New York State Defenders Association

2021 Report to the Membership
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“I’ve taken advantage of about 70% of the CLEs offered during COVID. I love NYSDA’s CLEs. They are fantastic. I always go to the AD4’s CLEs each year and have attended the yearly ones at RIT. I always learn so much. My membership to NYSDA is really invaluable. As a solo, most of my learning comes from CLEs. There is no question that the NYSDA membership is a steal for the benefits that members receive.

I have also taken advantage of the Veteran’s Defense Program several times. Gary does a great job running that program.

Please know that NYSDA has been integral in my practice, and I am very grateful for the support that you and your staff give to 18-Bs.”

— Assigned Counsel Attorney
Balance in Conflict: Protecting Inviolable Rights, Negotiating Systemic Changes

Traditionally, the figure of Justice holds a double-pan balance-beam scale and wields a double-edged sword. These items illustrate our adversarial system, in which dueling parties offer evidence to be weighed and await a neutral arbiter's decision as to whose case to cut. When representing a client, public defense lawyers must act within the case toward the single goal of furthering the client’s interest. Defenders must place every ounce of legal evidence possible on the client’s side of the scale and take every legal step possible to lighten what weighs against it. No other goal or good—the lawyer’s own advantage, other individuals’ benefits, or societal concerns—can be considered other than as potential tools for furthering the client’s interest.

When defenders act in realms outside the adversarial system, choices get more complicated. Protecting and increasing the ability to provide quality representation to every client, and protecting their inviolable rights, remains the overarching goal. But consideration can be given to wider, or practical, concerns. Defenders engage with local and state legislatures and other government officials on topics from budgets to changes in substantive law and procedures. This can require weighing possibilities, and then sometimes conceding ground or postponing advocacy to another day. It requires a different sort of scale, one that gauges and balances the evidence for multiple goals, swiveling around the central axis of client interests.

In the past year, NYSDA has supported the work of public defense lawyers and the interests of clients both directly and through advocacy for particular and systemic changes. The ongoing COVID-19 pandemic, mercurial shifts in the political and governmental domains, and other complicating factors required both tenacity and flexibility. This report reveals the results: successes, setbacks, and recurrent uncertainties. The Association thanks all those who helped make the successes possible, commiserated and regrouped during the setbacks, and continue to navigate alongside us through uncertainty.

Reform Legislation: Pressing Forward, Facing Pushback

In the legislative arena, while efforts to reduce the injurious effects of structural racism and punitiveness in the criminal legal and family court systems collided with ongoing pushback against achieved reforms from law enforcement and others, new criminal justice reforms were passed and some have already been signed into law. Seeking to educate public officials and the public at large on issues of importance to public defense clients, NYSDA worked with the Chief Defenders Association of New York (CDANY), the New York Association of Criminal Defense Lawyers (NYSACDL), public defense providers around the state, and a range of other advocates. In addition to issuing memos in support or opposition to specific legislation and participating in lobby days focused on major issues including funding for public defense, NYSDA responded to requests for information from legislators and staff as well as the media. The continuing pandemic presented both logistical and substantive complications to this advocacy, but did not quell it, and even presented opportunities for creative advocacy.

MISSION STATEMENT

NYSDA’s mission is to improve the quality and scope of publicly supported legal representation to low-income people.
Legislative Successes

Several laws encompassing reforms in both the criminal and family court systems were signed in December 2020, some in modified form. The Driver’s License Suspension Reform Act (DLSRA) (L 2020, ch 382) constituted a key step in curtailing punishment of poverty and systemic racism. A list of other reform bills that became law in the latter part of 2020 appears in the last issue for that year of NYSDA’s newsletter, the Public Defense Backup Center REPORT. Included are several laws targeting unfairness affecting children and families. For example, L 2020, Ch 321 requires reporting of information concerning youth placed in foster care and L 2020, Ch 329 requires data collection regarding child welfare preventive services authorized by local districts.

Legislative successes during negotiations around the 2021-2022 State Budget included passage of two major bills affecting clients, the Marijuana Regulation and Taxation Act (MRTA) and the HALT Solitary Act, as well as other bills such as one that extended access to Veterans Treatment Courts (VTCs) to counties adjacent to a county with a VTC, and provided voting rights for people on parole. Budget legislation providing cause for celebra-

Message from the Executive Director

Dear Friends,

I am proud to share with you our 2021 Annual Report to the Membership. It has been a year with never-ending twists and turns, but NYSDA’s strong foundation allowed us to redouble our efforts in continuously serving New York State’s public defense community and clients. This report describes some of our many accomplishments since July of 2020.

We started the year with the recognition that what all had hoped would be a short-term health emergency was actually going to be a long-term reality. We acknowledged that some adjustments to criminal and family court procedures were necessary during the height of the pandemic to protect the health and safety of clients and defenders. Even so, we made our position clear that concessions such as virtual arraignments must be temporary. As we said in our November 2020 statement, NYSDA opposes as detrimental for clients the use of virtual/remote communication for holding non-emergency court proceedings deemed critical stages, and for any proceedings absent the consent of the person whose case is being heard.

I am pleased to highlight some good news. This year we celebrated the State’s first step towards providing dedicated funding to family defense. We look forward to working with family defenders, parents, and other advocates to keep the positive momentum going into the future. Well-funded and timely entry of family defense counsel is essential for exposing and fighting the systemic racism that continues to devastate Black families and other families of color, and is key to ensuring high quality representation for all.

While we had reasons to celebrate, we also faced loss. We mourn the death of longtime NYSDA staff member Dawn Allert, who passed away in January 2021. At NYSDA, Dawn worked with our membership and kept our database of contacts organized and up to date. Outside of the office, she lovingly dedicated herself to her family and community. She is greatly missed.

We appreciate the memberships and donations reflected in this report, and the many other ways that people have supported our services during this extremely challenging year. Your support helped us to provide updates and resources necessary for keeping the public defense community connected. I hope that the work described here inspires you to write a testimonial, sharing with us the ways that our staff members have helped you; follow us on Twitter or Facebook and share our posts; and encourage others to join the Association. We look forward to collaborating with you, in the coming year and beyond, to advance our mission of improving the quality of public defense representation.

Thank you!

Susan C. Bryant
tion was the legislative restoration of amounts cut by the Executive for NYSDA and several other public defense programs, and the first-ever appropriation of state funds to the Indigent Legal Services (ILS) Office for the specific purpose of improving the quality of mandated representation for parents in family proceedings. While that $2.5 million was only half of the modest amount requested, having the State recognize the need to fund family court representation was a great success. NYSDA provided budget testimony and actively lobbied for maintenance of public defense funding during the uncertain financial period in which State budget negotiations occurred. A summary of relevant legislative budget actions was published in the May 10, 2021, edition of News Picks from NYSDA Staff. The June 21st edition of News Picks highlighted information on additional legislation important to the public defense community.

Thanks primarily to the long-standing work of It Could Happen To You, the Governor signed into law amendments to the statute creating a Prosecutorial Conduct Commission (L 2021, ch 153). The Commission, created by the Legislature in 2018 but not yet set up, will review complaints of prosecutorial misconduct.

Many bills passed in 2021 are still awaiting action by the Governor as of the end of June. NYSDA led the campaign to pass the Justice Equity Act (Qualified Agency bill) to give public defense providers direct access to their clients’ criminal history reports (S7073/A7729). The importance of this bill, passage of which NYSDA has urged for decades, has grown; as Assembly Majority Leader Crystal Peoples-Stokes said, it will provide defense lawyers “with an important instrument to enhance justice and improve efficiency” and “is a key tool to confirm expunged marijuana convictions under the MRTA law, and long overdue.” Another important bill is the Less Is More Act (S1144-A/A5576-A), to prevent people on parole from being sent back to prison for technical violations. Other much-needed legislation is the Preserving Family Bonds Act, (S6357/A6700) providing judges the discretion to order contact between children and their parents, post termination of parental rights, if the judge determines it to be in the best interests of the child(ren). Three bills relating to appellate and post-conviction practice that would benefit clients if signed are: S1279/A5689, which would streamline the assignment of appellate counsel; S674/A459, which would change provisions on vacating convictions to strengthen protections for people who were victims of human trafficking and were convicted of a range of offenses that were a result of the trafficking; and S1217/A2653, which would allow courts to vacate judgments based on ineffective assistance of counsel in certain cases in which motions to vacate would otherwise have to be denied.

