NYSDA’s Veterans Defense Program (see p. 7) issued its first Activities Report in October 2015, summarizing 18 months of work including training, legal assistance in over 100 cases involving veterans, and expert referrals and information for over 150 veterans. The report, available online at http://c.ymcdn.com/sites/www.nysda.org/resource/resmgr/PDFs--Vets/VDP_Activities_Report.pdf, includes information on the needs of veterans, VDP case studies, and more.
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Across the nation, reports emerge about the destruction of individual lives and communities by policies—well-meant and otherwise—created in the name of public safety. Those policies have turned jails into debtors’ prisons, decimated poverty-stricken communities of color through mass incarceration, and bred distrust. Distrust between police and the poor, black communities that are often the focus of harsh law enforcement tactics. Distrust between people of color and policymakers unwilling to acknowledge that “public safety” measures have had disastrous effects. Distrust that erodes confidence in the system of law created to protect us all.

It is time to change all that. And public defense reform should be seen as a key part of that needed change. As writer Fred LeBrun noted in a July 9, 2016 article in the Albany Times Union, new public defense legislation discussed below is, strictly speaking, about services for eligible clients regardless of race. But it also speaks to broader reform because, LeBrun added, “as a practical matter, as widely attested by statistics, there is a correlation with race and poverty and jails.”

Improving public defense is a key component of healing the distrust that is damaging people on all sides of exposed racial and socioeconomic divides.

Welcome to the 49th Annual Report of the New York State Defenders Association, Inc. (NYSDA). What will you find here?

This report focuses on actions taken by the Association and its staff. It places those actions in a broader context, noting legal, cultural, and political changes that affect, and were affected by, NYSDA. It notes too how the reported changes and activities may affect, and were affected by, public defense clients and communities. For while NYSDA’s mission is stated in abstract words, that mission and NYSDA are about real people. The purpose of improving public defense is to improve lives.

As an “annual” report, this document covers a one-year period, July 1, 2015 to June 30, 2016. But history and historic events do not fall neatly into arbitrary calendar divisions. A landmark public defense bill passed by the New York State Legislature at the end of its session in June 2016 had not become law by June 30; had that occurred even by July 20, you would find that information here. But the bill’s passage alone was a significant event for NYSDA, public defense clients, and justice across the state. You will find approaching change discussed in these pages.

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.

The need for change, and how NYSDA approaches that change, also fills this report. The growth and work of specific NYSDA initiatives and the day-to-day work done at NYSDA’s Public Defense Backup Center form a part of that story. Cooperation with other organizations in a range of advocacy efforts, training events, and discussions of change was also integral to NYSDA’s story over the past year. And the people listed at the end of this report—NYSDA’s members and contributors, Client Advisory Board members and staff, and Directors and Officers—helped shape both change and NYSDA’s approach to change, in myriad ways.

Along with the story of approaching change, you will find in this publication a membership form. That is your invitation to become—or if already a member, to
remain—a part of the Association’s work as it approaches its 50th year.

**Varied Interests Coalesce for Justice: The State Legislature Votes to Pay for Public Defense**

Many people with differing interests came together to bring into being the legislation that passed the State Senate on June 16, 2016, and the Assembly a day later. That bill, S.8114/A.10706, provides for the State to begin fully reimbursing counties for their public defense costs at the end of a seven-year phase-in period. It also gives the New York State Office of Indigent Legal Services (ILS) authority to make rules and regulations to improve legal representation mandated by law.

During legislative hearings on the 2016-2017 state budget, NYSDA offered **testimony** supporting the legislation in its then-existing form, noting that the incremental reform promised by this bill was not inconsistent with NYSDA’s long-standing call for a statewide, fully and adequately state funded public defense system overseen by an Independent Public Defense Commission. Many other organizations and individuals supported the bill as well.

The governing bodies of a number of counties passed resolutions in support of the bill. The New York State Association of Counties (NYSAC), of which NYSDA has long been an affiliate, made State takeover of public defense services a **legislative priority**. Upon the bill’s passage, NYSAC commended state lawmakers on passing legislation that will provide mandate relief to counties and property taxpayers, improve legal representation for the poor, and protect taxpayers from lawsuits challenging public defense services as currently provided for by the State. The threat of litigation was of great concern to counties as the New York Civil Liberties Union (NYCLU) had sued the State in 2007 for failure to provide constitutionally viable mandated representation; the **2015 settlement** in *Hurrell-Harring v New York* constituted acknowledgement by the State of its responsibility to provide constitutionally adequate public defense services but also left counties vulnerable. Five counties named by the NYCLU as exemplars of the State’s failure to meet its responsibility receive eventually became defendants in the suit. Counties other than those five were left out of the settlement that required the State to fund specific improvements. Support for the legislation, then, was fueled in part by the slogan coined by NYSDA’s Executive Director when the settlement was announced: “five down, fifty-seven to go.”

