



New York State Office of
Indigent Legal Services

Eleventh Annual Report

INDIGENT LEGAL SERVICES BOARD

Calendar Year 2022



Table of Contents

Director’s Summary	1
Criminal Defense Reforms and Quality Initiatives.....	3
Hurrell-Harring Settlement Implementation	3
Statewide Extension of the HH Settlement	4
Assigned Counsel Program (“ACP”) Summits: Supporting ACP Leadership	5
Immigration Assistance	6
Quality Enhancement: Parent Representation	7
Quality Enhancement: Appellate Representation	8
Research.....	9
Grants.....	10
Administrative.....	11
ILS Board Members	13
ILS Staff.....	13

Director's Summary

On June 3, 1961, Clarence Earl Gideon, a 50-year-old drifter from Panama City, Florida, was charged with breaking into a pool hall and stealing some loose change and alcohol. Too poor to hire an attorney, Gideon asked the judge presiding over his case to assign counsel. The judge refused, relying on U.S. Supreme Court cases holding that the Sixth Amendment required assignment of counsel only in limited circumstances. Gideon represented himself at trial and was found guilty. Because of his prior record, he was sentenced to the maximum of five years in prison.

He persisted in fighting to prove his innocence—and for his belief that fairness required counsel for people who could not afford an attorney. In early 1962, Gideon mailed a handwritten letter asking the Supreme Court to take up his case. The Court did, and Abe Fortas was assigned to represent Gideon. (Fortas later became an associate justice of the U.S. Supreme Court.) On March 18, 1963, the Court issued *Gideon v Wainwright*,¹ proclaiming that the right to counsel is a fundamental right essential to a fair trial, and therefore the states must assign counsel to accused persons who are unable to afford an attorney. Gideon was retried, this time represented by an assigned attorney, who capably challenged the prosecution's evidence. In August 1963, a jury found him not guilty.

As the foregoing reveals, Clarence Earl Gideon's story is not just one of *how* the Supreme Court came to issue its landmark decision; it is also a story of *why* competent counsel matters—to achieve justice. In his book *Gideon's Trumpet*, Anthony Lewis wrote that it would be “an enormous social task to bring to life the dream of *Gideon v Wainwright*—the dream of a vast, diverse, country in which every [person] charged with a crime will be capably defended.” Upon the 40th anniversary of *Gideon*, Lewis wrote an editorial describing our nation's “endless failure to bring the promise of Gideon to life,” noting that many states and localities offered “not even the minimal level of financial support needed for an adequate defense.”² Lewis's editorial came just two years after a New York Times exposé about New York's failed public defense system and three years before the Kaye Commission report decrying systemic failures.

Since that editorial, and as a result of the settlement in *Hurrell-Harring v State of New York* and its extension statewide, New York has committed significant State funding to improve public criminal defense. The story behind the State's recent commitment is explained in an article by my predecessor Bill Leahy and a podcast I did for Public Defenseless.³ This story involves years of thoughtful, unyielding, collaborative advocacy that led to the *Hurrell-Harring* litigation and settlement and its extension statewide.

This Eleventh Annual Report of the ILS Board discusses ILS's work this past year to bring to life Gideon's dream of quality legal representation. Highlights include the following:

¹ 372 US 335 (1963).

² Anthony Lewis, *The Silencing of Gideon's Trumpet*, NY Times Magazine (Apr. 20, 2003).

³ Leahy article: [New-York-Reform-Leahy.pdf \(in.gov\)](#)

Warth podcast: [The Resurrection of New York Public Defense w/Patricia Warth, www.publicdefenseless.com](#)

- Establishment of the ILS Statewide Appellate Support Center to support trial, appellate, and post-conviction counsel providing mandated representation through resources, training, and consultation;
- The awarding of funding to 17 counties to improve the quality of parent representation in child welfare proceedings;
- The ongoing work of the *Hurrell-Harring* settlement and Statewide teams in collaborating with counties and New York City to develop and implement plans that effectively use State funding to improve the quality of public criminal defense;
- The efforts of the Grants Unit to ensure that the State funding flows seamlessly to counties and New York City;
- The Research Team’s work with more than 130 public defense providers across the state to improve their data collection and reporting capacity and the high-quality reports that flow from the data reported to ILS;
- ILS’s collaboration with the New York State Defenders Association, Chief Defenders Association of New York, and the New York State Association of Criminal Defense Lawyers to survey defense attorneys about discovery reform and issue a report summarizing the results.