NYSDA thanks Senate Majority Leader Andrea Stewart-Cousins, Assembly Speaker Carl Heastie, Majority Leader Crystal Peoples-Stokes, Senator Jamaal Bailey, Assemblymember Jeffrey Dinowitz, and the many legislators who supported bills vital to public defense and justice this session.

More Work to Do

Unfortunately, several bills did not pass. These included the Fair and Timely Parole Act (S1415-A/A4231-A) and Elder Parole Act (S15/A3475), as well as a bill (S5484) designed to protect the rights of parents and care givers who are the subject of a child protective services (CPS) investigation. The latter would require CPS to advise these parties of
their rights both in writing and orally at the time the investigation starts. This session saw no increase in the statutory compensation rates for assigned counsel lawyers, despite strong urging from NYSDA and many others, including the New York State Bar Association. NYSDA will continue to push for an increase, including a mechanism for periodic adjustments to avoid the 17-year-gaps between increases that have become the norm. Also not passed was the much-anticipated Clean Slate Act (S1553B/A6399-A), an expungement/sealing bill intended to ameliorate the draconian and continuing effects of criminal convictions long after the imposed sentences have been served. NYSDA anticipates working with its many partners in future efforts to secure passage of these and other needed changes.

Work also continues on the implementation and preservation of past reforms, such as the bail and discovery reforms of 2019. Those laws are still being targeted rather than honored by some police, prosecutors, politicians, and press; NYSDA and other supporters of public defense and justice continue to counter misinformation.

Because legislative change is not self-executing, helping ensure that public defense clients benefit from reform legislation will be a large part of NYSDA’s upcoming work, just as implementation loomed large in NYSDA’s day-to-day work in the past year. Most of the services described below—continuing legal education (CLE) sessions; website updates; publications; and direct defender services—encompassed informing lawyers and others about the mechanics and possible effects of such laws, and defense strategies for maximizing their positive effects.

**Domestic Violence Survivors Justice Act Attorney Support Project Launched**

A law signed in May 2019 to assist survivors of domestic violence who become entangled in the criminal justice system sparked CLE training at that year’s annual conference and in following NYSDA events. The Association continues to participate in a Statewide Task Force dealing with this law, the Domestic Violence Survivors Justice Act (DVSJA). As announced in January, NYSDA launched a new DVSJA Attorney Support Project this year with the support of the Task Force and Brooklyn Law School’s Survivors Justice Project. Lawyers working on DVSJA cases can contact Senior Staff Attorney Stephanie J. Batcheller for assistance, and may be referred to other attorneys who have developed experience litigating these cases. Stephanie plays a key role in planning NYSDA’s CLE trainings, not limited to those on DVSJA.

**CLE: Covering It All, from New Legislation to Old Law**

Providing high-quality, affordable continuing legal education (CLE) training relevant to the work of public defenders is a definitive part of NYSDA’s work. In the past year, a balanced menu of topics was provided so that all defense lawyers representing clients in family court, criminal court, parole proceedings, and other venues could find training to suit their needs and support them as they navigate—and shape—not only the law but also sociopolitical changes in the legal system. All training was done online, offering both safety and expanded access. The highly-regarded Basic Trial Skills Program (BTSP), an intense, hands-on train-
ing dependent on in-person interactions, remained on hiatus due to COVID-19. NYSDA is planning for the return of the BTSP in June 2022.

“I believe the effort to have presenters who were diverse and inclusive made a difference to the seminar and should continue.”
—Attendee at 2020 Annual Conference

In July 2020, NYSDA dedicated its 53rd Annual Meeting and Conference to former Executive Director and Managing Attorney, Charles F. O’Brien, who had died just months before. Surely Charlie would have been pleased at both the quality of the program and the number of people attending, more than could have occupied the always-crowded ballroom of the Gideon Putnam in Saratoga Springs, the much-missed site of so many past events. Like the March 2021 Metropolitan Trainer and the full slate of training events throughout the year, the Annual Conference reflected NYSDA’s continuing commitment to expose and end racism, promote client-centered representation, and provide keen insights about new and entrenched issues facing public defenders.

“I really loved that the panel included someone with lived experience that could speak directly to her experiences going through the DVSJA process. Thank you for a wonderful training!”
—Attendee at “I Just Got Assigned to a DVSJA Resentencing Application—What Do I Do Now?”

Ongoing and new issues arising from the 2019 reforms to New York’s bail and discovery laws were covered during the year, sometimes digging deep into narrow but important aspects of these crucial statutes. For example, a training entitled “Focus on FOIL: The Interplay between Article 245 Discovery and the Repeal of CVR 50-a” provided 150 lawyers with information about getting police disciplinary
records vital to effective cross-examination of arresting officers who have a history of racism or misconduct, as well as other information. Another training helped lawyers understand the sometimes unclear application of periodic Executive Orders related to the suspension of deadlines such as those in CPL 30.30, the so-called speedy trial statute that was amended as part of discovery reform. As for newer reforms noted in the discussion about legislation above, NYSDA presented training on MRTA basics—an introduction to the new legal landscape surrounding marijuana—and on the DLSRA, the statute to ensure that people no longer lose their driver’s license just because they are unable to afford to pay a traffic fine. Training was also offered on representation of domestic violence survivors under the DVSJA. And while efforts to secure legislative reform of parole law continued, NYSDA sponsored a CLE training on current representation of people in those proceedings where a right to counsel exists.

Targeted training included a series of “Learning at Lunch” events presented by NYSDA’s Veterans Defense Program (VDP), focused on the unique aspects of representing clients who are or have been in the military. Lawyers with no military background were offered basic advice on approaching new clients, including “don’t try to use military jargon unless you really understand what you are saying, and even then sparingly,” and develop the ability to make clear to the court and prosecutor the military culture that shaped and influenced the client. In-depth, specific information was provided, from the military impact of civilian cases to “PTSD, TBI and Suicide Within the Veteran Community.”

Family defenders had many NYSDA CLEs to choose from, balanced among appellate training and trial level skills trainings, stand-alone events and sessions at joint criminal/family defender programs, and a variety of specific topics. Lawyers representing clients in family or criminal cases who have other than U.S. citizenship also received NYSDA CLE credits, some from trainings co-sponsored with a Regional Immigration Assistance Center (RIAC).

At a more systemic level, NYSDA co-sponsored with ILS a series of trainings on “Understanding the Standards for Assignment of Counsel in Criminal and Family Court Mandated Representation Cases.” While held virtually, these events were divided by judicial district so that county and district differences in how eligibility determinations are currently made could be discussed in the context of the ILS standards, recently updated to include parental representation and available on the ILS website. Intended “to ensure equitable, efficient, and fair implementation of the statutory and constitutionally guaranteed right to counsel” in designated criminal and family court proceedings, these standards provide guidance for judges and an advocacy tool.

“I learned so much from Gary’s CLEs. He explained military culture, the different ranks, how to express gratitude to veterans. Having that knowledge has helped me in my interactions with my clients ....”

—Quote in VDP 2020 Annual Report

“A lot of thought provoking information. Also good (?) to know certain problems in the system are statewide and not confined to one place—we aren’t alone in the struggle.”

—Attendee at “Family Court Practical Skills (Part 2)”
for all who seek to rectify ongoing inequities in the availability of representation across the state.

NYSDA thanks the many lawyers and offices who generously shared their expertise through presentations and materials at many of the over 50 training events, and scores of sessions, presented or co-sponsored in the last year. Special thanks go to The Bronx Defenders and the RIACs in Western New York, Long Island, and Albany. Thanks are also due to the NYSDA staff handling the many details involved, including Training Manager and Operations Specialist Megan (Meegan) O’Toole and Program Assistant K.J. Also, Business Manager Joel Rosenberg’s duties to manage and direct NYSDA’s financial and human resources programs cover CLE financial matters and much more.

