
John J. Andrews
Thomas E. Andruschat
John M. Ange
Thomas N. N. Angell
John A. Annehino
Sara L. Anthis
Laura Antonelli
Francis J. Apicella
Alison B. Appleby
Mary E. Aramini
Olga Maria Arandia
Michael L. Arcesi
Jonathan Arias
John Jay Arnold, IV
Michael Aronowsky
Jose Arroyo
Michael Arthus
Joseph J. Artrip
Leticia D. Astacio
Brenda J. Smith Aston
Joel Atlas
Jean Robert B. Auguste
Elbert H. Aull, IV
Daria Aumand
James Q. Auricchio
Wallace Van C. Auser, III
Stuart Austin
Peter W. Avery
George C. Awad, Jr.
Douglas Babon
Pamela Babson
Bernard R. Bacharach
David P. Badanes
Ronald Baez
Barbara A. Baggott
Jeffrey N. Bagnoli
David S. Bahn
Robert P. Bahr
James A. Baker
Michael T. Baker
Gopal K. Balachandran
Jacqueline L. Balikowski
Robert H. Ballan
Steven G. Ballan
Piotr Banasiak
Herman Bank
Patrick Bannon
Paul Barahal
Richard J. Barbuto
Bruce A. Barket
Todd Barnet
Andrew Barnette
Bruce Baron
Michael E. Barone
Nathaniel L. Barone
Daniel E. Barry, Jr.
Travis J. Barry
Mayo G. Bartlett
Michael E. Basile
Peter J. Batalla, Jr.
Alexander G. Bateman, Jr.
Henry R. Bauer
Robin J. Bauer
Sidney Baumgarten
Terrence J. Baxter
Robert H. Beck
Carl H. Becker
Gary G. Becker
Sean T. Becker
Timothy Beckham
John W. Bedaska
Reginald H. Bedell
Melissa Bednarz

\(^1\) Members who made contributions in addition to payment of their dues are noted in \textbf{bold}. Individuals who donated to NYSDA but are not members are noted in \textit{bold italic}. 
Edward J. Degnan
Peter J. Degnan
Roberto DeJesus
Timothy W. DeJohn
Arthur L. Del Negro, Jr.
Tania DelaCruz
Harold T. DeLancey
Teghan M. Delane
**David S. Delbaum**
Edgar DeLeon
Anne J. D'Elia
Paul Gordon Dell
Gregory Della Posta
John A. Della Ratta
Jaclyn Delle
Paul R. Delle
Stacey P. DeLoach
John DeLong
James DeMatteo
Michael Denny
Mary Beth DePasquale
Daniel DePerno
James I. DePoint
Stephen DeProspero
Michael J. Derevlany
Jorge S. deRosas
Lawrence J. Desiderio
Brian W. Devane
Felix R. DeVito
Carl deVyver
Christopher James Di Donna
Jehed Diamond
Mauro D'lapico
Daniel Diaz
Paul S. DiCola
Anthony J. DiFiore
Barbara A. DiFiore
Julius DiFiore
Nicholas P. DiFonzo
Aubrey Dillon
Chris M. Dilorenzo
Anthony J. DiMartino, Jr.
James Scott Dimmer
Robert A. DiNieri
Mitchell Dinnerstein
Karen L. Dippold
Julia C. Diskint
Robert F. Diubaldo
Mark A. Doane

**A. Irene Elliott**
Christopher Ellis

**Richard P. Ellman**
Dennis M. Englert
Steven B. Epstein
Nancy Eraca-Cornish
Holly A. Erick
Joseph A. Ermeti
Henry Espinal
John J. Evans
Tara S. Evans