Though significant progress has been made, the need for ongoing work continues. ILS invokes this year’s 60th anniversary of *Gideon v Wainwright* to renew our commitment to ensuring quality representation for all people—regardless of their income. Toward this end, we acknowledge what Bill Leahy referred to as two pieces of “unfinished ILS business.” The first is the hourly rates paid to assigned counsel. Since 2015, ILS has urged the State to amend the relevant statutes to increase these rates and fund the increase. We will continue to highlight the importance of doing so. The second is the need to improve the quality of representation provided to parents in Family Court matters. Though just as legally mandated as criminal defense, parent representation has not benefitted from the same State fiscal commitment as criminal defense. As a result, Family Court attorneys work under crushing caseloads and without the resources needed to ensure competent representation.

I turn to another part of Gideon’s story to illustrate why quality parent representation is so important. Upon learning that the Supreme Court had assigned counsel to represent him, Gideon wrote to Fortas about his struggle to retain custody of his children. “I do not intend to let anyone take my children away from me and I will fight it ever [sic] way I know how,” he declared. “I believe all though [sic] I am a convict and ex-convict that I have rights to have children the same as anyone else.” While Gideon sat in prison for a crime he did not commit, his primary concern was not his liberty—but his children. He reminds us why fundamental fairness must be provided not only to accused persons, but also to parents who love their children and yearn to maintain a bond with them.



Patricia J. Warth
April 2023

Criminal Defense Reforms and Quality Initiatives

Hurrell-Harring Settlement Implementation

Two thousand twenty-two marked the seventh year of implementation of the *Hurrell-Harring v State of New York* settlement. The *Hurrell-Harring* Team (“HH Team”) continued to partner with defense providers in Onondaga, Ontario, Schuyler, Suffolk, and Washington counties (“settlement counties” or “HH providers”), as well as providers in 16 non-HH counties to realize the goals of the settlement and Executive Law § 832 (4)—to ensure timely and fair eligibility determinations, counsel at arraignment, and caseload standards implementation, and to enhance the overall quality of criminal defense. The HH Team also collaborated with the Research Team to evaluate the impact of these efforts in the settlement counties.

In April 2022, pursuant to section VI (C) of the settlement, the HH Team issued its sixth annual report, which evaluated the criteria and procedures used to determine financial eligibility in the settlement counties. The report concluded that HH providers continue to employ the ILS Eligibility Standards when determining eligibility for assigned counsel. According to the providers, with the settlement’s resources and uniform standards, there are fewer obstacles to applying for counsel, including pre-arraignment when requested. The providers were equipped to continue timely determinations, despite the challenges posed during the pandemic, thereby ensuring timely access to counsel.

In November 2022, pursuant to section III (D) of the settlement, the HH Team further explored the settlement’s impact on counsel at arraignment. The report reviewed the significant progress made, noting that when ILS issued the final plan to implement arraignment obligations in 2015, no county had complete arraignment coverage. Now arraignment gaps no longer exist. Providers in the five settlement counties have strong systems and dedicated leaders to ensure that eligible individuals are represented at these critical first appearances and after arraignment, through conflict checks, eligibility determinations, and final assignment of counsel.

The report also reflected the collaboration between ILS researchers and attorneys to develop and implement data collection regarding counsel at arraignment in the settlement counties. This data has been collected and reported by providers in these counties since 2016. In the November report, the HH Team relied on such data to understand the preliminary impact of bail reform on pre-arraignment and pretrial detention in the settlement counties. This information will guide the Team’s support of providers in ensuring quality arraignment representation and will offer objective information on this issue for the broader public.