**Family Public Defense Project Receives Grant for Anti-Racist Training**

In February, The New York Bar Foundation (TNYBF) awarded to NYSDA, in the last year of a three-year grant cycle, a final grant for the Family Public Defense Project. Two earlier grants helped NYSDA conduct an in-person statewide convening of family defenders and a survey of even more such providers to determine their greatest needs and the barriers they encounter when striving to provide quality representation. This final TNYBF grant will help NYSDA present statewide trainings for family public defense practitioners, focused on the pervasive problem of racism and social injustice in the family court system (particularly in the family regulatory system). NYSDA greatly appreciates TNYBF’s recognition of systemic injustice—the Foundation adopted a call to action on Racial Justice and the Rule of Law in 2020—and its assistance to NYSDA for trainings intended to advance anti-racism work.

NYSDA’s Organizing Coordinator, Anne Rabe, helped secure this grant. She also conducts fundraising and communication outreach for the VDP and works with NYSDA’s lobbyists from the firm of Malkin and Ross on justice advocacy.

**Connecting Digitally: The Balance Between Overload and Overlooking Vital Knowledge**

NYSDA shifted readily to working virtually in the pandemic, as noted in the 2020 Annual Report to the Membership; many of its services were already partially or fully provided via phone, email, or online. As remote work continued, Director of Information Technology Dave Austin continued to keep NYSDA connected internally and to the world, confronting the challenges posed by high usage of equipment, normal maintenance needs, and escalating cyber threats. Thanks for your work, Dave!

The in-house information clearinghouse at the Backup Center, while containing a wealth of “legacy” print materials from the early decades of public defense, had become increasingly operated by means of electronic storage and dissemination before COVID-19 struck. Coupled with a broad online research capability, this digital clearinghouse supplies NYSDA a wealth of materials on new or unusual issues. Legal Research Librarian Rebecca Murphy adds to the clearinghouse almost daily. Becky also provides updates and assistance to the legal staff and plays a key role in the production of the electronic newsletter described below.

The staff also circulate, among themselves, information gained from discussions with defenders who contact the Backup Center—like those who shared ways to seek release of clients endangered by COVID-19—and other sources. All this information is available during preparation of NYSDA’s various publications and provision of services, in which information is distilled to help busy defenders avoid information overload while remaining up to date.
News Picks: A Key Resource During the Pandemic and Beyond

News Picks from NYSDA Staff, an electronic newsletter that debuted nearly a decade ago, provided a key vehicle for delivering news about rapid legal changes and challenges due to the pandemic throughout the last 12 months. That coverage began with items in the July 1, 2020, edition about court screening protocols, case backlogs, concern about termination of parental rights filings, a national statement about use of virtual court technology, conducting investigative fieldwork during the pandemic, and passage of a law permitting “the use of audio-visual appearances for hearings on felony complaints during the COVID-19 disaster emergency.” The edition prepared in the waning days of the period covered by this Annual Report included an item announcing the June 25, 2021, end of the state of emergency. In between, News Picks provided information on what activities were happening virtually and what could be conducted in person as the COVID-19 pandemic waxed and waned. Concerns about temporary all-virtual practices becoming permanent were aired, as were concerns about a rushed return to in-person proceedings and how pandemic precautions could affect clients’ rights. The intertwined effects of COVID-19 and racism in prisons and jails and in family law cases, and the lack of access to free and affordable technology, along with the impact on mental health, were also addressed.

So were developments about the new laws and proposed legislation discussed above, and many other time-sensitive issues. Each edition of News Picks is posted on the website as soon as it has been sent to members.

Public Defense Backup Center REPORT: Time for a Reset?

The increased content of News Picks editions as Backup Center staff focused on quick presentation of fast-breaking news significantly cut into preparation of NYSDA’s print newsletter, the Public Defense Backup Center REPORT. A service to members, including those who are incarcerated, the REPORT has long featured summaries of appellate decisions along with a range of substantive legal information; it is posted on the website upon completion. Changes in reading habits, in access to digital information and rules regarding print material in carceral facilities, and in cost and methods of producing the REPORT have sparked examination of how best to deliver the important content going forward. NYSDA is aware that the REPORT has long been a favored benefit of membership. The Editor, Senior Staff Attorney Mardi Crawford, welcomes suggestions: email her at mcrawfor@nysda.org. Past issues of the REPORT are available on the website.

www.nysda.com: Don’t Miss Those Drop-Down Menu Items!

To address the many changes and crises exploding in public defense work in the past year, NYSDA pushed the limits of its website by adding more and more items to the drop-down Resources menu list. Pages mentioned in the last Annual Report—Bail Reform Implementation, Discovery Reform Implementation, and Coronavirus 2020 Defender Resources (which contains further drop-downs)—have been joined by a Racial Justice and Equity page, a section on Law Enforcement Resources, and more.
Not new, but still vital, portions of the website include the NY Statewide Public Defense Training Calendar, the Jobs and NYSDA Jobs and Internships pages, and the links to NYSDA publications and information noted above. People who support NYSDA’s mission can join or renew their membership in the Association on the website or see page 33.

“As a new member of NYSDA, I received my first Report this morning. While I haven’t made it through the entire publication yet, I must tell you how impressed with the quality. In my 28 years as a County Court Judge I can’t remember receiving a better update. I already picked up information and suggestions that will be put to use immediately. Well done!”

—Attorney

Direct Defender Services: Continuing Remote Assistance

For four decades the Backup Center has provided assistance to public defense lawyers across the state, a particularly valuable service for assigned counsel lawyers isolated in solo offices in rural counties. Long gone are the days when phones and the Postal Service—or the then-latest technology, fax machines—were the only means for those lawyers to reach NYSDA for help. Now, emails and a web contact form provide alternatives to voicemail; lawyers can submit their requests for help, and obtain responses from the Backup Center or VDP legal staff, from anywhere via smartphones. And NYSDA continues to provide membership services by phone and mail.

Meeting Digitally: Sharing Information, Dodging Zoom Fatigue

NYSDA’s traditional in-person convenings of Chief Defenders from around the state were replaced this year with Zoom meetings in July and December 2020. Another, focused on pandemic-related suspension of jury trials and grand juries, was held in November. In September, NYSDA organized a meeting where Chiefs and other defenders who were working on local committees formed in response to Executive Order 203 (New York Police Reform and Reinvention Collaborative) had the chance to discuss law enforcement policies with staff from the New York Civil Liberties Union.

Through such convenings, and other regional meetings and meetings of defenders who represent children in Raise the Age cases, NYSDA helped public defenders share information and questions about—and beyond—issues relating to the continuing COVID-19 outbreak that was confining them to home offices.

“I just have to circle back with you on this and let you know what an amazing outcome all of your help will have for my client. … I was able to make an extensive … argument when we were in court that was supported by the case law that you sent me. The Judge was completely on board and blasted the People. … Now they have asked me what my client will take … !!!! My client is so happy!!!”

—Attorney after receiving Direct Defender Services

Family Court Staff Attorney Kimberly Bode facilitated virtual discussions among upstate providers of parental representation about their training needs in late 2020 and another among family defenders from the Fifth, Sixth, Seventh, and Eighth judicial districts to discuss common problems and suggestions in February. She also convened a virtual discussion among other NYSDA legal staff and staff
from The Bronx Defenders Family Defense Practice about “Early Representation in Child Welfare Cases” in March. That served as preparation for a virtual discussion of the same topic with members of institutional defender offices in the region from Albany south that provide parental representation.

While committed to getting defenders “together” during the pandemic lockdown and its gradual easing, NYSDA also recognized the danger of digital meeting overload from seeing too many faces in too many squares for too long. The many collaborative efforts mentioned in this report, plus many others such as the Third Annual Public Defender Career Fair co-sponsored with CDANY and Buffalo Law School via Zoom in October, required virtual communication. So did internal discussions, whether full staff meetings or gatherings of various units within the office. So, not every proposed meeting was held. In some informal meetings, the appearance of pets and children was encouraged to break meeting monotony.