**Lynn W. L. Fahey**
Kelly Ann Fairchild
Pamella M. Fairclough
Scott P. Falvey
Frank S. Falzone
Michael C. Farkas

**Thomas C. Farley, Jr.**
David C. Farman
Barbara E. Farrell
Dennis Farrell
Gary Farrell
Jennifer S. Farrell
Kenneth J. Farrell
Nancy J. Farrell
David J. Farrugia
Konstantinos G. Fatsis
Matthew Favro
James L. Feck
Sara B. Fedele
Matthew H. Feinberg
Michael A. Feit
Mary A. Felasco
Elizabeth Sack Felber
Kenneth S. Feraru
David R. Ferguson
John J. Ferlicca
Noemi Fernandez
James P. Ferrari
James P. Ferratella
M. Kreag Ferullo
Nicholas Fici
Walter L. Fields, Jr.
Scott N. Fierro
Shannon E. Filbert
Gregory A. Fina

**Andrew C. Fine**
Sanford N. Finkel

**Robert A. Fiordaliso**
Richard M. Greenberg
Stephen C. Greene, Jr.
Michael E. Greenspan
Lee D. Greenstein
Benjamin Greenwald
Emma M. Greenwood
Robert Gregor
John C. Grennell
John A. Gresham
Kenneth Gribetz
Daniel M. Griebel
Jon N. Griffin
Kevin Griffin
William P. Griffin, III
Naira Grigoryan
Phillip A. Grimaldi, Jr.
George Groglio
James E. Gross
Robert A. Gross
Stephen A. Grossman
Charles Grosso
David L. Gruenberg
Vincent F. Gugino
Paquita Y. Guillory
Richard L. Gumo
James G. Gundlach
Neil Gunther
Raghuvijai Guntur
Regine Gustave
Gerardo Gutierrez, Jr.
Richard M. Gutierrez
David W. Guy
Lauriano Guzman, Jr.
Mark J. Hackett, Jr.
Miriam C. Hadden
Paul H. Hadley
Lyle T. Hajdu
Robert B. Hallborg, Jr.
Nellie R. Halloran
Kevin Halpin
Joseph W. Hammer
Edward R. Hammock
Aaron Hand
Molly S. Hann
Evan B. Hannay
John J. Hannibal, IV
Trevor W. Hannigan
Joseph A. Hanshe
Anthony Harden
James P. Harding
Michael L. Harding
Le'Shera Hardy
Richard A. Harlem
Derek M. Harnsberger
Jake Harper
William F. Harper, V
M. Jerald Harrell
Ian Michael Harrington
James P. Harrington
Jeffrey M. Harrington
Kevin Harris
Ronald Paul Hart
James M. Hartmann
Michael Hartofilis
Tina L. Hartwell
Marion H. Hathaway
Tim L. Havas
Roland W. Hayes
Christina Charlene Haynes
M. Alan Hays
Andrew J. Healy
Scott Hechinger
Warren S. Hecht
Lionel Lee Hector
Edward K. Hedberg
Thomas Hegeman
Alyssa Heller
Steven L. Henderson
Timothy J. Hennessy
Daniel Henry, Jr.
Jason C. Henskee
Warren C. Herland
Audrey Rose Herman
Julio Hernandez, III
Benjamin J. Herold
James R. Hickey, Jr.
Nicholas W. Hicks
David M. Higgins
Melvin T. Higgins
Shannon L. Hillier
John W. Hillman
James S. Hinman
Andrea G. Hirsh
Marvin Hirsh
Louise Hochberg
Jeffrey A. Hoerter
Jack S. Hoffinger
Alan S. Hoffman
George J. Hoffman, Jr.
David A. Hoffmann
John Hogan
John Jay Hogan
Jason D. Hoge
Gustavo Holguin
Timothy W. Hoover
Eric Horn
Jeffrey A. Horn
Michael D. Horn
Susan R. Horn
Robert Allen Horne
Gary A. Horton
Mark D. Hosken
Todd E. Houssanger
Christopher H. Hover
Michael C. Howard
Jessica D. Howser
Yorden C. Huban
Steven L. Hubert
Matthew C. Hug
Matthew P. Hughson
Elizabeth A. Hume
Christopher J. Hummel
Stephen R. Hunter
Paul V. Hurley
Phillip R. Hurwitz
Heidi A. Husser
Julie M. Hutchins
Brian J. Hutchison
Steven J. Hyman
Christopher Hynes
Anthony Iannarelli, Jr.
Frank S. Ieraci
Mitchell E. Ignatoff
Ruth Ann Ihne
Edward Incle
Joseph Indusi
Joseph M. Ingarra
Ian Inger
John Ingrassia
Michael Isgur
Christian Enrique Izaguirre
Connor Izard
Edward Izyk
Justin L. Jablonski
Michael Jaccarino
NahShon Jackson
Karen Jackuback
Erik P. Jacobsen
Barry S. Jacobson
Joseph Jaffe
Elena Jaffe Tastensen
Stephen E. Jaffey
R. Joseph Jalbert