Reflecting the multi-faceted grounds that existed for passage of the bill, bipartisan support arose. A Republican leader in the Senate—John DeFrancisco—sponsored it there after a Democrat—Patricia Fahy—introduced it first in the Assembly.
Calls for the Governor to sign S.8114/A.10706 have been heard across the state. The groundswell of support for it signals that overdue change in New York’s public defense system is rapidly approaching.

**Improving Public Defense: Smart Spending, Caring About Clients and Communities**

Supporters of the newly-passed public defense legislation pointed out that paying for mandated representation with county property-tax funds inevitably creates inequity. Counties with low tax bases and high poverty rates cannot provide quality legal services to all those eligible. Counties with higher tax bases still lack the funding depth needed to handle case-load spikes and other crises. Using state funds to pay for this state responsibility makes economic sense and furthers justice. In other words, careful thought confirms the wisdom of this approaching change.

Whether funds come from the State or from counties, they should be spent judiciously. But judicious use of such funds in creating and maintaining public defense does not mean being stingy. It means examining consequences of funding choices and changing them when they result in bad outcomes for people. This goes beyond simply how much money goes into a public defense budget.

For, while providing representation to individuals when the State seeks to deprive them of a liberty interest is a unique government function, it does not exist in a vacuum. A defense lawyer must react to the exercise of police power against a client, or bureaucratic intervention in a client’s family. Forces largely outside a lawyer’s control include prosecutorial discretion, statutory and judicial mandates, and disparity between the resources available to the defense and those at the disposal of the other side.

Broader policy choices, including allocation of resources, affect how much lawyers can do for clients when government efforts to impose incarceration or governmental supervision, or intrude on the parent-child relationship, threaten the liberties that the system of laws professes to protect, liberties that are recognized as basic human needs.

NYSDA seeks to improve the quality and scope of legal representation for those unable to afford counsel. That is, to create a way for human beings to challenge effectively the accusations made against them by police, prosecutors, and officials charged with intervening in family life. NYSDA approaches this needed change from many angles, as described in the rest of this report.

**NYSDA Fulfills Changing Training Needs**

“Clients want a lawyer who … [k]nows the law and investigates the facts, and applies the knowledge of both creatively, competently, and expeditiously.” This reasonable demand, set out in the **Client-Centered Representation Standards** created by NYSDA’s Client Advisory Board eleven years ago, is reflected in the requirement that lawyers obtain continuing legal education (CLE) credits to maintain their license to practice law. The Association renewed its certification by the New York State Continuing Legal Education Board, and offers lawyers...
Advocates & Mitigation Specialists offered a training on Criminal Defense Mitigation. While use of “mitigation”—information used to advocate for less-harsh charges or sentences—has been included in some training events, this all-day program was a NYSDA first. 

“Please send me a copy of materials from the 11/20 [investigator] workshop. I have been busier than Zeus and feel badly that I was unable to attend. [The] County PD is benefiting greatly from your efforts.”
—Public defender investigator

Long-established, yearly CLE training events include the Annual Conference, several regional events, and the ground-breaking Defender Institute Basic Trial Skills Program (BTSP). Training Coordinator Diane Geary handles not just logistics but MCLE record keeping and other tasks associated with these and other events, simultaneously closing out recent ones and coordinating those upcoming. The content of these familiar programs is dynamic; presenters offer topical subjects and new skills training as well as updates in basic areas. The BTSP curriculum, long known for dealing with racial issues confronting defenders and their clients, this year included a discussion about implicit racial bias, a growing area of interest nationwide. Staff Attorney Stephanie Batcheller, who has played an increasingly important role in the substantive planning of BTSP, will take the lead planning next year’s program.

“Very energizing. I for one make constitutional arguments all the time. Now I have some better ammunition.”
—Participant in an All Families Matter Conference session

NYSDA also develops or collaborates on training programs that address new or neglected subjects or fulfill new needs. Training highlights of the last year included presentation in 2015, with the ILS and the Child Welfare Court Improvement Project, of a successful, first-ever statewide conference for professionals who represent parents in state intervention matters. Family Court Staff Attorney Lucy McCarthy began thinking about additional training as soon as the conference ended; planning for a 2016 conference is underway.

“Our students were so impressed with your presentation that they wanted to know how to get more training from you.”
—Participant in an All Families Matter Conference session

And in 2016, through the tireless efforts of Alexandra Cox, Assistant Professor Sociology, SUNY-New Paltz and NYSDA Board member, NYSDA and the National Alliance of Sentencing...
Adding to the variety of training available from NYSDA were the many training events presented over the last year by the Veterans Defense Program (p. 7). NYSDA also worked with ILS and newly-created Regional Immigration Assistance Centers in providing CLE training on immigration consequences of criminal and family law matters. Information on upcoming training can be found on NYSDA’s updated website, www.nysda.org. Managing Attorney Charlie O’Brien, who has many responsibilities at the Backup Center, is recognized for bringing superlative trainers offering cutting-edge presentations to NYSDA’s CLE events.