Appointment of New Deputy Director Announced in Staff Zoom

No monotony threatened the last staff meeting in June 2021, as that is when Executive Director Susan C. Bryant announced that she had appointed Staff Attorney Natalie Brocklebank as NYSDA’s Deputy Director. Natalie came to NYSDA with broad public defense experience—her first legal career position was in the nationally-known Public Defender Service (PDS) for the District of Columbia, and she served as a PDS partnership lawyer on rotation to New Orleans in the aftermath of Hurricane Katrina. Later, she was an Attorney and Investigations Supervisor at The Bronx Defenders, having been a defense investigator for a firm in DC before she became a lawyer. She graduated from the University of the District of Columbia David A. Clarke School of Law. Prior to joining NYSDA in 2019, Natalie had worked at ILS as Assistant Counsel on the Statewide Team. She also knows first-hand the challenges private attorneys face, having been in practice in New Orleans and in Saratoga County here in New York.

This appointment is very welcome news, both because of Natalie’s qualifications and because she can take on some of the work that Susan has carried on alone for far too long, under extremely difficult circumstances. The able help of Executive Assistant Diane DuBois will continue, and a search for a new Staff Attorney has begun. The Association, its Board and membership, NYSDA’s partners in advocacy, public defense lawyers across the state, and their clients can all find much to celebrate in this news. Congratulations, Natalie!

Executive Director Makes Time to Intervene for Clients Out in the Cold

Despite having duties once shared among three positions, Susan made time to respond personally when a defender in her home county sought help to end pandemic procedures in a local court that were literally forcing people to wait outside without shelter in early-winter weather. Schenectady County Conflict Defender Tracey Chance contacted NYSDA
after her initial complaints brought no relief for clients in Rotterdam Town Court suffering due to social distancing protocols allowing only four individuals inside at a time. Susan made a site visit during a cold rain and tweeted her observations. The Albany Times Union reported on it, and a change in court location was soon made that provided people awaiting their time in court safety not only from COVID-19 but also the elements.

A Sad Virtual Goodbye: Dawn Allert

Safety precautions have been observed at NYSDA throughout the pandemic. But the office could not protect staff away from work. On Jan. 20, 2021, long-time NYSDA staff member Dawn Allert died after contracting the novel coronavirus. She had been a NYSDA employee since 1994, and was, at the time of her death, the Senior Contact Manager. Dawn managed and supported the membership program and interacted with vendors to ensure publications were produced and delivered, as well maintaining the list of Chief Defenders and other internal information. Responses received at NYSDA after her passing reflected the positive contacts she had made: “She was always very friendly and a pleasure to work with”; “Dawn was always lovely. Always. … We had so many interactions and she was always so kind and fun”; and “I too have fond memories of being assisted by Dawn over the years. She was obviously a caring and dedicated professional committed to the work. A true loss.” Calling hours and services were virtual, exemplifying the era. Her obituary reflected the centrality of family in Dawn’s life and their effort to use her death to protect others: “Dawn’s family asks that in her honor please, stay safe and wear a mask!”

PDCMS: Assisting Programs with Their Most Pressing Needs, and Moving to the Cloud

NYSDA’s most expansive form of technical assistance to public defense programs has become ever-more digital. The Public Defense Case Management System (PDCMS) team continued in the last year to focus on assisting user sites with their most pressing needs. The software, specifically designed for public defense programs in New York State, has long helped programs identify conflicts of interest early, ensure that deadlines and court appearances are not missed, track workload to help with planning and budget requests, and meet reporting requirements such as those mandated by the Indigent Legal Services (ILS) Office. In addition to adding new functionality to capture additional information requested in the ILS-195 Reports, the PDCMS team worked individually with each site to ensure the data collected was as accurate as possible.

PDCMS will also soon help defenders manage increased discovery materials. The new DocManagerPro module has been beta tested in the field and the PDCMS team spent time working with PDCMS sites to determine their most significant needs in more efficiently managing the mountains of discovery materials they’re receiving. The team is investigating options to add content management and other enhancements to the PDCMS. That new functionality is being developed and will be available to be rolled out soon.

The PDCMS team worked hard at adding customized functionality for many of our PDCMS sites to accommodate their specific needs and rolling out recent new features such as the ability to send reminder text/email messages to clients. And the PDCMS was installed in several new sites, bringing the current number of offices to 90. Additionally, new screens are being designed and developed for the PDCMSCloud version and the infrastructure has been established to allow the
The current version of the PDCMS to be accessed in the cloud.

The PDCMS team consists of Darlene Dollard, Director of Software Development; Mike Mayer, Systems Administrator; and Dandre Wheeler and Asaph Ko, Information Systems Specialists. They’ve been working closely with developer Marcos Leite from RioApps, Inc. and look forward to the next phase—moving eager PDCMS sites to the cloud.

**VDP: Pandemic Underscored Need to Assist Veterans in Criminal and Family Courts**

NYSDA’s Veterans Defense Program (VDP) provided much needed services to veterans and defense counsel, despite the pandemic and a financial crisis. As difficult as the pandemic was for everyone, justice-involved veterans suffering from Post-Traumatic Stress Disorder (PTSD), Traumatic Brain Injury (TBI) and Clinical Depression were especially hard hit. The pandemic caused shut downs of some federal veteran programs and the criminal courts, resulting in unprecedented delays in the disposition of cases. These delays all contrived to exponentially intensify anxiety among veterans involved in the justice system.

In 2020, the VDP provided legal and technical assistance, and peer-to-peer mentoring to 316 veterans, helped hundreds of veterans to be diverted into treatment and probation, and reached over 1800 people through legal trainings, education and outreach. In the cases in which the VDP provided assistance, it identified PTSD in 44% of veteran cases; mental health issues, such as depression and anxiety, in 34% of cases; and military sexual trauma in
7% of veteran cases. Director Gary Horton leads the VDP team, which is currently comprised of Deputy Director Roy Diehl, Program Coordinator Dee Quinn Miller, Staff Attorney Blair Hill, and Case Managers Michael White, Juan Sosa, and Richard Henry.

A Marine Corps veteran said “Courts judged me by my race, gender and potential earning to the point I could no longer afford legal help and life’s necessities. The VDP has always had my back, and has never let me down or left me alone...[T]his program [is] a beacon in a confusing world for vets.”

**Restorative Practice: Addressing Harm Non-adversarially**

While NYSDA primarily assists attorneys assigned to represent clients within the adversarial system, NYSDA encourages diversion of such clients out of the system whenever possible, and challenges punitive, bias-ridden structures within the existing system that fuel continuing over-incarceration and needless destruction of families. Restorative Practitioner John Cutro, who has long worked with school districts to expand knowledge about restorative practice and encourage use of restorative circles, provides information and insight to NYSDA staff about alternatives to traditional court proceedings.

**Conclusion: Weighing Concerns, Keeping Clients at the Core**

The spread of COVID-19, as it created catastrophe worldwide, illuminated racial and economic disparities and up-ended daily routines in all realms from the personal to the legal; it also sparked innovations for coping. The pandemic affected every aspect of NYSDA’s work, but as this report reflects, it did not stop that work nor turn the Association aside from its mission.

Concerns about the physical health of individuals and communities vied with due process concerns during the now-ended state of emergency. Other, similarly competing concerns are now arising in debates about which pre-pandemic procedures to reinstate and what new ones to keep or create. And older issues that were temporarily sidelined in the COVID-19 crisis must now be faced: basic questions about public defense structures; ongoing questions like how to secure full funding for family defense and sufficient assigned counsel compensation; questions of equity and effectiveness in public safety; and so many more. NYSDA will be engaging on a panoply of issues in the next year, studying them and then taking action, with the interest of clients always at the core. ☺
Photo Captions

Cover: The classic scales of justice, often used to depict the adversarial system at its best and incorporated into NYSDA’s logo, can’t balance all the factors to be weighed in making policy and advocacy decisions outside the courtroom; a more complicated model for that work is envisioned here.

Page 3: Aimee Carlisle from The Bronx Defenders Legal Department, presenting at a CLE program, “Focus on FOIL: The Interplay Between Article 245 Discovery and the Repeal of CVR 50-a.”

Page 6: Jessica Horan-Block from The Bronx Defenders Family Defense Practice, presenting at a CLE program, “Family Court Practical Skills.”