In October 2022, the HH Team issued its third report, pursuant to section IV (E) of the settlement, evaluating the impact of ILS criminal caseload standards implementation on the quality of representation in the settlement counties. The two previous reports relied primarily on information collected via surveys, interviews, and focus groups, as well as data from the HH providers. In this third report, the HH attorneys and researchers expanded the scope of information gathered. With the help of Office of Court Administration leadership, the Team distributed a survey to the judges and magistrates in the HH counties and solicited their input on the changes to public criminal

defense practice under the settlement. The report also provided an analysis of two years of information on quality metrics collected and reported on the ILS case closing form. The information showed that the HH providers continue to make progress in enhancing the quality of criminal defense representation in their counties. However, external factors—the low assigned counsel rates, challenges recruiting and retaining quality staff, and insufficient funding for mandated parent representation in Family Court—continue to jeopardize their ability to do so.

The HH Team also continued to monitor provider caseloads as part of ILS’s settlement implementation obligations. In April 2022, we reviewed the HH providers’ 2021 caseload data and realized that the assigned counsel programs (“ACPs”) faced significant challenges in meeting caseload standards. These challenges were due to decreased panel capacity, stemming from the low assigned counsel compensation rates, and significant workloads in the aftermath of the pandemic’s disruption of courts. In May 2022, ACP providers reported to ILS that they were reaching a crisis point. ILS notified the parties that the stagnant ACP rates had such a deleterious impact on the panels that they were in crisis and potentially out of compliance with the settlement’s caseload relief and quality initiatives directives. In mid-December, 2022, after months of negotiations between the HH settlement parties failed to resolve the issue, the HH settlement plaintiffs filed an enforcement action in Albany County Supreme Court against the State defendants. This enforcement action argues that while the counties have acted in good faith in implementing the settlement, the State’s failure to increase the assigned counsel rates is impeding settlement implementation. This enforcement action is pending.

Statewide Extension of the HH Settlement

Tasked with extending the HH settlement statewide, the Statewide Team focused primarily on achieving two critical goals in 2022: (1) planning for the integration of the Statewide and HH Teams into one unit in March 2023 and (2) accelerating the progress in negotiating county budgets to complete the five-year buildup prior to the termination of the initial five-year contract. Regarding integration, the Statewide Team transferred additional counties to the HH Team to balance individual attorney workloads and accelerate the budget-negotiation process and to provide the HH Team with more experience negotiating budgets in the Statewide context in preparation for the merger of the teams.

The two teams also continued their collaboration in hosting virtual ACP summits and planning for an in-person summit in early 2023, as well as planning a follow-up to the successful Gideon’s Promise Leadership training program. Finally, both teams took part in the hiring process to fill vacancies for new Statewide and HH team attorneys; and in September 2022, Allison Clifford and Madeline Rasmussen joined ILS to work on the Statewide and HH Teams. Because of the participation of the HH Team in the budget process, the teams completed all Statewide contract Year 3 and most Year 4 budgets and also received budget proposals for Year 5 of the Statewide contracts from nearly all counties and New York City. Thus, significant progress was made in closing a one-year lag in the budget-negotiation process.

The Statewide Team also issued annual reports tracking the progress of the statewide extension of the *Hurrell-Harring* settlement. On June 1, 2022, the Statewide Team issued a Performance Measures Annual Report, tracking several measures of quality improvement realized because of

the Statewide extension funding. The report showed an increase in staffing, an increase in the estimated number of arraignments at which defense counsel representation was provided, and an increase in the number of cases in which non-attorney resources (such as investigative and other expert services), were utilized. In their submitted performance measure reports, mandated criminal defense providers spoke about the transformative value of the Statewide extension funding, but also about ongoing challenges in recruiting and retaining attorney staff, particularly in the wake of the Covid pandemic.

In September 2022, the Statewide Team issued a Year 4 report tracking implementation of counsel-at-arraignment programs. The report found that nearly all courts had returned to in-person arraignments in 2021 following rescission of the Covid pandemic-related emergency orders allowing for virtual court appearances, and that all counties have structures in place for providing defense counsel representation at first appearances. The report also noted that the work must continue in improving the long-term sustainability of these counsel-at-arraignment programs. To this end, as of June 2022, 20 of the 52 non-HH settlement counties now have Centralized Arraignment Programs (CAPs) in place, and several other counties are working with the Office of Court Administration and local officials to develop CAPs.