“Excellent, practical and very useful. Also, very interesting.”
—Participant in Criminal Defense Mitigation Training

“Perfect! Totally on point! Thank you so much ... you made my week!”
—Lawyer who received Backup Center support

Backup Center staff attorneys handle requests from newer lawyers who have never before faced a question experienced lawyers know too well, and from experienced lawyers who want to talk about the nuances of a new statute, court decision, or forensic science study. Whether by providing lawyers with the

Direct Defender Services Inquiries: Consistent Yet Ever-changing

The direct defender services that NYSDA’s Backup Center offers to New York State’s nearly 6,000 public defense lawyers and their clients range from one-time consultations or website information referrals to in-depth research on new or complex issues. Questions may arise in the midst of court proceedings, requiring quick responses, or as part of a lawyer’s diligent preparation for an upcoming hearing or trial. For solo practitioners, Backup Center attorneys can be the “lawyer down the hall” to consult about unusual situations, new caselaw, or problems with local court practices.

To expand its capacity to respond to requests for assistance and more fully use the individual expertise of the legal staff, the Backup Center added a new lawyer, Ziadanne Lewis, with another starting soon. Some current staff attorneys are moving into new positions or taking on different responsibilities. Susan Bryant is now Special Counsel, and Al O’Connor is Litigation Counsel. Some familiar voices will still be heard on intake phone calls after staff changes are complete. Office Assistant Francisco Cruz will continue to initially greet callers, along with his other duties in helping the Backup Center fulfill its many tasks.

NYSDA staff also work to present a client-centered perspective to wider audiences. From media interviews to national conferences, NYSDA’s voice is heard on topics of approaching change, including proposed legislation and ways to increase the involvement of the client community in public defense. In the past year, Executive Director Jonathan E. Gradess and Client Coordinator John “Jay” Coleman were among those from NYSDA making public presentations. Executive Assistant Diane DuBois attended to the many details required to ensure NYSDA’s capacity to provide these and other services.
information needed to seek publicly-funded experts or investigators to help prepare a client’s case, or pointing out new law that supports a defense theory, the Backup Center helps individual lawyers improve their representation in individual cases and in general. In turn, research done for one request becomes available to other staff, so that the internal clearinghouse of information available for use in future requests grows.

A Cognitive Right to Post-Conviction Counsel,” a powerful description of what confronts people in prison who seek to challenge their convictions.

An updated website, available at the existing URL, www.nysda.org, launched this year. David Austin, Director of Information Technology, spent many hours on the move to a new host. The reorganized site makes it easier to provide information for a variety of visitors. Breaking news about public defense and legal issues can be found on the home page, the training calendar appears on any page visited, and detailed information about NYSDA’s services is available under the menu items at the top.

Updated Website, Ongoing Dissemination of Information

That internal clearinghouse also grows in other ways, and is used not only in direct defender services but in the dissemination of information via the NYSDA website, publications, and training. Director of Legal Information Services Ken Strutin pulls countless news items, law reviews, and other information from the internet for the clearinghouse, and responds to many intake inquiries. Last year he also published, in the Cardozo Public Law, Policy & Ethics Journal, “Litigating from the Prison of the Mind:

With so many defenders accessing caselaw updates by e-mail, NYSDA created “News Picks from NYSDA Staff,” an e-mail newsletter sent to NYSDA members twice a month. In addition to being delivered by email, it is now publicly available on the website as well. The Association’s print publication, the Public Defense Backup Center REPORT, is also posted on the website upon completion, making it available as much as three weeks before the print version is delivered. That was not possible when the REPORT began in 1986; volume thirty of the publication closed with the Nov.-Dec. issue of 2015. Among the many functions that Office Coordinator Dawn Allert performs at the Backup Center is keeping records up to date so that public defense offices, NYSDA members, and others timely receive the REPORT as well as training brochures and other information.

As the Association approaches its fiftieth year, it will continue to look for new, efficient ways to provide its core services.

(continued on page 8)
VDP: Changing the Representation of Military Veterans and Personnel

NYSDA’s Veterans Defense Program (VDP) works to ensure that public defense clients who are military veterans or personnel receive informed and zealous representation that addresses issues arising from their service. The value of VDP has been recognized by the State; for the second time, NYSDA received an appropriation specifically for VDP. The New York State Bar Foundation also provided a grant award to VDP in 2016.

VDP provides assistance in several ways to public defense lawyers representing veterans and military personnel in criminal and family law matters, sometimes by providing substantial, in-depth assistance, and sometimes by sharing legal resources. VDP staff provide expertise on military culture that helps civilian lawyers with no military background understand how military service may affect the way clients interact with lawyers and others in the justice system. VDP may prepare case-specific legal documents relating to veteran-related issues. VDP also offers information about resources available to assist veteran clients with a variety of problems affecting their lives and legal matters. And VDP encourages lawyers to advocate for treatment-centered disposals of cases that involve invisible wounds of war—brain injuries and mental health diagnoses—underlying the behaviors that led veteran clients into the judicial system.