Page 8: Patrice Smith, Resident Supervisor for the Exodus Transitional Community’s Rikers Release Team and a formerly incarcerated person; Kate Mogulescu, of the Survivor’s Justice Project, Brooklyn Law School; and Alan Rosenthal, attorney, Syracuse, NY, presenting at a CLE program on the Domestic Violence Survivors’ Justice Act.


Page 10: (top) Beryl C.D. Lipton, then-Senior Reporter, MuckRock, presenting during the CLE program “Focus on FOIL: The Interplay Between Article 245 Discovery and the Repeal of CVR 50-a.” (bottom) Natalie Brocklebank, who became NYSDA’s Deputy Director in June 2021.

Page 11: Dawn Allert (1950-2021), who was NYSDA’s Senior Contact Manager, seen at the Backup Center in 2015.

Page 17: Fireworks over the Egg at the Empire State Plaza in Albany during a past Fourth of July “stand in” for displays across the state in mid-June, announced to celebrate the lifting of most COVID-19 restrictions and honor first responders. NYSDA’s offices are just blocks away from the Plaza and state government offices.

Page 19: Peter J. DiGiorgio, Jr., private attorney in Utica, NY, and Kim Taylor, Administrator of the Assigned Counsel Program for the Fourth Department, presenting at a CLE program, “Assigned Counsel Appeals Training: Criminal Appeals” co-sponsored with the Appellate Division, Fourth Department.

Page 20: Sidney Thaxter, head of The Bronx Defenders Digital Forensic Unit; Christian Lassiter, Assistant Federal Public Defender, District of Maryland; and Phillip C. Hamilton of Hamilton|Clarke, LLP, presenting during a CLE program, “Attacking Historical Cell Site Analysis—Demystifying the ‘Science’ of Cell Phone Tracking.”

Page 23: Scott Levy and Ranit Patel of The Bronx Defenders, presenting at a CLE program “Introducing the New Driver’s License Suspension Reform Act.”

Page 24: Jill Paperno, First Assistant Public Defender, Monroe County Public Defender’s Office, presenting at a CLE program on “Defective Accusatories,” part of “Spring Fling Lunch and Learn.”

Page 27: Cory Morris, private attorney in Suffolk County, presenting at a CLE program focused on the Freedom of Information Law and discovery issues.

Page 28: David Brotherton, Professor at John Jay College of Criminal Justice, presenting during a CLE program, “Criminal Defense with Cultural Competence: Working with Clients from the Northern Triangle,” co-sponsored with the Long Island Regional Immigration Assistance Center.


Page 30: Erik Teifke, of the Monroe County Public Defender’s Office, presenting at a CLE program on “710.30 Preclusions & Suppressions,” part of “Spring Fling Lunch and Learn.”
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By joining NYSDA and by donating to its work, individuals and organizations further the Association’s mission. As set out in the body of this report, NYSDA’s work benefits public defense lawyers, clients, and all who value justice. Many thanks to everyone who joined, donated, or did both in the last year as noted below! Such support strengthens NYSDA’s advocacy efforts and helps secure funding from the State and grant-makers. Individuals and offices who provide pro bono training presentations and other in-kind support also help further the mission.

The Association also thanks the Legislature and the Governor for the funding that made possible much of the work described in this report. NYSDA has received state funding for the Backup Center since 1981, and for the Veterans Defense Program since 2015. The services provided with this funding help the State meet its constitutional responsibilities and assist localities in stretching local and state dollars.

It’s easy to support NYSDA! Membership and donation forms are available at pages 33 and 35 of this report. Or go to the website, www.nysda.org.

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The applicant’s status or purpose is irrelevant to the availability of records pursuant to FOIL. Gomez v. Fischer, 74 A.D.3d 1399, 1401, 902 N.Y.S.2d 212, 215 (3d Dep’t 2010) (citations omitted).


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2. PATHOLOGIES AND STEREOTYPES

- “Dangerous classes” learned by upper classes
- Gangs associated with the SCs
- Media always presented pathological images and stereotypes
- Early crime/violence data based on white stereotypes
- Pathologized different groups, e.g., Irish, Poles, Italians etc.
- 20s and 30s crime stats mainly about whites reduced pathology
- Replaced by emphasis on Black crime and violence

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Sarah C. Schellinger
Jeffrey V. Scherer
Arthur P. Scheuermann
Charles A. Schiano, Sr.
Michael P. Schiano
Justin Schifano
Eric K. Schilling
Russell A. Schindler
Craig P. Schlanger
Dennis B. Schlenker
Deborah Schneer
Mark Schneider
Ann Schober
Andrea J. Schoeneman
Gary Schoer
David C. Schopp
Kurt D. Schrader
Oscar Schreiber
Lisa Schreibersdorf
Claudia S. Schultz
Edmund J. Schupp
Victor Schurr
Peter Schuyler
Louis David Schwartz
Michael Schwartz
Nathan Schwartzman
Lawrence M. Schwegler
John E. Schwenkler
Madeline M. Sciammarella
Raymond P. Sciarra
Rashad Scott
Lorraine A. Seager
Andre Sedlak
Dennis P. Sedor
Sarah M. Seese
Eric A. Seiff
Maurice H. Sercarz
Artan Serjanj
Steven D. Sessler
Lance Sessoms
Brandy Shafer
Taramanie Shakur
Laurie Shanks
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Sabina Shapiro
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Ryan R. Sharpe
Marc S. Shatkin
Adam J. Shatzkes
Irwin Shaw
Kristine M. Shaw
Lori Shawver
Megan Elizabeth Shay
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Steven J. Sherlock
Jay C. Sherman
Richard J. Sherwood
Brian Shiffrin
Eric S. Shiller
Michael J. Shultes
Stephan Jacob Siegel
John S. Siffert
Kristopher M. Sigeti
Stephen M. Signore
Walter P. Signorelli
Teodoro X. Siguenza
David K. Silverberg
Calvin J. Simons
Murray E. Singer
Randy I. Siper
Peter C. Sipperly
Richard A. Siracusa
Gary R. Skuse
Daniel R. Slade
Todd Hunter Sloan
Mark S. Smalec
Ariel A. Smallwood
Alex Smith
Benjamin Smith
David S. Smith
Melvin Smith
Nevin J. Smith
Peter E. Smith
Raymond F. Smith
Tarsha C. Smith
Todd M. Smith
Trey Smith
Wayne P. Smith
Willie Smith
James G. Snyder
Kristin M. Snyder
Tina K. Sodhi
Vincenzo S. Sofia
Rebekah B. Sokol
Jay Solow
Eric Solstein
Janet Somes
Victoria A. Soracco
Bernard Sorrentino
Thomas G. Soucia
Vincent Southland
Thomas J. Spargo
James M. Speckal
Meaghan E. Speedling
John D. Spencer
Magdalena Hale Spencer
Daniel C. Speranza
John F. Speranza
David M. Sperling
Kevin W. Spiter
Richard Cary Spivack
Thomas M. Splain
Lauren Springer  
Raymond D. Sprowls  
David J. Squirrell  
**Evan Staats**  
Michael J. Stachowski  
Kevin M. Stadelmaier  
Maria Stamatelatos  
Theoni Stamos-Salotto  
Tucker C. Stanclift  
Lauren Steil  
**David L. Steinberg**  
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Russell Stetler  
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Ann Flower Stitt  
Andrew B. Stoll  
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Ummey Tabassum  
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Samuel M. Tamburo  
Martin H. Tankleff  
Daniel J. Tarantino  
John N. Tasolides  
Richard Taus  
Tiffany Tavers  
Amy M. Taylor  
Brian Nelson Tedd  
Julia Tedesco  
Stanley J. Teich  
George A. Terezakis  
Joseph J. Terranova  
Marcea Clark Tetamore  
Nicholas T. Texido  
Areeba Thakir  
Thomas Theophilos  
Pamela Thibodeau  
Donald M. Thompson  
Christopher D. Thorpe  
Christine Tramontano  
Sara Treumann  
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Nhi Kha Truong  
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Joseph P. Turner  
Lucy E. Turner  
Robert P. Turner  
Scott Turner  
Denis J. Uminski  
Paul J. Vacca, Jr.  
Tviesha Vachhrajani  
Elena C. Vaida  
Ronald C. Valentine  
Diomedes Valenzuela  
Alexandra Valicenti  
Gerald Stout  
Alisa K. Strauss  
Jonathan B. Stroble  
Lawrence G. Stuart  
Mackenzie M. Stutzman  
Samuel J. Sugar  
Danyell Sugg  
Avery Sullivan  
**Donna M. Sullivan**  
Garnett H. Sullivan  
Gregory Sullivan  
Theresa M. Stuozi  
Manford Benjamin Susman  
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David H. Swyer  
Lawrence R. Sykes  
Celia Szczur  
Ronald J. Tabak  
Jimmy Lippert Thyden  
Mara Timourian  
**Susan V. Tipograph**  
David Tobias  
John F. Tobin  
**David P. Todaro**  
Natali J. H. Todd  
**John Tollever**  
Heather A. Tomes  
Nelson S. Torre  
Delrease Tota-Neal  
David Touger  
Eugene D. Toussaint  
Brian K. Towey  
Rebecca Town  
Bruce D. Townsend  
Margaret Trainor  
Tara L. Trammell  
Daniel R. Vallely  
Morton Van Allen  
Jennifer L. Van Ort  
Andrew VanBuren  
Jamie VanDenburgh  
Magdalena Varela-Hand  
Manuel D. Vargas  
Rafael Vargas  
Chad Vazquez  
John J. Ventosa  
Catharine M. Venzon  
**Richard Vercollone**  
Vincent Verdi  
Kristen A. Verrino  
**Joseph Vidal**  
Kelly D. Vidur  
Onino Viengkham  
Laura E. Vincenzi  