Seymour W. James, Jr.
Terry Jamison
John J. Janiec
Albert Javier
Nathaniel Jay
Jamal Jbara
Anthony Jennings
Frederic Jennings
Joseph Joch, Jr.
Leona D. Jochnowitz
Benjamin G. Johns
Christopher G. Johnson
Darryl Johnson
Robert P. Johnson
Barbara Johnson Lee
Herbert R. Johnston
Stephen A. Johnston
Barry J. Jones
Douglas M. Jones
E. Stewart Jones, Jr.
Leslie R. Jones
Michael A. Jones, Jr.

Peter H. Jones
Rick Jones
Rochelle M. Jones
Samuel K. E. Jones
John K. Jordan
Pamela Jordan
Victor Jordan
Kirlyn H. Joseph
Cyrus Joubin

Patrick Joyce
Mark A. Juda
Peter T. Juliano
Michael D. Jurena
Carol Kahn
Molly Kalmus
Ivan Kalter
Kenneth A. Kamholtz
Barry Kamins
Susan Marie Karalus
Nigos Karatas

Daniel Karlin
Joanna I. Karlitz
Kevin Karnisky
Andrew C. Karpf
Michelle Karshan

Kathryn M. Kase
Cheryl L. Kates-Benman
Philip Katowitz

James S. Kats
Kostas A. Katsavadakis
Lauren R. Katzman
Brian Kaufman
Gary M. Kaufman
Sarah Kaufmann
Janet J. Kealy
Thomas J. Keane, Jr.
Kevin T. Kearon

Padraic A. Keating
Thomas E. Keefe
Eugene Keeler
Michael J. Keenan
Michael Keese
Jennifer J. Keohoe
Martin J. Keohoe, III
Peter R. Keohoe
Gary Kelder
Brendan S. Keller
Charles A. Keller, III
Matthew Keller
Scott W. Keller
Barbara J. Kelley
James P. Kelley
William J. Kelley
Brian E. Kelly
David S. Kelly
Marshall A. Kelly
Michael T. Kelly
Raymond A. Kelly, Jr.

Robert E. Kelly
Robert P. Kelly
Sean P. Kelly
Robert L. Kemp
Christian J. Kennedy
Mark F. Kennedy
Michael Kennedy
William Kenyon
William J. Kephart
James S. Kernan
Sharyn Kerrigan
Mitchell S. Kessler

Henna Khan
Thomas H. Kheel
Gregory A. Kilburn
Patrick J. Kilker
Christian Killoran
Lee C. Kindlon
Terence L. Kindlon
Darryl P. King
Joseph H. King
Lawrence D. King
Robert King
John P. Kingsley
John D. Kinsella
James S. Kirk
Denis A. Kitchen, Jr.
Bruce Klang
Bruce D. Klein

Edward W. Klein
Irwin G. Klein
Lee David Klein
Robert H. Klein
Scott Harris Klein
James E. Kleinbaum
Benjamin J. Klemanowicz, Jr.
Ashley Kloepfer
Eric Knapp
Victor Knapp
Lawrence J. Knickerbocker

Robert J. Knightly
William P. Knisley
Claire E. Knittel
Bruce E. Knoll
Michael L. Kobiolka

Adam W. Koch
Adam B. Konta
Michael H. Kooshooian
Peter M. Kooshooian
Richard E. Kopacz
Michael A. Korchak
Kyle Kordich
Joshua Korman
Svetlana Kornfeind
Veronica M. Kosich
Larry R. Koss