Training and education is a key aspect of VDP’s support services to improve the quality of representation that veterans receive. VDP staff make CLE presentations, visit public defense programs—where VDP Director Gary Horton’s background as a long-time chief defender increases defenders’ confidence in the Program—and liaise with veterans’ groups. Administrative Assistant Dee Miller brings dedication to supporting all facets of VDP’s operation. The recent addition of Lynette Celedonia, Clerical Assistant, and Michael White, Case Manager, to VDP’s staff will allow the Program to do even more.

Always, VDP’s advocacy takes a comprehensive client-centered approach. In its first Veterans Defense Program Activities Report, issued in October 2015, VDP described its work. Case studies included there show the change in clients’ lives that VDP’s work can achieve. (Names were changed to protect clients’ privacy.) Here is a summary of one of those cases.

U.S. Army Specialist Patrick Kelly was deployed to Afghanistan in 2012 as a Combat Medic. In the midst of continuous rocket fire, Patrick’s job was to unload dead and wounded soldiers from helicopters. He worked long shifts in a dungeon-like facility that housed war prisoners, treating them for a variety of injuries while they directed constant threats, and even bodily fluids, his way. The living conditions allowed only a few hours of sleep as his soft tent was pitched next to a noisy construction site and mind field. While handling the bodies of fallen soldiers, he was deeply affected by seeing the body of a soldier he treated months before. Soon after that, he was found “‘crying and distressed after learning of his wife’s infidelity with one of his closest Army colleagues.”’

Shortly after Patrick’s honorable discharge, he went to Veterans’ Administration (VA) emergency room “in extreme anguish, unable to sleep, suicidal, and drinking heavily.” It was determined he had the maximum rating for Post Traumatic Stress Disorder (PTSD) in addition to depression and anxiety. Patrick began therapy, but then he was pulled over by police who discovered a gun in his car trunk. Patrick candidly told the officer he kept the gun in case he decided to shoot himself. He was arrested and charged with criminal possession of a weapon in the 2nd degree, facing a five-year felony sentence.

The VDP became involved and assisted Patrick’s lawyer on a Mitigation Memorandum outlining the sources and effects of his illness and urging the court to provide “leniency and treatment for his battle-borne PTSD.” The VA staff pointed out that Patrick was not fully reintegrated into civilian life at the time of his arrest and the VDP noted that he would not be able to receive treatment through the VA if incarcerated, which would negatively affect his mental health and impede recovery. The Judge and Assistant District Attorney were impressed by the memorandum. Agreeing to a disposition that would result in only a misdemeanor conviction if Patrick completed therapy, the Assistant District Attorney said “‘what we really need for the defendant is the opportunity for him to get 100% better.’” The judge specifically thanked VDP’s Art Cody for the “‘presence and insight’” provided. Captain Cody, U.S. Navy (retired), is now VDP’s Deputy Director.
Practicing Client-Centeredness and Client Involvement

Client-centeredness is not an add-on but an integral part of successful, effective public defense practice. It therefore permeates every aspect of NYSDA’s work described above, from the cases VDP works on to the information provided in training, direct defender services, and publications. “Clients want a lawyer who … [w]orks and strategizes in collaboration with his or her client,” the Client-Centered Representation Standards say, and lawyers at the annual BTSP learn how doing that improves their trial advocacy.

NYSDA’s Client Advisory Board

But client-centeredness involves more than looking at the particular needs of an individual client during a legal matter. To build trust in public defense and therefore in the justice system as a whole, client communities should be consulted about an array of related issues. The “Statement on Client Involvement and Satisfaction, Quality Representation and Vigorous Advocacy” adopted by the NYSDA Board on July 25, 2000 includes the following: “The system for providing public defense services should have a client advisory board that assists administrators in planning and helps in the design, maintenance and administration of the system.”

The Client Advisory Board mandated by NYSDA’s bylaws consults with the Executive Director and annually presents to the Board recommendations concerning priorities and goals for the Association’s activities. A majority of the current members were once incarcerated. As change in New York State’s public defense system approaches, NYSDA will be affirmatively listening to client suggestions, and encourages policymakers and defenders alike to do the same.

“Your words stick with me every day…. It is nice to communicate and be guided by someone who has been through it. I can’t thank you enough for everything.”