§ 710.20 MOTION TO SUPPRESS EVIDENCE: IN GENERAL: GROUNDS FOR

Upenn motion of a defendant who(a) is aggrieved by unlawful or improper acquisition of evidence and has reasonable cause to believe that such may be offered against him in a criminal action or (b) claims that improper identification testimony may be offered against him in a criminal action, a court may, under circumstances prescribed in this article, order that such evidence be suppressed or excluded upon the ground that it:

[3] Contains a record or potential testimony setting or describing a statement of such defendant involuntarily made, within the meaning of section 80.45;
Michael C. Viscosi
Y. Andre Vital
Richard Vladimir
Jeffrey F. Voelkl
Donald H. Vogelman
Jacob A. Vredenburgh
Amanda Wadsworth
Bruce Wagner
Victoria Wagnerman
Matthew Waite
Cara A. Waldman
Margaret M. Walker
Ryan Robert Walker
Stanley G. Walker
Kimberley F. Wallace
Raymond Wallace
Sherry Levin Wallach
John S. Wallenstein
Kevin Walsh
Kimberly A. Prince Walsh
Ronald T. Walsh
Robert A. Walters
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Daniel J. Ward
Patricia Warth
Jeffrey S. Wasserman
Nick Watson
Calvin D. Weaver
Paul N. Weber, Jr.
Diane T. Webster
Diane Webster-Brady
Cappy Weiner
Johnathan E. Weinrich
Reilly Weinstein
David B. Weisfuse
Barry F. Weiss
Marsha Weissman
Jamie B. Welch
Samuel Welch
Zachary T. Wentworth
Crystal Wentz
David A. Werber
Percy West
Anthony Westbrook
Ashley Rae Westbrook
Eric T. Weyand
Candice A. Whatley
Elsun Wheeler
John M. Whelden
Bradford White
Robert J. White, Jr.
Samantha I. V. White
Brian J. Whitney
Daniel C. Whorley
Jeffrey Wicks
Christopher T. Widholm
Michael A. Wiener
Wallace W. Wiens
Joseph F. Wierschem
Robert Wiggins
Jay L. Wilber
Danielle Wild
David D. Willer
Alan Williams
Ryan P. Williams
Sandra M. Williams
Christopher Willis
Christopher G. Wilson
David W. Wilson
Patricia Wilson
April J. Wince
James W. Winslow
Ronald Winter
Rebecca Wittman
Thomas E. Wojtan
Paul W. Wolf
Stacy Wolf
William J. Wolfe
James F. Wolff
Thomas J. Wolff
Jennvine Wong
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Zachary I. Woodruff
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Deborah Lynn Wright
Lawrence E. Wright
Nikole M. Wynn
Andrea Yacka-Bible
Mary Kay Yanik
Ellen Yaroshesky
Philippe S. Yates
Bruce A. Yerman
Jane I. Yoon
Christopher York
Keith R. Young
Lydia L. Young
Mark A. Young
Michael F. Young
Robert Young
Scott Young
Richard W. Youngman
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Andrew R. Zahnd
Neil Martin Zang
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Claire Zartarian
Edward A. Zebulske, III
Carol Zeldin
Valen Zeltser
John M. Zenir
Lori Zeno
Karla J. Zimmerman
Robert W. Zimmerman
Clark J. Zimmermann
Eric W. Zitoisky
Lejla Zivkovic
Shane A. Zoni
Michael R. Zosh
Marc A. Zuckerman
Joseph D. Zumbo
Jessica Zwicklbauer

Grant and Organizational Contributors
The New York Bar Foundation

The Survivors Justice Project
at Brooklyn Law School
Application for Membership

NAME_____________________________________________________________________
FIRM or OFFICE_____________________________________________________________
OFFICE ADDRESS___________________________________________________________
CITY______________________________     STATE_______________   ZIP_____________
TELEPHONE__________________________________      FAX_______________________
E-MAIL (Office)_________________________

At which address do you want to receive membership mail:  ☐ Office  ☐ Home

HOME ADDRESS_____________________________________________________________
CITY______________________________   STATE_______________   ZIP_____________
TELEPHONE_____________________________    E-MAIL (Home)____________________
CELL PHONE__________________________

Please indicate if you are:
☐ Assigned Counsel  ☐ Public Defender  ☐ Defender Investigator  ☐ Student
☐ Private Attorney  ☐ Legal Aid Attorney  ☐ Non-Attorney  ☐ Impacted Person
Social Worker/Mitigation Specialist    Parent Advocate

Atorneys and Law School Students please fill out:
Law School______________________  Year of Graduation_______  Degree_____
Date Admitted to Practice_________________________  State(s)_____________

I am committed to the zealous representation of public defense clients in criminal and family court matters, and want to work toward an effective and well-financed system of public defense representation.

SIGNATURE________________________________   DATE________________

Annual Membership Dues:  Attorney………………….. $75.00
Non-Attorney……………. $40.00
Defender Investigator….. $40.00
Student ………………….. $15.00
Impacted Person ………… $15.00

Please Mail To:   New York State Defenders Association
194 Washington Avenue, Suite 500
Albany, New York 12210-2314

Telephone:  518-465-3524       Website:  http://www.nysda.org
Fax:  518-465-3249       E-mail:  info@nysda.org

To pay by credit card:  ☐ Visa  ☐ MasterCard  ☐ Disc  ☐ AmEx
Card Billing Address:________________________________________________________________
Credit Card Number:   ___  ___  ___  ___  ___  ___  ___  ___  ___  ___  ___  ___  ___  ___  ___  ___
Exp. Date:  _____ / _____  CVV___  __  _  Cardholder’s Signature______________________________
(Page intentionally left blank to encourage use of the Membership Application form on the reverse side.)
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NYSDA ANNUAL REPORT | 2020
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, 2020 and 2019
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 Association, Inc., which comprise the statements of financial position as of December 31, 2020 and 2019, 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, 2020 and 2019, 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  
November 10, 2021
NEW YORK STATE DEFENDERS ASSOCIATION, INC.
STATEMENTS OF FINANCIAL POSITION
December 31, 2020 and 2019

ASSETS

<table>
<thead>
<tr>
<th></th>
<th>2020</th>
<th>2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash</td>
<td>$ 468,612</td>
<td>$ 449,043</td>
</tr>
<tr>
<td>Grant and other receivables</td>
<td>1,814,020</td>
<td>1,231,900</td>
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<tr>
<td>Deposits</td>
<td>8,821</td>
<td>8,776</td>
</tr>
<tr>
<td>Prepaid expenses</td>
<td>6,656</td>
<td>6,289</td>
</tr>
<tr>
<td>Furniture and equipment, less accumulated depreciation</td>
<td>31,039</td>
<td>43,019</td>
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<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total assets</td>
<td>$2,329,148</td>
<td>$1,739,027</td>
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LIABILITIES AND NET ASSETS