Andrew Kossover
John L. Kotchick, III
Gregory L. Kottmeier

Steven X. Kouray
Martha Koutsogiannopoulos
Shaina Kovalsky
Anthony S. Kowalski
Jeffrey S. Krajewski
Roger Kraminitz
Daniel Kratka
Peter L. Kristal
Lisa M. Kroemer
Arnold S. Kronick
Julie Kruger
Kathleen A. Kugler
Karan Kukreja
Paul W. Kullman
Jessica A. Kulpit
Stephen Kunken
Adele M. Kurtz
Michael Kuzma
Summer N. Lacey
John J. LaDuc
David W. Lagas
Marcel J. Lajoy
George E. LaMarche, III
Eugene Lamb
Lee Charles LaMendola
Anthony Joseph Lana
M. Joe Landry
Philip J. Landry, III
Elizabeth A. Landwehr
Frederick M. Lang
Richard M. Langone
Anthony M. LaPinta
Leanne Lapp
Carmelo M. Laquidara
Ryan A. Larose
Meredith H. Larsen
Donna Maria Lasher
Nelson J. Lassalle
John B. Latella
Kareem Abdul Latif
Jonathan T. Latimer
Douglas Latta
Dennis B. Laughlin
Peter J. Laumann
Nuryrs Laureano
Arline L. Laurer
William T. LaVelle
Walter J. Law
James A. Lazarus
Danielle M. Lazore
Janet Claire Le
William J. Leahy
Robin Gordon Leavitt
Charles O. Lederman
Chanwoo Lee
Joseph T. Lee
Spencer A. Leeds
Gerald B. Lefcourt
Michael E. Leff
Richard I. Leff
Bernard Legeros
Gregory Lehman
Matthew R. Lemke
John Patrick Lennon
Stephen M. Leonardo
James A. Leone
Rosalie C. Leslie
Sol Lesser
Richard A. Leszyk
Judith Levin
Arnold J. Levine
David E. Levine
David I. Levine
Howard N. Levine
Richard Ware Levitt
Justin Agen Levy
David L. Lewis
Miles Lewis
Stephen R. Lewis
Wanda L. Licitra
Glenn B. Liebert
Dennis W. Light
Dean E. Lilac, Jr.
Jorge L. Linares
Sin Yen Ling
Robert W. Linville
J. David Little
Lamont H. Littlejohn
Joseph L. Litz
Antonia LoBello
John M. Lockhart, III
Scott Lockwood
Harvey Loeb
Deborah Wolikow
Loewenberg
Thomas LoFrese
Alexander S. Lombard
Cary London
Paul S. London
James E. Long
Frank J. Longo
Robert D. Lonski
Joseph Lopiccolo
Keith R. Lord
Brian Lorenzo
David M. Loret
Jonathon R. Lorge
Andrew C. LoTempio
William B. Lotze
Mark J. Loughran
Sarah K. Loughran
Timothy R. Lovallo
Linda J. Lovell
Robert R. Loveridge
Raymond L. Loving
Meg J. Lowenfeld
Yang Hao Lu
Greg D. Lubow
Wendy I. Luger
Kevin A. Luibrand
Evan M. Lumley
Renate J. Lunn
Amy L. Lupiani
Frederick C. Luther
John C. Luzier
David Lynch
Steven E. Lynch
Vincent Macaluso, Jr.
Paul D. MacAulay
MaryJane MacCrae
Michael Maceira
Alyssa Mack
Oliver I. Mackson
Brian S. MacNamara
Joanne Macri
Jeanette Madera
Paul G. Madison
Glenn W. Magnell
Christopher X. Maher
Stephen R. Mahler
Mark J. Mahoney
Danielle H. Maichle
Matthew A. Maiello
Mitchell B. Maier
Michael Mainetti
Elena Makau
Arthur N. Malkin
Erin P. Malone
Joan E. Maloney
Judah Maltz
Robert J. Mancuso
Kathy Manley
NYSDA Forty-Eighth Annual Report | 2015