—Prisoner Pre-Entry Mentoring Program client

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—Prisoner Pre-Entry Mentoring Program client

NYSDA’s Prisoner Pre-Entry Mentoring Program

Former clients may offer an experiential expertise that lawyers lack not only in policy discussions but also as to practical effects of a legal matter. NYSDA’s Prisoner Pre-Entry Mentoring Program (PPMP) seeks to help prison-bound public defense clients develop a goal-oriented plan to be productive and healthy inside and plan for successful re-entry. To date the Project’s Client Mentor, who was himself formerly incarcerated, has engaged with a number of first-time male offenders in the Capital District and Hudson Valley region; feedback from clients and defenders has been overwhelmingly positive. Referrals come from public defenders who can arrange for the two-hour mentoring sessions before clients enter a state facility.

“We fully support this program to provide counseling for our clients and information on beneficial programs they can participate in while in prison.”

—County Public Defender about the Prisoner Pre-Entry Mentoring Program

NYSDA’s Restorative Justice Program

NYSDA continues to explore restorative justice practice as another way to deepen the growing client-centered, holistic paradigm. The Restorative Justice Program (RJP) has, in conjunction with VDP staff, helped plan a local veteran restorative practice project. Restorative Practitioner John Cutro has also been involved in efforts to reform probation department practices and implement restorative practice in specific school situations in the Capital Region.

Technical Assistance: Advancing Change

When advocacy in varied forms—litigation, collaboration, education of the public and public officials—advances
policy change, concrete implementation of the change begins. The technical assistance that NYSDA offered to counties, public defense programs, state entities, and others in the last year included helping analyze and solve issues arising from the Hurrell-Harring settlement and other changes.

NYSDA’s Public Defense Case Management System

Nearly 70 offices in 45 counties now use NYSDA’s Public Defense Case Management System (PDCMS); the software helps them track cases, identify conflicts of interest quickly, provide data and information required by ILS and other government entities, and efficiently manage their workloads. Continuous updating and migration to new, more effective software platforms, along with the award-winning support offered by the PDCMS team, means public defense programs across New York State can take advantage of the newest in software development. Director of PDCMS Darlene Dollard, along with Information Systems Specialists Michael Mayer and Dandre Wheeler, make this vital part of NYSDA’s technical assistance support to public defense offices possible.

Furthermore, the work of PDCMS staff over the last two decades has given the Association expertise in collecting, reporting, and analyzing public defense data at the county level that allows it to assist ILS and others on technical issues regarding data collection and other Hurrell-Harring settlement requirements. Working on Hurrell-Harring data issues keeps NYSDA in contact with former Research Director Melissa Mackey, who left NYSDA for ILS in early 2016.

Other Technical Assistance for Implementing Change

In addition to its PDCMS and related data collection assistance, NYSDA also worked with ILS and the Regional Immigration Assistance Centers (RIAC) being set up with ILS grant funding to ensure that defenders have access to information about the immigration consequences of justice system involvement. Specifically, NYSDA provided CLE credits for training programs involving RIACs and is developing an intake system specifically designed for the Centers.

NYSDA has participated in many ILS workgroups created to help develop public defense standards, and continues to do so. Additionally, NYSDA helps bring promulgated ILS standards to the attention of lawyers, counties, and courts and also trains defenders on how to use those standards strategically. Methods include: posting ILS standards on the NYSDA website; referring to the ILS standards as well as others in answering technical assistance requests from counties, bar associations, and others asking about public defense requirements; and, last November, working with ILS to present information about the Appellate Standards and Best Practices during the 2015 Annual Conference of the National Legal Aid and Defender Association (NLADA). Staff Attorney Mardi Crawford, as a panel member, shared her expertise and insights.

NYSDA also advocates more broadly for full implementation of all ILS standards. In the past year, the Board of Directors passed resolutions endorsing the ILS “Appellate Standards and Best Practices” and “Criteria and Procedures for Determining Assigned Counsel Eligibility.” The Board also passed a “Resolution Endorsing the State’s Responsibility to Fully Fund All County Public Defense Programs, Including Any Increased Costs Incurred by Complying with the Office of Indigent Legal Service’s Standards.”

Approaching Change at the Backup Center

As noted above, the past year saw transitions at the Backup Center intended to equip the Association for approaching change in New York State public defense services and to embrace ongoing changes in information dissemination and advocacy. The approach of NYSDA’s fiftieth anniversary continues to prompt reflection about past changes and future ones.
Unchanging concerns take new forms. Securing funds from existing and potential sources of support for NYSDA’s work remains an ongoing effort; a current focus is on making the most of nationwide attention to justice system problems. Among Organizing Coordinator Anne Rabe’s many contributions to the Backup Center and VDP is her tireless search for grant opportunities and venues for expanding and highlighting the Association’s work.

Reliance on the entire staff of the Backup Center does not change, of course. The day-to-day work of every staff member keeps NYSDA operational. Such work includes maintaining the Association’s financial records, which is the responsibility of Business Manager Joel Rosenberg. The most recent audited financial statements can be found at p. 31.