LIABILITIES

<table>
<thead>
<tr>
<th></th>
<th>2020</th>
<th>2019</th>
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<tbody>
<tr>
<td>Notes payable - bank</td>
<td>$</td>
<td>$210,389</td>
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<tr>
<td>Accounts payable and accrued expenses</td>
<td>41,439</td>
<td>35,081</td>
</tr>
<tr>
<td>Accrued salaries and vacation pay</td>
<td>191,429</td>
<td>158,919</td>
</tr>
<tr>
<td>Deferred grant and contract revenue and advances</td>
<td>242,428</td>
<td>173,828</td>
</tr>
<tr>
<td>Deferred membership dues</td>
<td>8,280</td>
<td>4,810</td>
</tr>
<tr>
<td>Paycheck protection program loan</td>
<td>424,100</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Total liabilities</td>
<td>907,856</td>
<td>583,027</td>
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</table>

COMMITMENTS AND CONTINGENCIES

NET ASSETS

<table>
<thead>
<tr>
<th></th>
<th>2020</th>
<th>2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Without donor restriction</td>
<td>1,421,492</td>
<td>1,156,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total liabilities and net assets</td>
<td>$2,329,148</td>
<td>$1,739,027</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, 2020 and 2019

<table>
<thead>
<tr>
<th></th>
<th>2020</th>
<th>2019</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Revenue:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>New York State appropriation</td>
<td>$2,603,052</td>
<td>$2,693,660</td>
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<tr>
<td>Other grants and contracts</td>
<td>4,500</td>
<td>6,820</td>
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<tr>
<td>Membership dues</td>
<td>83,081</td>
<td>91,118</td>
</tr>
<tr>
<td>Interest</td>
<td>11</td>
<td>350</td>
</tr>
<tr>
<td>Contributions</td>
<td>20,027</td>
<td>17,316</td>
</tr>
<tr>
<td>Conferences, publications and other income</td>
<td>524,659</td>
<td>632,108</td>
</tr>
<tr>
<td><strong>Total revenue</strong></td>
<td>3,235,330</td>
<td>3,441,372</td>
</tr>
<tr>
<td><strong>Expenditures:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Salaries</td>
<td>1,761,762</td>
<td>1,691,926</td>
</tr>
<tr>
<td>Contracted services</td>
<td>235,493</td>
<td>271,927</td>
</tr>
<tr>
<td>Other employee benefits</td>
<td>462,490</td>
<td>443,941</td>
</tr>
<tr>
<td>Conference facilities and travel</td>
<td>16,722</td>
<td>248,103</td>
</tr>
<tr>
<td>Occupancy</td>
<td>126,863</td>
<td>140,120</td>
</tr>
<tr>
<td>Payroll taxes</td>
<td>137,860</td>
<td>131,937</td>
</tr>
<tr>
<td>Printing and publications</td>
<td>20,622</td>
<td>72,473</td>
</tr>
<tr>
<td>Office and computer supplies</td>
<td>34,580</td>
<td>53,256</td>
</tr>
<tr>
<td>Library and professional dues</td>
<td>64,676</td>
<td>50,372</td>
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<tr>
<td>Postage and shipping</td>
<td>11,022</td>
<td>13,382</td>
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<tr>
<td>Depreciation</td>
<td>16,000</td>
<td>14,983</td>
</tr>
<tr>
<td>Miscellaneous</td>
<td>7,811</td>
<td>34,281</td>
</tr>
<tr>
<td>Telephone and communications</td>
<td>29,723</td>
<td>24,491</td>
</tr>
<tr>
<td>General insurance</td>
<td>16,400</td>
<td>14,484</td>
</tr>
<tr>
<td>Equipment rental and maintenance</td>
<td>17,196</td>
<td>17,209</td>
</tr>
<tr>
<td>Interest</td>
<td>11,638</td>
<td>17,359</td>
</tr>
<tr>
<td><strong>Total expenditures</strong></td>
<td>2,969,838</td>
<td>3,240,224</td>
</tr>
<tr>
<td>Change in net assets</td>
<td>265,492</td>
<td>201,148</td>
</tr>
<tr>
<td>Net assets, beginning</td>
<td>1,156,000</td>
<td>954,852</td>
</tr>
<tr>
<td>Net assets, ending</td>
<td>$1,421,492</td>
<td>$1,156,000</td>
</tr>
</tbody>
</table>

See notes to financial statements.
NEW YORK STATE DEFENDERS ASSOCIATION, INC.
STATEMENTS OF CASH FLOWS
Years Ended December 31, 2020 and 2019

CASH FLOWS FROM OPERATING ACTIVITIES
Change in net assets $265,492 $201,148
Adjustments to reconcile change in net assets to net
  cash provided by (used in) operating activities:
    Depreciation 16,000 14,983
    Changes in:
      Grant and other receivables (582,120) 31,290
      Prepaid expenses and deposits (412) 1,458
      Accounts payable and accrued expenses 6,358 (117,111)
      Accrued salaries and vacation pay 32,510 24,240
      Deferred grant and contract revenue and advances and
        membership dues 72,050 49,257
  Net cash (used in) provided by operating activities (190,122) 205,265

CASH FLOWS FROM INVESTING ACTIVITIES
  Purchases of furniture and equipment (4,020) (8,585)
  Net cash used in investing activities (4,020) (8,585)

CASH FLOWS FROM FINANCING ACTIVITIES
(Payments to) proceeds from line of credit, net
  Proceeds from paycheck protection program loan 424,100 -
  Net cash provided by (used in) financing activities 213,711 (39,611)

NET INCREASE IN CASH 19,569 157,069

CASH:
  Beginning of year 449,043 291,974
  End of year $468,612 $449,043

SUPPLEMENTAL CASH FLOW INFORMATION
  Cash paid for interest $11,638 $17,359

See notes to financial statements.
NEW YORK STATE DEFENDERS ASSOCIATION, INC.
NOTES TO FINANCIAL STATEMENTS
December 31, 2020

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 grant and contract revenue and advances represent revenue received in advance. Membership dues are recognized as income over the membership year which ends on December 31. Deferred membership dues represent membership dues received in advance. Conference, publications, and other income generally only have one performance obligation and revenue is recognized at a point in time when the performance obligation is fulfilled. Revenue is appropriately deferred when collected in advance of the performance of services.

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 net assets without donor restriction or net assets with donor restriction, depending on the existence and/or nature of any donor imposed restrictions. The Association's net assets were all without donor restriction as of December 31, 2020 and 2019.

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 November 10, 2021, the date the financial statements were available for issuance.
NEW YORK STATE DEFENDERS ASSOCIATION, INC.
NOTES TO FINANCIAL STATEMENTS
December 31, 2020

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") has a budget of $3,133,500 extending from October 1, 2020 through March 31, 2022, which is pending approval from DCJS as of December 31, 2020. In addition, the Association's Veterans Program had a budget approved by Office of General Services (OGS) of $720,000 for the period April 1, 2020 through March 31, 2021.

The Center had an approved budget of $2,089,000 extending from October 1, 2019 through September 30, 2020. In addition, the Veterans Program had an approved budget of $720,000 for the period April 1, 2019 through March 31, 2020.

Expenditures associated with these programs were $2,713,578 for the year ended December 31, 2020 ($2,942,998 in 2019). Management and general expenditures were $116,994 for the year ended December 31, 2020 ($136,803 for 2019).

Expenditures for other programs during 2020 were $139,266 ($160,323 in 2019).

NOTE 3 — NOTES PAYABLE – BANK

The Association has a $750,000 line of credit with Pioneer Savings Bank, with an interest rate of prime plus 1% (4.25% at December 31, 2020). The line is secured by all business assets. There was no amount outstanding on the line as of December 31, 2020 ($210,389 as of December 31, 2019).