Vanity Muniz
George D. Munroe
David A. Murante
Dennis R. Murphy
Francis P. Murphy
Kenneth J. Murphy
Phillip J. Murphy
Thomas J. Murphy
Timothy Murphy
Timothy P. Murphy
Chad E. Murray
Richard H. B. Murray
Timothy J. Murray
Karen L. Murtagh
James A. Musacchio
Danielle M. Muscatello
Joseph Anthony Muscato
Angelo Musitano
Jessica N. Mussell
Brooke Quincy Myers
Grazina Myers
Mark A. Myers
Aaron Mysliwiec
John J. Nabinger
Robert M. Nachamie
Jessica Naclerio
Matthew D. Nafus
James A. Napier
David D. Narain
Ernest Louis Nargi
Edward F. Narrow
Charles B. Nash
Leroy Natanson
Eugène B. Nathanson
Malvina Nathanson
J. Henry Neale, Jr.
Frank J. Nebush, Jr.
Luke A. Nebush
Anthony M. Neddo
Karen R. Needleman
David Nelson
Eric Nelson
John C. Nelson, III
Danielle Neroni Reilly
Roy Nestler
Diana M. Nevins
Elizabeth Nevins-Saunders
Lawrence A. Newman
Robert C. Newman
Thang Nguyen
Ann M. Nichols
Jon Allon Nichols
Jeffrey Nickel
Heather L. Nickolas
Thomas C. Nicotera
Robert M. Nigro
James Nobles
Charles T. Noce
Jennifer Norman
Brian Northrop
L. Jeffrey Norwalk
Julio Nova
Edward J. Nowak
Leah R. Nowotarski
John R. Nuchereno
Timothy Nugent
Jennifer Rae Nunnery
Jeffrey R. Oakley
Larisa Obolensky
Charles F. O'Brien
Henry F. O'Brien
John M. O'Brien
Kevin D. O'Connell
Patrick M. O'Connell
Michael O'Kelly
Daniel J. O'Leary
Jacqueline F. Oliva
Ohnja Olomonsa
Patricia E. O'Malley
Grainne O'Neill
Thomas J. O'Neill
Francis J. O'Reilly
Michael G. O'Rourke
Manuel Ortega
Francis A. Ortiz
Luis Ortiz
Peter A. Orville
Adetokunbo Oseni
Benjamin Ostrer
Henry P. Oswald
Brendan P. Owens
Andrew J. Pace
Nathan D. Pace
Albert P. Pacione, Jr.
Michael P. Padden
Richard Padilla
Marcos A. Pagan, III
Ramon W. Pagan
Joseph D. Pagano
Joanne Page
Jacob M. Painter
Peter Panaro
Jill L. Paperno
Gerald E. Paradise, III
Daniel S. Parker
Lucian C. Parlato
Ita Parnass
J. Matthew Parrinello
John R. Parrinello
Frank R. Passafiume
Anthony Pastel
John P. Pastore
Julia K. Patane
Steven K. Patterson
Nicholas Patullo
Kim K. Paul
Michael Paul
Shondell Paul
Neil A. Pawlowski
Kimberly E. Payne
Braddock S. Pearce
Robert Peck
Christopher Jude Pelli
Joseph G. Pelych
Brittany Lee Penberthy
Luis Andrew Penichet
James Patrick Pepe
Gilbert R. Perez
Patrick Perfetti
Danielle Perkins
Judith E. Permutt
Remy R. Perot
Louise Perrotta
Richard W. Perry
Robert T. Perry
Mark J. Peszko
Frederick J. Petersen, IV
Karen L. Peterson
Bruce A. Petito
Renato Petocchi
Gary M. Phillips
George Phillips
Brian A. Picarello
Paul W. Pickelle
Thomas David Pickering
John P. Pieri
David C. Pilato
Christopher York
D. Scott Young
Danielle Young
Lydia L. Young
Mark A. Young
Anthony L. Youngblood
Richard W. Youngman
Angela Zagreda
Andrew R. Zahnd
John Grant Zajas
Neil Martin Zang
Frank A. Zarro, Jr.
Edward A. Zebulske, III
Carol Zeldin
Andrea Zellan
John M. Zenir
Lori Zeno
Robert W. Zimmerman
Clark J. Zimmermann, Jr.
Frank V. Zinni
Eric W. Zitofsky
Marc A. Zuckerman
Joseph D. Zumbo
Jessica Zwicklbauer