On October 31, 2022, the Statewide Team issued a joint quality improvement and caseload relief report, outlining various structural initiatives to improve the quality of representation provided by institutional provider offices and assigned counsel programs. The report also assessed the caseload, staffing, and expenditure data reported to ILS on the ILS-195 reports. Despite the pandemic and ongoing difficulty recruiting and retaining the staff needed for caseload standard compliance, in the aggregate across the state, the number of attorneys and non-attorneys working for defender offices continues to increase.

Of note, for institutional providers, ILS examined weighted caseloads for attorneys handling criminal cases compared to attorneys handling Family Court matters and found that in 2021, the average weighted caseload for criminal court attorneys was far less than the average weighted caseload for Family Court attorneys. For assigned counsel programs, ILS found that the average spending for weighted criminal cases was more than twice than the average spending for weighted Family Court cases. In other words, because of the Statewide extension of the *Hurrell-Harring* settlement, criminal defense attorneys have fewer cases and are using more resources than attorneys representing parents in Family Court matters. The disparity between mandated criminal defense representation, for which there is a significant State fiscal commitment, and mandated parent representation, for which there is not the same State commitment, reveals the value of a State investment in mandated representation and the crisis in quality that ensues when there is no such investment.

Assigned Counsel Program (“ACP”) Summits: Supporting ACP Leadership

In 2022, ILS’s ACP Summit Committee, co-chaired by HH and Statewide attorneys, hosted two virtual summits, which were well attended by ACP leadership. These summits serve as a forum for supporting and cultivating strong ACP leadership. The leaders discussed topics such as recruitment and retention of ACP panel attorneys and collaboration on regional initiatives. Both summits gave the leaders an opportunity to freely discuss the various initiatives that their programs

are undertaking. These include developing regional training programs, setting up electronic payment systems, and developing centralized arraignment parts, as well as the unique challenges ACP leaders face in improving the quality of representation. Through such discussions, ACP leaders have continued to forge connections and strengthen the statewide ACP community.

Immigration Assistance

Noncitizens facing criminal or Family Court matters may endure severe consequences beyond those endured by citizens. In *Padilla v Kentucky*,⁴ the U.S. Supreme Court declared that, under the U.S. Constitution, defense attorneys have a duty to advise their noncitizen clients about the immigration consequences of a conviction. This decision reflects the profound impact criminal convictions can have for noncitizens. Under U.S. immigration law, a noncitizen may be deported or denied admissibility into this country if convicted of a variety of crimes. Negative impacts may also flow from many Family Court adjudications. Further, the constitutional imperative for both criminal defense and family defense counsel to provide meaningful advice to their noncitizen clients implicates issues of racial justice. Persons facing criminal and family law proceedings—citizens and noncitizens alike—are disproportionately persons of color.

The need for accurate legal advice on immigration consequences is particularly acute in New York, given the high number of noncitizens residing throughout the state, including in many upstate rural communities.⁵ But the relevant immigration laws are complex and are constantly evolving, as are enforcement practices. ILS understands the ethical obligations and professional demands faced by providers representing noncitizens and grappling with complex immigration laws. To support counsel in providing effective assistance to noncitizen clients in criminal and Family Court matters, in 2016, ILS established a unique statewide network of Regional Immigration Assistance Centers, with offices in western, central, and northern New York, as well as in the Hudson Valley, New York City, and Long Island. For free, these Centers offer individual consultations, written advisals, and resources to counsel.

In 2022, the RIACs continued their impactful work throughout the state, receiving a total of approximately 3,000 requests for assistance from most counties in the state. As in the past, requests for help came from institutional offices and assigned counsel and largely involved criminal defense, but also included Family Court, appellate, and post-conviction matters. In addition to responding to individual inquiries, the RIACs offered dozens of Continuing Legal Education and other training programs on a broad range of topics.

ILS's support of the Centers includes the key role played by the Research Team, which created an instrument to facilitate their compliance with annual reporting requirements and allowed ILS to produce an aggregated data analysis to assess RIAC achievements and challenges. In December 2022, ILS held its annual plenary meeting with the RIACs. Topics included RIAC data analysis for 2021; the next cycle of requests for proposals; the use of mitigation reports in plea negotiations;

⁴ 559 US 356 (2010).