Nothing in this Annual Report could have happened without the staff noted throughout it, from those who have held positions here for decades to interns like Nesly Geffrard and Morgan Cooper who brought new energy and ideas to the Backup Center when they arrived. Also crucial to NYSDA’s work are the Directors, members of the Client Advisory Board, members of the Association, and contributors listed in the pages that follow.

Mourning Losses
The past year, like all years, brought sad changes along with others.

Robert Flunory, a member of NYSDA’s Client Advisory Board for over 15 years, until his death in May 2016, sought to improve the lives of others even as he strove to overcome his own addiction. Bobby will be remembered for sparking the creation of a furniture project to help people newly-released from drug treatment outfit a new apartment. For participating in Gideon Day efforts to educate state officials and the public about the importance of quality public defense. For serving as a mock juror for BTSP training to help new lawyers learn how to best represent their clients. For reminding those he worked with that clients come to lawyers for help, and that help should be forthcoming.

The founder of the national public defense consulting firm The Spangenberg Group (TSG), Robert Spangenberg, died in June. Bob and his work were well known to many at NYSDA, and TSG’s 2006 report to the late Chief Judge Judith S. Kaye’s commission on public defense was well known to all proponents of public defense reform. That work was cited in the Kaye Commission’s report calling for a complete replacement of New York’s county-based public defense system with a statewide public defender office overseen by an independent commission. Commentaries on the public defense reform bill discussed above frequently referred to the Kaye Commission’s findings, which were in great measure Bob’s findings. The success of the bill is part of Bob’s legacy. ✡
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(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)

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Cornelius, NC
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Schenectady, NY  
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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)

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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)

Robert Flunory  
Utica, NY  
(Formerly incarcerated person with years of incarcerative and criminal justice system experience)  
Bobby Flunory was a long-time member of the Client Advisory Board until May 18, 2016, when sadly he was taken from us by death.

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Charles F. O’Brien, Managing Attorney  
Dawn Allert, Office Coordinator  
David Austin, Director of Information Technology  
Stephanie Batcheller, Staff Attorney

Susan Bryant, Special Counsel  
Jay Coleman, Client Coordinator  
Morgan Cooper, Intern  
Mardi Crawford, Staff Attorney  
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John Cutro, Restorative Practitioner  
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Ken Strutin, Director of Legal Information Services  
Dandre Wheeler, Information Systems Specialist

NYSDA Veterans Defense Program
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Art Cody, Deputy Director  
Michael White, Case Manager  
Dee Miller, Administrative Assistant  
Lynette Celedonia, Clerical Assistant
NYSDA Members and Contributors

Individuals including lawyers, people in prison, and others who become and remain members of the Association support NYSDA's mission to improve the quality and scope of public defense representation. Over 1,900 people are members this year. A membership application is available on page 27.

Other support comes in the form of individual donations from members and nonmembers alike and grant support. NYSDA and its Veterans Defense Program also receive a contractual amount through New York State appropriations.

NYSDA thanks all those who promoted the right to counsel by supporting NYSDA in the past year. Individual and grant contributors are listed below.

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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

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

□ 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: __ __ / __ __

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Photo Captions

Cover (counter-clockwise from top left): John “Jay” Coleman received a 2015 Client Contribution Award from TimeBanks USA and the Client Policy Group of the National Legal Aid and Defender Association (NLADA) in November.

At last year’s Annual Conference, Marsha Weissman, then-Executive Director of the Center for Community Alternatives (CCA), received NYSDA’s 2015 Service of Justice Award for effectively promoting alternatives to incarceration and sentencing advocacy as key components of justice.

Roger Brazill, First Assistant Public Defender in Monroe County, was also honored; for exemplifying a client-centered approach in his work with clients and for sharing his legal expertise throughout his career of over 35 years, he received NYSDA’s Wilfred R. O’Connor Award.

The Kevin M. Andersen Memorial Award, created by the Genesee County Public Defender and presented at NYSDA’s Annual Conference, recognizes public defense lawyers who have been in practice less than 15 years and exemplify the “sense of justice, determination, and compassion” that were the hallmarks of its namesake. The 2015 award went to Luke Nebush, a First Assistant Public Defender in Oneida County.

Page 1: NYSDA Office Assistant Francisco Cruz (l) and former NYSDA Research Director Melissa Mackey share a light-hearted moment at the 2015 Annual Conference.

Page 2: First column: Jill Paperno of the Monroe County Public Defender’s Office traveled to Binghamton to present at the May 2016 Cutting Edge Criminal Defense CLE event. Second column: John Schoeffel of The Legal Aid Society discussed Litigating Accusatory Instruments in Criminal Court at the 2016 annual training event at New York University.

Page 3: First column: BTSP participants received congratulations and a graduation certificate at the end of the week-long, client-centered training. Pictured is Rebecca Gregory. Top: A presentation at the 2015 Annual Conference set out new research and how to use it to defend against allegations of shaken baby syndrome; pictured is pathologist Peter Cummings.