Grant Funder
New York Bar Foundation
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 Defender Investigator]
- [$40 Non-Attorney]
- [$15 Student]
- [$15 Prisoner]

Name _________________________________________ Firm/Office _______________________________________
Office Address __________________________________ City __________________ State ____ Zip _________
Home Address __________________________________ City __________________ State ____ Zip _________
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
[ ] Defender Investigator [ ] 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:

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, 2014 and 2013
NEW YORK STATE DEFENDERS ASSOCIATION, INC.

TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Independent Auditor's Report</td>
<td>1</td>
</tr>
<tr>
<td>Financial Statements</td>
<td></td>
</tr>
<tr>
<td>Statements of Financial Position</td>
<td>2</td>
</tr>
<tr>
<td>Statements of Activities and Changes in Net Assets</td>
<td>3</td>
</tr>
<tr>
<td>Statements of Cash Flows</td>
<td>4</td>
</tr>
<tr>
<td>Notes to Financial Statements</td>
<td>5</td>
</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, 2014 and 2013, 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, 2014 and 2013, 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 24, 2015
### Statements of Financial Position

**December 31, 2014 and 2013**

**ASSETS**

<table>
<thead>
<tr>
<th>Item</th>
<th>2014</th>
<th>2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash</td>
<td>$65,980</td>
<td>$1,512,029</td>
</tr>
<tr>
<td>Grant and other receivables</td>
<td>1,155,312</td>
<td>77,765</td>
</tr>
<tr>
<td>Deposits</td>
<td>8,527</td>
<td>8,777</td>
</tr>
<tr>
<td>Prepaid expenses</td>
<td>16,086</td>
<td>8,558</td>
</tr>
<tr>
<td>Furniture and equipment, less accumulated depreciation</td>
<td>2014, $217,771; 2013, $202,307</td>
<td>51,451</td>
</tr>
<tr>
<td><strong>Total assets</strong></td>
<td><strong>$1,297,356</strong></td>
<td><strong>$1,648,472</strong></td>
</tr>
</tbody>
</table>

**LIABILITIES AND NET ASSETS**

**LIABILITIES**

<table>
<thead>
<tr>
<th>Item</th>
<th>2014</th>
<th>2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accounts payable and accrued expenses</td>
<td>$78,100</td>
<td>$40,185</td>
</tr>
<tr>
<td>Accrued salaries and vacation pay</td>
<td>118,643</td>
<td>104,152</td>
</tr>
<tr>
<td>Deferred grant and contract revenue and advances</td>
<td>98,950</td>
<td>162,213</td>
</tr>
<tr>
<td>Deferred membership dues</td>
<td>51,251</td>
<td>57,007</td>
</tr>
<tr>
<td><strong>Total liabilities</strong></td>
<td><strong>346,944</strong></td>
<td><strong>363,557</strong></td>
</tr>
</tbody>
</table>

**COMMITMENTS AND CONTINGENCIES**

**NET ASSETS**

<table>
<thead>
<tr>
<th>Item</th>
<th>2014</th>
<th>2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unrestricted</td>
<td>950,412</td>
<td>1,284,915</td>
</tr>
<tr>
<td><strong>Total liabilities and net assets</strong></td>
<td><strong>$1,297,356</strong></td>
<td><strong>$1,648,472</strong></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, 2014 and 2013