⁵ New York has for centuries been one of the country's greatest cultural hubs. Today immigrants account for an estimated 23% of the total population of this state. As neighbors, business owners, taxpayers, and workers, noncitizens are an integral part of our communities.

updates on immigration law; ethical issues arising at the intersection of criminal and immigration law; and the new ILS Statewide Appellate Support Center.

Quality Enhancement: Parent Representation

ILS continues to make progress towards improving the quality of mandated representation provided to parents in Family Court matters, despite the limited State funding available. In 2022, a key achievement was ILS's award to 17 counties of a total of \$12 million in three-year grants designed to improve the quality of parent representation and to reduce caseloads in child welfare proceedings. The competitive grants were awarded to these counties—Albany, Cattaraugus, Chautauqua, Dutchess, Erie, Genesee, Greene, Onondaga, Ontario, Putnam, Saratoga, Rensselaer, Schenectady, Steuben, Tompkins, Ulster, and Westchester. In addition, in 2022, quality improvement efforts continued in the five counties that in 2021 had received a total of \$2.5 million in three-year grants to support quality parent defense in child welfare proceedings. These five counties are Cortland, Erie, Monroe, Steuben, and Suffolk. The next frontier will be obtaining sufficient State funding to lift the level of parent representation in every locality of New York.

ILS also continued to monitor the success of its two upstate model representation offices. These model offices are designed to improve parent defense in child welfare proceedings by providing timely access to counsel, even during child welfare investigations, and using a multidisciplinary approach to representation. Westchester County received the first grant in 2019 and selected Legal Services of the Hudson Valley (“LSHV”) to operate the model office. The power of the timely access to counsel and the multidisciplinary approach is exemplified by data from LSHV indicating that, in 2022, LSHV initiated representation of 106 parents during the child welfare investigation stage. A Family Court Act article 10 abuse or neglect petition was filed in only two of these cases. This means that as a result of timely representation, many families were kept intact, rather than facing lengthy Family Court proceedings, adverse adjudications, and likely removal of their children. In 2021, ILS awarded the second grant for a model office to Monroe County, with the program to be housed in the Public Defender Office. By the end of 2022, the Public Defender Office had nearly fully staffed the program.

There was also progress regarding federal funds available to State and local governments for improved quality representation of children and parents in child welfare matters under Title IV-E of the Social Security Act (“IV-E funding”). The New York State Office of Children and Family Services (“OCFS”) is responsible for disbursing this federal funding and in 2021 entered into a Memorandum of Understanding with ILS to ensure that counties and New York City use this funding to improve the quality of legal representation provided to parents. Under this arrangement, counties and New York City cannot access the Title IV-E funding without coordinating with ILS to develop an ILS-approved Quality Enhancement Plan. In 2022, ILS worked with several counties on such a Quality Enhancement Plan.

In 2022, ILS partnered with OCFS, the Unified Court System's Office of Justice Initiatives, and the Casey Family Programs to co-sponsor a four-day intensive program to promote—across the state and across different disciplines—a shared understanding of the importance of parent access to counsel during the child welfare investigation stage, as well as the value of a multidisciplinary

approach to the representation of parents. Attendees heard from national and state experts and had several opportunities to explore strategies for overcoming local challenges and achieving the goals of timely access to counsel and multidisciplinary approach to parent representation.

Another noteworthy achievement in 2022 was the adoption by the Unified Court System of Rule 205.19 regarding financial eligibility for publicly funded counsel in family matters. This rule is based on the ILS Standards for Determining Financial Eligibility for Assigned Counsel, which in 2021 were updated to apply to Family Court matters as well as criminal matters. Other ILS Parent Representation Unit activities in 2022 included quarterly meetings of the Parent Representation Advisory Committee (“PRAC”), which explored challenges in parent representation, how to collect Family Court data statewide, and other topics. A 2022 training, presented in conjunction with the New York State Bar Association, informed several hundred participating attorneys about reforms to statutes governing the State Central Registry.