NOTE 4 — PAYCHECK PROTECTION PROGRAM LOAN

In July 2020, the Association entered into a Paycheck Protection Program (PPP) loan with the Small Business Administration (SBA) under the Coronavirus Aid, Relief, and Economic Security Act (CARES Act). The loan was for $424,100, matures in 24 months and incurs interest of 1%. The loan is subject to potential forgiveness if certain provisions are met. Under the terms of the PPP, all of the principal may be forgiven if the loan proceeds are used for qualifying expenses as described in the CARES Act, such as payroll costs, benefits, rent, and utilities.

According to the rules of the SBA, the Association is required to retain PPP Loan documentation for six years after the date the loan is forgiven or repaid in full, and permit authorized representatives of the SBA, including representatives of its Office of Inspector General, to access such files upon request. Should the SBA conduct such a review and reject all or some of the Association's judgments pertaining to satisfying PPP Loan eligibility or forgiveness conditions, the Association may be required to adjust previously reported amounts and disclosures in the financial statements.
NEW YORK STATE DEFENDERS ASSOCIATION, INC.
NOTES TO FINANCIAL STATEMENTS
December 31, 2020

NOTE 4 — PAYCHECK PROTECTION PROGRAM LOAN (Continued)

In February 2021, the lender and the SBA approved the PPP loan for full forgiveness. As a result, the Association’s PPP loan will be recorded as gain on extinguishment of debt in the Statement of Activities and Changes in Net Assets for the year ended December 31, 2021.

NOTE 5 — 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.

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. In 2021, the lease was extended through May 31, 2022. Future annual minimum rental payments under this lease will be $111,534 or 2021 and $46,475 for 2022.

Rent expense for the office location was $111,825 and $109,080 for 2020 and 2019, respectively.

Batavia, New York

Effective January 1, 2018, the Association entered into a three-year operating lease agreement for a office space in Batavia, New York for the Veterans Defense Program, extending through December 31, 2020. In 2021, the lease was extended through March 31, 2022. Expense under this lease was $12,600 and $12,300 for 2020 and 2019, respectively. Future annual minimum rental payments under this lease will be $12,600 for 2021 and $3,150 for 2022.

NOTE 6 — 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 contributions are determined by the Board of Directors annually, but will not be less than 3% of employee compensation. The Association's contribution, included in other employee benefits, was $127,097 for 2020 ($129,096 for 2019).

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 appropriation and adjustments if any that may result from such future audits would be immaterial.
NOTE 8 — LIQUIDITY AND AVAILABILITY

The Association's financial assets available within one year of the balance sheet date for general expenditures are as follows:

<table>
<thead>
<tr>
<th>Asset Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cash and cash equivalents</td>
<td>$488,812</td>
</tr>
<tr>
<td>Grant and other receivables</td>
<td>1,814,020</td>
</tr>
<tr>
<td><strong>Net assets available for general expenditures</strong></td>
<td><strong>$2,282,832</strong></td>
</tr>
</tbody>
</table>

At December 31, 2020, the Association had $488,812 of cash available immediately and $1,814,020 in receivables available to meet cash needs for general operating expenditures. The Association additionally has approximately $750,000 available on their line of credit as of December 31, 2020.

NOTE 9 — FUNCTIONAL CLASSIFICATION OF EXPENSES

In accordance with ASU 2016-14, Not-for-Profit Entities (Topic 958): Presentation of Financial Statements of Not-for-Profit Entities, a summary of operating expenses by functional and natural expense classifications is presented as follows:

<table>
<thead>
<tr>
<th>Functional Expense</th>
<th>Total</th>
<th>Program</th>
<th>Administrative</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries and wages</td>
<td>$1,761,762</td>
<td>$1,761,762</td>
<td>$ -</td>
</tr>
<tr>
<td>Pension plan accruals and contributions</td>
<td>127,097</td>
<td>127,097</td>
<td>-</td>
</tr>
<tr>
<td>Benefits and payroll taxes</td>
<td>473,253</td>
<td>473,253</td>
<td>-</td>
</tr>
<tr>
<td>Contracted services</td>
<td>235,129</td>
<td>180,471</td>
<td>74,658</td>
</tr>
<tr>
<td>Advertising</td>
<td>364</td>
<td>364</td>
<td>-</td>
</tr>
<tr>
<td>Office</td>
<td>67,010</td>
<td>60,851</td>
<td>6,159</td>
</tr>
<tr>
<td>Information technology</td>
<td>28,592</td>
<td>28,561</td>
<td>31</td>
</tr>
<tr>
<td>Occupancy</td>
<td>125,863</td>
<td>125,863</td>
<td>-</td>
</tr>
<tr>
<td>Travel</td>
<td>5,006</td>
<td>678</td>
<td>4,328</td>
</tr>
<tr>
<td>Conferences, conventions, and meetings</td>
<td>16,672</td>
<td>16,672</td>
<td>-</td>
</tr>
<tr>
<td>Depreciation and amortization</td>
<td>16,000</td>
<td>-</td>
<td>16,000</td>
</tr>
<tr>
<td>Insurance</td>
<td>16,400</td>
<td>16,400</td>
<td>-</td>
</tr>
<tr>
<td>Interest</td>
<td>11,638</td>
<td>-</td>
<td>11,638</td>
</tr>
<tr>
<td>Library and professional</td>
<td>84,676</td>
<td>62,476</td>
<td>2,200</td>
</tr>
<tr>
<td>Printing and publications</td>
<td>20,622</td>
<td>20,158</td>
<td>464</td>
</tr>
<tr>
<td>Other</td>
<td>754</td>
<td>288</td>
<td>466</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$2,969,838</strong></td>
<td><strong>$2,853,894</strong></td>
<td><strong>$115,944</strong></td>
</tr>
</tbody>
</table>
NOTE 9 — FUNCTIONAL CLASSIFICATION OF EXPENSES (Continued)

<table>
<thead>
<tr>
<th>Functional Expense</th>
<th>2019</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Total</td>
</tr>
<tr>
<td>Salaries and wages</td>
<td>$1,691,926</td>
</tr>
<tr>
<td>Pension plan accruals and contributions</td>
<td>129,085</td>
</tr>
<tr>
<td>Benefits and payroll taxes</td>
<td>446,783</td>
</tr>
<tr>
<td>Contracted services</td>
<td>271,805</td>
</tr>
<tr>
<td>Advertising</td>
<td>122</td>
</tr>
<tr>
<td>Office</td>
<td>77,258</td>
</tr>
<tr>
<td>Information technology</td>
<td>33,866</td>
</tr>
<tr>
<td>Occupancy</td>
<td>140,120</td>
</tr>
<tr>
<td>Travel</td>
<td>8,985</td>
</tr>
<tr>
<td>Conferences, conventions, and meetings</td>
<td>244,484</td>
</tr>
<tr>
<td>Depreciation and amortization</td>
<td>14,983</td>
</tr>
<tr>
<td>Insurance</td>
<td>14,484</td>
</tr>
<tr>
<td>Interest</td>
<td>17,359</td>
</tr>
<tr>
<td>Library and professional</td>
<td>50,372</td>
</tr>
<tr>
<td>Printing and publications</td>
<td>72,473</td>
</tr>
<tr>
<td>Other</td>
<td>26,149</td>
</tr>
<tr>
<td></td>
<td>$3,240,224</td>
</tr>
</tbody>
</table>

Expenses are reported to each program and support function based on actual expenses incurred. Certain functional expenses, including salaries and wages, benefits and payroll taxes, and pension expense are allocated to administrative for any employee on an extended paid leave, based on active time versus time on leave. Management believes these allocations have been made on a reasonable basis.

NOTE 10 — RISKS AND UNCERTAINTIES

Global and domestic responses to the coronavirus disease (COVID-19) outbreak continue to rapidly evolve. The initial effect, which centered around global financial markets, has since spread to all businesses. Management's determination is that currently, there is minimal financial effect on the Association. Management acknowledges, however, that COVID-19 could be disruptive and have a material impact on its operations going forward.
NYSDA's Veterans Defense Program (VDP) provides training, support, and legal assistance to promote trauma-informed effective representation of veterans. Go to www.nysda.org for this report and other resources.