<table>
<thead>
<tr>
<th>Revenue:</th>
<th>2014</th>
<th>2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>New York State appropriation</td>
<td>$2,135,691</td>
<td>$2,062,658</td>
</tr>
<tr>
<td>Other grants and contracts</td>
<td>45,845</td>
<td>113,972</td>
</tr>
<tr>
<td>Membership dues</td>
<td>108,511</td>
<td>101,902</td>
</tr>
<tr>
<td>Interest</td>
<td>2,405</td>
<td>2,298</td>
</tr>
<tr>
<td>Contributions</td>
<td>14,952</td>
<td>17,334</td>
</tr>
<tr>
<td>Conferences, publications and other income</td>
<td>516,319</td>
<td>543,640</td>
</tr>
<tr>
<td>Total revenue</td>
<td>2,623,723</td>
<td>2,841,804</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Expenditures:</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries</td>
<td>1,599,959</td>
<td>1,231,555</td>
</tr>
<tr>
<td>Contracted services</td>
<td>354,164</td>
<td>244,804</td>
</tr>
<tr>
<td>Other employee benefits</td>
<td>387,810</td>
<td>336,759</td>
</tr>
<tr>
<td>Conference facilities and travel</td>
<td>269,040</td>
<td>195,181</td>
</tr>
<tr>
<td>Occupancy</td>
<td>111,031</td>
<td>100,912</td>
</tr>
<tr>
<td>Payroll taxes</td>
<td>125,431</td>
<td>101,621</td>
</tr>
<tr>
<td>Printing and publications</td>
<td>61,490</td>
<td>53,584</td>
</tr>
<tr>
<td>Office and computer supplies</td>
<td>67,328</td>
<td>49,944</td>
</tr>
<tr>
<td>Library and professional dues</td>
<td>42,085</td>
<td>37,044</td>
</tr>
<tr>
<td>Postage and shipping</td>
<td>28,529</td>
<td>27,396</td>
</tr>
<tr>
<td>Depreciation</td>
<td>16,753</td>
<td>14,477</td>
</tr>
<tr>
<td>Miscellaneous</td>
<td>38,294</td>
<td>27,161</td>
</tr>
<tr>
<td>Telephone and communications</td>
<td>29,914</td>
<td>27,081</td>
</tr>
<tr>
<td>General insurance</td>
<td>10,291</td>
<td>10,432</td>
</tr>
<tr>
<td>Equipment rental and maintenance</td>
<td>13,685</td>
<td>9,459</td>
</tr>
<tr>
<td>Interest</td>
<td>2,422</td>
<td>1,716</td>
</tr>
<tr>
<td>Loss on disposal of equipment</td>
<td>-</td>
<td>287</td>
</tr>
<tr>
<td>Total expenditures</td>
<td>3,158,226</td>
<td>2,469,413</td>
</tr>
</tbody>
</table>

| Change in net assets             | (334,503)          | 372,391            |
| Net assets, beginning            | 1,284,915          | 912,524            |
| Net assets, ending               | $950,412           | $1,284,915         |

See notes to financial statements.
NEW YORK STATE DEFENDERS ASSOCIATION, INC.
STATEMENTS OF CASH FLOWS
Years Ended December 31, 2014 and 2013

CASH FLOWS FROM OPERATING ACTIVITIES

<table>
<thead>
<tr>
<th></th>
<th>2014</th>
<th>2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>Change in net assets</td>
<td>$(334,503)</td>
<td>$372,391</td>
</tr>
<tr>
<td>Adjustments to reconcile change in net assets to net cash (used in) provided by operating activities:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Depreciation</td>
<td>16,753</td>
<td>14,477</td>
</tr>
<tr>
<td>Loss on disposal of assets</td>
<td>-</td>
<td>287</td>
</tr>
<tr>
<td>Changes in:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Grant and other receivables</td>
<td>(1,077,547)</td>
<td>1,544,980</td>
</tr>
<tr>
<td>Prepaid expenses and deposits</td>
<td>(7,278)</td>
<td>2,655</td>
</tr>
<tr>
<td>Accounts payable and accrued expenses</td>
<td>37,915</td>
<td>(2,740)</td>
</tr>
<tr>
<td>Accrued salaries and vacation pay</td>
<td>14,491</td>
<td>(33,606)</td>
</tr>
<tr>
<td>Deferred contract revenue and advances and membership dues</td>
<td>(69,019)</td>
<td>37,353</td>
</tr>
<tr>
<td>Net cash (used in) provided by operating activities</td>
<td>$(1,419,188)</td>
<td>1,935,797</td>
</tr>
</tbody>
</table>