Page 4: NYSDA’s Board of Directors meets during the Annual Conference; seen here is new Board member Magdalena Hale Spencer, Associate at Axinn, Veltrop & Harkrider.

Page 5: Dandre Wheeler, Charlie O’Brien, John Cutro, Darlene Dollard, Francisco Cruz, and Al O’Conner take part in a farewell gathering in the office conference room for Yasmin Davis (not pictured) when she left NYSDA to return to LAS.

Page 6: Lisa Joy Robertson, Hurrell-Harring Eligibility Standards Implementation Attorney, was among the ILS staff attending a December 2015 Chief Defender Convening in Albany.

Page 12: The late Bobby Flunory at a Gideon Day observance in the Legislative Office Building, working to inform people of the need for quality public defense representation, as a member of NYSDA’s Client Advisory Board.

Page 26: The 56 members of the 2016 BTSP graduating class along with coaches and others whom made the training possible.

Inside back cover: Throughout the past 12 months, NYSDA provided lawyers and other defense team members a variety of training opportunities, examples of which are pictured here. ☞
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.
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NEW YORK STATE DEFENDERS ASSOCIATION, INC.

AUDITED FINANCIAL STATEMENTS

Years ended December 31, 2015 and 2014
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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, 2015 and 2014, 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, 2015 and 2014, 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 29, 2016

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, 2015 and 2014

<table>
<thead>
<tr>
<th>ASSETS</th>
<th>2015</th>
<th>2014</th>
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<tbody>
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<td>Cash</td>
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<tr>
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<td>Deposits</td>
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<td>Prepaid expenses</td>
<td>40,436</td>
<td>16,086</td>
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<tr>
<td>Furniture and equipment, less accumulated depreciation</td>
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<td>51,451</td>
</tr>
<tr>
<td>2015: $243,942; 2014: $228,862</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total assets</td>
<td>$1,126,607</td>
<td>$1,297,356</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>LIABILITIES AND NET ASSETS</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>LIABILITIES</td>
<td>2015</td>
<td>2014</td>
</tr>
<tr>
<td>Accounts payable and accrued expenses</td>
<td>$23,910</td>
<td>$78,100</td>
</tr>
<tr>
<td>Accrued salaries and vacation pay</td>
<td>125,091</td>
<td>118,643</td>
</tr>
<tr>
<td>Deferred grant and contract revenue and advances</td>
<td>100,073</td>
<td>98,950</td>
</tr>
<tr>
<td>Deferred membership dues</td>
<td>51,863</td>
<td>51,251</td>
</tr>
<tr>
<td>Total liabilities</td>
<td>300,937</td>
<td>346,944</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
<tr>
<th>NET ASSETS</th>
<th>2015</th>
<th>2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unrestricted</td>
<td>825,670</td>
<td>950,412</td>
</tr>
<tr>
<td>Total liabilities and net assets</td>
<td>$1,126,607</td>
<td>$1,297,356</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, 2015 and 2014

<table>
<thead>
<tr>
<th></th>
<th>2015</th>
<th>2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>Revenue:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>New York State appropriation</td>
<td>$2,507,447</td>
<td>$2,135,691</td>
</tr>
<tr>
<td>Other grants and contracts</td>
<td>8,318</td>
<td>45,845</td>
</tr>
<tr>
<td>Membership dues</td>
<td>103,761</td>
<td>108,511</td>
</tr>
<tr>
<td>Interest</td>
<td>695</td>
<td>2,405</td>
</tr>
<tr>
<td>Contributions</td>
<td>16,371</td>
<td>14,952</td>
</tr>
<tr>
<td>Conferences, publications and other income</td>
<td>545,250</td>
<td>516,319</td>
</tr>
<tr>
<td><strong>Total revenue</strong></td>
<td><strong>3,181,842</strong></td>
<td><strong>2,823,723</strong></td>
</tr>
</tbody>
</table>

| Expenditures:        |              |              |
| Salaries             | 1,735,797    | 1,599,959    |
| Contracted services  | 276,617      | 354,164      |
| Other employee benefits | 430,353      | 387,810      |
| Conference facilities and travel | 304,753 | 269,040 |
| Occupancy            | 114,933      | 111,031      |
| Payroll taxes        | 138,314      | 125,431      |
| Printing and publications | 59,921     | 61,490       |
| Office and computer supplies | 71,379     | 67,328       |
| Library and professional dues | 41,154   | 42,085       |
| Postage and shipping | 25,304       | 28,529       |
| Depreciation         | 16,480       | 16,753       |
| Miscellaneous        | 34,645       | 38,294       |
| Telephone and communications | 26,770   | 29,914       |
| General insurance    | 11,914       | 10,291       |
| Equipment rental and maintenance | 14,540 | 13,685 |
| Interest             | 3,710        | 2,422        |
| **Total expenditures** | **3,306,584** | **3,158,226**|

| Change in net assets | (124,742) | (334,503) |
| Net assets, beginning | 950,412 | 1,284,915 |
| Net assets, ending | $ 825,670 | $ 950,412 |