Two thousand twenty-two also marked the end of a decade of service by Angela Burton, ILS’s first Director of Quality Enhancement for Parent Representation. Despite the State’s relatively modest fiscal investment in parent defense, Angela’s creative and steadfast efforts had a meaningful impact in improving the quality of parent representation. Lucy McCarthy, who served as assistant counsel in the Parent Representation Unit for several years, took over as the Parent Representation Director, and at the end of 2022, ILS had offered the assistant counsel position to Kira Schettino, who was slated to start in early 2023.

Quality Enhancement: Appellate Representation

For ILS’s Appellate Representation Unit, 2022 marked a turning point. Since the early days of ILS, the office has had a Director of Quality Enhancement for Appellate and Post-Conviction Representation. This sole appellate professional is charged with supporting providers in both criminal defense and parent defense. Since fall 2017, Cynthia Feathers has served as the appellate director. The ILS Board of Directors approved, and the State approved funding for, the creation of a Statewide Appellate Support Center to be staffed by a Senior Appellate Attorney, three Appellate Attorneys, a Junior Appellate Attorney, and three non-attorney professionals (a Paralegal, Investigator, and Special Assistant). This new Center provides robust resources, training, and consultation to attorneys providing mandated representation at institutional offices, as well on assigned counsel panels. Consistent with ILS’s mission, no direct representation is provided by Center staff.

ILS formulated job descriptions to create the team of eight professionals. By September 2022, Mandy Jaramillo had come onboard as the Senior Appellate Attorney, bringing to ILS her experience with two New York City defender offices. Mandy was charged with developing CPL article 440 resources and deepening support for Domestic Violence Survivors Justice Act applications. Kelly Egan, who has experience in criminal and family law appeals upstate, joined ILS as one of the Appellate Attorneys in October 2022 and thereafter updated the appeals webpage and weekly Decisions of Interest and began to build other resources for trial and appellate counsel. By the end of 2022, three other professionals were on deck to begin their positions in early January 2023 as an Appellate Attorney (Emily Lusignan), Junior Appellate Attorney (Daniel Speranza),

and Paralegal (Michelle Stroe). In addition, the interview process had begun for the third Appellate Attorney, the Investigator, and the Special Assistant. Already, it has become apparent that the expertise and varying perspectives of the new Statewide Appellate Support Center members will constitute a powerful force in broadening ILS's litigation and appellate support and that the appellate group will be working closely with other ILS teams to advance ILS's mission.

The establishment of the Center has accentuated the invaluable role of our advisory group, the ILS Appellate Defender Council. Many of the Council's members lead institutional programs, while others provide appellate representation at upstate rural defender offices and on appellate assigned counsel panels. The role of the Council in appellate efforts exemplifies the collaboration that is an integral aspect of ILS culture. In late 2022, for invaluable contributions to the Council and mandated appellate representation, the Council honored Robert Dean, who retired as Attorney-in-Charge at the Center for Appellate Litigation on December 31, 2022. Finally, a key initiative of the Appellate Defender Council in 2022 was an intensive effort by a working group to reexamine the ILS Appellate Standards and Best Practices, in light of changes in defense perspectives, laws, rules, and funding that had transpired since the original standards were issued in January 2015. By the end of 2022, the draft revised standards were nearing completion.

Research

In 2022, Director of Research Melissa Mackey and the ILS Research Team continued to assist mandated representation providers in the development of data collection infrastructures to ensure timely and accurate submission of required quarterly, semi-annual, and annual data.

April 2022 saw the conclusion of the three-year phase-in of ILS-195 data collection with providers' submission of expenditure and staffing data (Part 1, first submitted in 2020), case assignment data (Part 2, first submitted in 2021), and case outcome data (Part 3, first submitted in 2022). The reporting, submission, and analysis of ILS-195 aggregate data will allow ILS to achieve the most comprehensive understanding to date regarding financial expenditures and attorney workloads and will inform policy recommendations in coming years. The performance measures progress reports form ("PMF") enabled ILS to monitor the pace of implementation of the statewide expansion of the HH settlement and formed the basis of the third Performance Measures Annual Report, which was submitted to the State Division of Budget in June 2022.