CASH FLOWS FROM INVESTING ACTIVITIES

<table>
<thead>
<tr>
<th></th>
<th>2014</th>
<th>2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>Purchases of furniture and equipment</td>
<td>(26,861)</td>
<td>(8,050)</td>
</tr>
<tr>
<td>Net cash used in investing activities</td>
<td>(26,861)</td>
<td>(8,050)</td>
</tr>
</tbody>
</table>

CASH FLOWS FROM FINANCING ACTIVITIES

<table>
<thead>
<tr>
<th></th>
<th>2014</th>
<th>2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>Payments on line of credit, net</td>
<td>-</td>
<td>(500,000)</td>
</tr>
<tr>
<td>Net cash used in financing activities</td>
<td>-</td>
<td>(500,000)</td>
</tr>
</tbody>
</table>

NET (DECREASE) INCREASE IN CASH

<table>
<thead>
<tr>
<th></th>
<th>2014</th>
<th>2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1,446,049)</td>
<td></td>
<td>1,427,747</td>
</tr>
</tbody>
</table>

CASH:

<table>
<thead>
<tr>
<th></th>
<th>2014</th>
<th>2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beginning of year</td>
<td>1,512,029</td>
<td>84,282</td>
</tr>
<tr>
<td>End of year</td>
<td>$66,980</td>
<td>$1,512,029</td>
</tr>
</tbody>
</table>

SUPPLEMENTAL CASH FLOW INFORMATION

<table>
<thead>
<tr>
<th></th>
<th>2014</th>
<th>2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash paid for interest</td>
<td>$2,422</td>
<td>$1,716</td>
</tr>
</tbody>
</table>

See notes to financial statements.
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, 2014 and 2013.

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, 2015, 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, 2011 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 $1,566,750 extending from July 1, 2014 to March 31, 2015. DCJS approved the Center in the amount of $1,566,750. No funds were received in 2014.

The Center had a budget of $2,611,250 extending from April 1, 2013 to June 30, 2014. DCJS approved and funded the Center in the amount of $2,611,250 of which $1,044,500 was received in 2014 and $1,566,750 was received in 2013.

Expenditures associated with this program were $2,584,347 for the year ended December 31, 2014 ($2,184,391 in 2013). Management and general expenditures were $219,862 for the year ended December 31, 2014 ($108,166 for 2013).

Expenditures for other programs during 2014 were $354,217 ($176,856 in 2013).

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, 2014 ($500,000 in 2013), and an interest rate of prime plus 1%, with a floor of 4%, which expires in June 2015. The line is secured by all business assets. As of December 31, 2014 and 2013, there was no outstanding balance on this line of credit.

NOTE 4 — LEASE OBLIGATION

Albany, New York

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, 2008 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 $98,453 and $96,976 for 2014 and 2013, respectively. Future annual minimum rental payments under this lease are $88,904 for 2015 and $14,484 for 2016, totaling $101,388.

Batavia, New York

Effective March 15, 2014, the Association entered into a three-year operating lease agreement for office space in Batavia, New York for the Veterans Defense Project at an annual rent of $9,000. The lease is renewable for a one-year extension and can be cancelled upon no less than 90 days notice prior to the end of the lease term. Expenses under this lease were $7,500 in 2014. The future payments under this lease are $9,000 for 2015 and 2016 and, $1,500 for 2017, totaling $19,500.
NEW YORK STATE DEFENDERS ASSOCIATION, INC.
NOTES TO FINANCIAL STATEMENTS
December 31, 2014 and 2013

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 $113,640 for 2014 ($106,052 for 2013).

NOTE 6 — 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.