See notes to financial statements.
NEW YORK STATE DEFENDERS ASSOCIATION, INC.
STATEMENTS OF CASH FLOWS
Years Ended December 31, 2015 and 2014

<table>
<thead>
<tr>
<th>CASH FLOWS FROM OPERATING ACTIVITIES</th>
<th>2015</th>
<th>2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>Change in net assets</td>
<td>$(124,742)</td>
<td>$(334,503)</td>
</tr>
<tr>
<td>Adjustments to reconcile change in net assets to net cash provided by (used in) operating activities:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Depreciation</td>
<td>16,480</td>
<td>16,753</td>
</tr>
<tr>
<td>Loss on disposal of assets</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Changes in:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Grant and other receivables</td>
<td>561,604</td>
<td>(1,077,547)</td>
</tr>
<tr>
<td>Prepaid expenses and deposits</td>
<td>(23,349)</td>
<td>(7,278)</td>
</tr>
<tr>
<td>Accounts payable and accrued expenses</td>
<td>(54,190)</td>
<td>37,915</td>
</tr>
<tr>
<td>Accrued salaries and vacation pay</td>
<td>6,448</td>
<td>14,491</td>
</tr>
<tr>
<td>Deferred contract revenue and advances and membership dues</td>
<td>1,735</td>
<td>(69,019)</td>
</tr>
<tr>
<td>Net cash provided by (used in) operating activities</td>
<td>383,986</td>
<td>(1,419,188)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CASH FLOWS FROM INVESTING ACTIVITIES</th>
<th>2015</th>
<th>2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>Purchases of furniture and equipment</td>
<td>(10,037)</td>
<td>(26,861)</td>
</tr>
<tr>
<td>Net cash used in investing activities</td>
<td>(10,037)</td>
<td>(26,861)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>NET INCREASE (DECREASE) IN CASH</th>
<th>2015</th>
<th>2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>Beginning of year</td>
<td>65,980</td>
<td>1,512,029</td>
</tr>
<tr>
<td>End of year</td>
<td>$ 439,929</td>
<td>$ 65,980</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>SUPPLEMENTAL CASH FLOW INFORMATION</th>
<th>2015</th>
<th>2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash paid for interest</td>
<td>$ 3,710</td>
<td>$ 2,422</td>
</tr>
</tbody>
</table>

See notes to financial statements.
NEW YORK STATE DEFENDERS ASSOCIATION, INC.
NOTES TO FINANCIAL STATEMENTS
December 31, 2015 and 2014

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, 2015 and 2014.

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 29, 2016, the date the financial statements were available for issuance.
NEW YORK STATE DEFENDERS ASSOCIATION, INC.
NOTES TO FINANCIAL STATEMENTS
December 31, 2015 and 2014

NOTE 1 — ORGANIZATION AND SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES
(Continued)

Income Tax Positions

The Association recognizes the tax benefit from a tax position only if it is more likely than not that the tax
position will be sustained on examination by taxing authorities based on the technical merits of the
position. 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.

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, 2015 to September 30, 2016. DCJS approved the Center in the amount of $2,089,000 for
funding through March 31, 2016. In addition, the Association's Veterans Project had a budget approved
by Office of General Services (OGS) of $500,000 for the period April 1, 2015 through March 31, 2016.

The Center had a budget of $1,866,750 extending from July 4, 2014 to March 31, 2015. DCJS approved
and funded the Center in the amount of $1,566,750. All funding was received during 2015.

Expenditures associated with these programs were $2,940,322 for the year ended December 31, 2015
($2,584,347 in 2014). Management and general expenditures were $109,913 for the year ended

Expenditures for other programs during 2015 were $256,350 ($354,217 in 2014).

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, 2015 ($750,000 in 2014), and an interest rate of prime plus 1%, with a floor of 4%, which
expires in June 2016. The line is secured by all business assets. As of December 31, 2015 and 2014,
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, 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 $98,453 and $105,953 for 2015 and 2014, respectively. Future annual minimum
rental payments under this lease are $14,484 for 2016.

In October 2015, the Association entered into a lease amendment for office space to extend the
arrangement for an additional five year period, commencing on March 1, 2016 and extending through
February 28, 2021. Future annual minimum rental payments under this lease will be $103,155 for 2016,
NOTE 4 — LEASE OBLIGATION (Continued)

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 was 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 $9,000 in 2015 ($7,500 in 2014). The future payments under this lease are $9,000 for 2016 and $1,500 for 2017, totaling $10,500.

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 $128,957 for 2015 ($113,640 for 2014).

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 appropriation and adjustments if any that may result from such future audits would be immaterial.
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.
Training Events

2015 -

2016