In March 2022, ILS co-authored a key report on the impact of discovery reform in New York. The report, which was based on a survey of defense attorneys across the state, was a joint project of ILS, the Chief Defenders Association of New York, the New York State Defenders Association, and the New York State Association of Criminal Defense Lawyers. The survey—which was designed to elicit feedback from frontline defense attorneys on how discovery reforms changed client representation—showed unequivocally that New York's 2019 overhaul of its discovery statutory scheme has significantly improved the ability of criminal defense lawyers to provide quality representation to their clients.

In 2022, the Research Team hosted three virtual trainings for county data officers, including a revamped two-part PMF training created in partnership with the ILS statewide implementation analyst and attorney for quality improvement. These trainings led to improved and timelier PMF

submissions. After a Covid-related delay, the ILS Data Outreach Officer, Data Scientist, and the HH Senior Research Associate conducted site visits to 15 counties to meet with data officers, data entry staff, and chief defenders. These meetings expanded ILS's understanding of providers' data collection, maintenance, and reporting practice, as well as barriers to data collection in institutional offices and assigned counsel programs. To supplement the trainings and highlight how data is utilized, ILS created a Data Officer Newsletter. The first two issues summarized the ILS site visits and data contained in the caseload and performance measures reports.

In April 2022, the Research Team participated in a virtual conference presented by the Indigent Defense Research Association and hosted by the Deason Criminal Justice Reform Center at Southern Methodist University. An ILS panel included presentations on statewide caseloads, the ILS Regional Immigration Assistance Centers, ILS's parent representation funding initiatives, and an overview of quality representation indicators in the HH Counties. In November 2022, the Research Team traveled to Atlanta for the annual meeting of the American Society of Criminology. ILS presentations focused on updated statewide caseload and funding data, the rural attorney shortage in New York, and barriers to data collection. Finally in 2022, for the second year, ILS worked with Cornell University to give an undergraduate summer intern an opportunity to explore public defense data collection in collaboration with the Research Team. The intern helped analyze disposition data on Family Court petitions provided by the Office of Court Administration.

Grants

In 2022, the Grants Unit continued its efforts to efficiently process claims, despite staff shortages and a significant increase in the number of active contracts and total funding. The Unit received 1,136 claims from 26 different grants—a total of \$87,757,935 in reimbursement requests. In the same calendar year, more than 81% of these claims were resolved and processed for payment—a total of \$65,349,562 in reimbursements. The Grants Unit also sent out 171 fully approved contracts and contract extensions in 2022.

In 2022, the Grants Unit welcomed Tammy Smith to fill a crucial assistant Grants Manager 1 position. Tammy's impact was immediate, as she has used her knowledge of the State's claiming process and financial systems to work with some of our most challenging accounts. Additionally, recruitment efforts began in 2022 for remaining vacant positions for assistant Grants Manager 2, Assistant Grants Manager 1, Contract Manager, and Grants Administrator.

The Grants Unit staff employs a "customer service" approach and strives to be receptive to grantees and to ensure that accurate and timely reimbursements are made. Furthering this approach, in 2022, Jennifer Colvin, Manager of Grants Solicitation and Distributions, began assigning counties to her staff. Thus, members of the Unit established stronger relationships with grant administrators in their assigned counties and have become more familiar with claiming documents submitted by those counties—all leading to a more efficient claims review process. With Covid restrictions lifted, ILS Auditor Marian Bush began implementing ILS's audit plan and conducted site visits to review counties' financial operations and internal controls. ILS will continue to improve the internal claim review process and external auditing procedures in 2023.

Administrative

In 2022, for the first full year since the start of the Covid-19 pandemic, ILS staff returned to schedules that presumed in-office work, balanced by a telecommuting policy that allows staff to work remotely up to 50% of each pay period, subject to supervisor approval. This hybrid model has ably served our office's operational needs, particularly during periods like January to February 2022 when New York State and the Capital Region experienced upticks in Covid-19 infections. Even as Covid rates have decreased and plateaued, our hybrid model has proven effective at enhancing employee job satisfaction and allowing ILS to remain competitive in recruiting and retaining employees.

As evidenced throughout this Annual Report, 2022 was an active year for ILS recruitment and hiring, following the September 2021 lifting of the State hiring freeze. Over the course of the year, Tammy Smith (Assistant Grants Manager 1), Allison Clifford (*Hurrell-Harring* Implementation Attorney – Quality Enhancement), Madeline Rasmussen (Statewide Implementation Attorney – Caseload Standards), Liah Darlington (Administrative Assistant), Mandy Jaramillo (Senior Appellate Attorney), and Kelly Egan (Appellate Attorney) started their employment with ILS. Additionally, Lucy McCarthy was promoted to Director of Quality Enhancement, Parent Representation, and Jessica Bogran was promoted to *Hurrell-Harring* Implementation Paralegal. Finally, ILS prepared and completed job descriptions and postings, and obtained approved salary ranges and civil service exemption status for additional staff to be hired in 2023.

In 2022, ILS continued to make Diversity, Equity, and Inclusion (DEI) advances, including:

- Implementing the DEI Hiring Toolkit drafted in 2021. The toolkit—which is designed to eliminate bias in hiring and strengthen our commitment to diversity and equity—includes best practices to define a role without bias; create an inclusive job description; build a diverse, quality applicant pool; review resumes and conduct interviews without bias; and onboard new hires with a clear message about ILS's commitment to DEI.
- Conducting regular office-wide staff meetings to discuss issues impacting the office and give staff members an opportunity to showcase the projects upon which they are working. ILS also holds multiple team-building events each year, which are based on employee feedback and are coordinated by employee volunteers.
- Sponsoring the Office of Diversity and Inclusion Management's series of cultural events, including LGBTQ+ Pride Month, Asian-American Pacific Islander Heritage Month, Hispanic Heritage Month, and Veterans Appreciation Month.
- Updating standard job posting language to include the contact information for reasonable accommodation requests from applicants and a statement on our commitment to DEI.
- Continuing the creation of opportunities for all staff members, particularly non-supervisory staff, to participate in special projects as a means of allowing for professional development and cultivating individual areas of interest and initiative. Many of these special projects are team-based, with co-leaders, which also creates additional leadership opportunities.
- Continuing use of working groups to advise the ILS Director on the development of office protocols and policies. These working groups include employees from all levels of the office to represent the needs and concerns of all staff.
- Continuing opportunities for ILS staff to participate in conferences and trainings not only as attendees, but as panelists, facilitators, and trainers.

Finally, in response to an Executive Order issued by Governor Hochul designed to increase awareness of and sensitivity to gender-based violence, ILS coordinated with the New York State Office for the Prevention of Domestic Violence (“OPDV”) to conduct a live training on gender-based violence and implications for the workplace. This training, in conjunction with guidance and feedback from OPDV, served as the basis for ILS adopting an office-specific Gender-Based Violence and the Workplace policy.

ILS Board Members*

Hon. Anthony Cannataro, Chairperson

Acting Chief Judge, New York State Court of Appeals

Michael G. Breslin

Former Albany County Executive

Hon. Carmen Ciparick

Greenberg, Traurig LLP; Former Senior Associate Judge of the New York State Court of Appeals

Hon. Sheila DiTullio

County Court Judge, Erie County

Diane Atkins

Special Assistant to County Executive, Westchester County

Suzette M. Melendez

Faculty Fellow for the Office of Strategic Initiatives in Academic Affairs and the Office of Diversity and Inclusion, Syracuse University College of Law

Vincent E. Doyle III

Partner, Connors LLP, Buffalo; Former President, New York State Bar Association

Leonard Noisette

Former Program Director, Criminal Justice Fund, Open Society Foundations, U.S. Programs; Executive Director, Neighborhood Defender Service of Harlem (1995-2008)

ILS Staff*

Patricia J. Warth, Director

Burton W. Phillips, Counsel

Jennifer Aguila

Statewide Implementation Paralegal

Matthew Alpern

Director of Quality Enhancement for Criminal Defense Trials; Interim Chief Statewide Implementation Attorney

Peter W. Avery

Manager of Information Services

Christine Becker

Administrative Officer

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**as of December 31, 2022*